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# House of Representatives

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

## DESIGNATION OF SPEAKER PRO TEMPORE

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

*Washington, DC, December 11, 2001.*

I hereby appoint the Honorable C.L. ''BUTCH'' OTTER to act as Speaker pro tempore on this day.

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

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment Concurrent Resolutions of the House of the following titles:

H. Con. Res. 88. Concurrent Resolution expressing the sense of the Congress that the President should issue a proclamation to recognize the contribution of the Lao-Hmong in defending freedom and democracy and supporting the goals of Lao-Hmong Recognition Day.

H. Con. Res. 272. Concurrent Resolution expressing the sense of Congress regarding the crash of American Airlines Flight 587.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3338. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3338) ''An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereupon, and appoints Mr. INOUYE, Mr. HOLLINGS, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Mr. DORGAN, Mr. DURBIN, Mr. REID, Mrs. FEINSTEIN, Mr. KOHL, Mr. STEVENS, Mr. COCHRAN, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, and Mrs. HUTCHISON, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. Con. Res. 73. Concurrent resolution expressing the profound sorrow of Congress for the deaths and injuries suffered by first responders as they endeavored to save innocent people in the aftermath of the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001.

S. Con. Res. 87. Concurrent resolution expressing the sense of Congress regarding the crash of American Airlines Flight 587.

S. Con. Res. 91. Concurrent resolution expressing deep gratitude to the government and the people of the Philippines for their sympathy and support since September 11, 2001, and for other purposes.

## MORNING HOUR DEBATES

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

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

## SALUTING OUR MILITARY ON THE 3-MONTH ANNIVERSARY OF THE SEPTEMBER 11 ATTACKS

Mr. STEARNS. Mr. Speaker, today we come upon the 3-month anniversary of the tragic terrorist attacks of September 11. Numerous ceremonies will be conducted in remembrance of this day, reflecting upon the loss of life and the senseless attack against our freedom. What also deserves reflection, recognition, and honor is the response of those tasked to defend our country and right the terrible wrong that occurred 3 months ago.

**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.

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On September 14 the Congress authorized the President to use all necessary and appropriate force in retaliation for the attacks of September 11. That same day the President began a partial mobilization of our forces for homeland defense, later dubbed ''Operation Noble Eagle,'' with additional Guard and Reservists being called up over the next 2 months. Our response abroad became Operation Enduring Freedom. Upon the ruling Taliban's refusal to cooperate and hand over Osama bin Laden, our military sent a message, one that is being trumpeted by the administration today: if you provide aid and support to terrorists, you will find yourself on the wrong side of a very irate, heroic giant.

On October 7, our aircraft and warships, along with assistance from our allies, began systematically to eliminate suspected terrorist camps, air defense assets, and command and control installations. These attacks continued almost daily, which included the use of Special Forces aircraft such as the AC–130 gunship, providing devastating air-to-ground fire against Taliban military units.

Our Special Forces groups were on the ground early in October, assisting anti-Taliban fighters and calling in air strikes on frontline Taliban units. The dedication of our forces, the overwhelming firepower used, and the assistance of our allies has resulted in every major Taliban stronghold falling into the hands of the anti-Taliban forces.

The Taliban lost the pivotal town of Mazar-I-Sharif, and the capital city of Kabul fell to Northern Alliance forces by mid-November. The last Taliban stronghold in the north, Kunduz, fell by the end of November.

By December 7, despite Taliban promises to ''fight to the death,'' the last major Taliban stronghold fell and remaining Taliban forces fled the city.

Our forces are now working with local fighters to root out the remaining Taliban and al Qaeda forces in the cave complexes in Tora Bora. This is an extraordinary achievement.

The success of Operation Enduring Freedom has enabled the United States to begin reestablishing a diplomatic presence, 12 years absent in Afghanistan, with Marine forces securing the former American embassy in Kabul. During the Taliban's rule, only three countries legitimately recognized the government and have eventually severed their ties.

Now, with Afghanistan under new leadership, several countries, including Britain, Russia, France, and India, are beginning the process of reestablishing diplomatic relations.

As the President has stated, this campaign against terrorism will not be a war of ''instant gratification.'' Though our forces have succeeded in toppling the Taliban and ending its capability both as a military force and ruling authority, we are still engaged in action against remaining forces in the Afghan mountains. Further actions abroad to root out terrorism may well be necessary.

Our military has performed admirably. Our professional forces continue to demonstrate that they are the best in the world. Sadly, as with any military action, we have suffered casualties.

The success of our forces serves as a warning for those groups and governments that continue to harbor and support terrorism. The demise of the Taliban is an example of the resolve of the United States and the might of its cause. Terrorism and those that support it will no longer be allowed to flourish in this world.

So, today at 8:46 a.m., the President led a memorial to grieve the deaths of more than 3,000 people in suicide hijackings. He vowed to ''right this huge wrong.'' Secretary Rumsfeld, speaking at the Pentagon ceremony said, ''We will remember until freedom triumphs over fear, over repression, and long beyond.''

Eighty countries around the world are also recognizing this tragedy and renewing commitments.

Mr. Speaker, I too stand here to recognize these events and to also stand here to salute the men and women of our Armed Forces, both at home and abroad, in their extraordinary service and success to this country, to their families, and to our fellow citizens.

## PARTISAN VOTING MEANS LOSS OF OPPORTUNITY FOR NEW TRADE ERA

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

Mr. BLUMENAUER. Mr. Speaker, the December 6 House vote on Presidential Trade Promotion Authority continued a sad string of hard-edge partisan votes since September 11 and the loss of an historic opportunity to move to a new era of trade.

The pattern was established when the leadership took the legitimate need for stabilizing the airline industry and rushed through a program to lavishly reward airlines, but with no consideration of the needs of American workers.

The antiterrorism legislation, produced unanimously by the Committee on the Judiciary in the House, was rejected in favor of a narrow, more partisan alternative that did not even have a hearing. The economic stimulus bill was shoe-horned through by a single vote. Its package of corporate tax breaks, with no connection to investment or economic growth, has been roundly criticized by liberals and conservatives alike. Even legislation to stabilize the insurance industry was hijacked by other ideological and political agendas.

The trade promotion legislation fell victim to this same treatment when the House Republican leadership prevented any effort to resolve other legitimate concerns, with the active support, sadly, of the Bush administration, instead focusing on advancing partisan political objectives.

The President could have openly repudiated the partisan ideological posturing here in Congress. He could have demanded and would have been given a bipartisan bill with broad support that would have helped place trade promotion above the political fray. That would have placed, in a stressful time for the country and our economy, a majority of the House of Representatives, like the majority of Americans, in a position to give benefit of the doubt to the President, as they have done repeatedly since September 11. The President could have achieved this objective by making modest adjustments to the trade legislation.

The concern about disadvantage to American workers, with the extension of NAFTA to the entire western hemisphere, could have been answered by making a principal trade objective adherence to, and enforcement of, the International Labor Organization's core labor standards, which all of these countries say they support. To the fear that chapter XI investor protections under NAFTA put foreign investors in a superior position to undermine American environmental protections, a simple answer would have been to mandate that no foreign investor be given a superior position to American companies, and the House would have gone along.

Finally, we could have made provisions for the continued enforceability of environmental treaties. When both parties to trade disputes are signatories, we can insist that these agreements' provisions being enforced is not an unfair trade barrier.

These three simple changes, together with meaningful assistance to the financially distressed and unemployment, that were promised months ago and have yet to be meaningfully delivered, would have produced a comfortable margin of votes from Democrats and Republicans alike. Instead, the administration chose to wheel and deal in ways that will only become clear from careful observation and good journalism. It is bad enough that the price of passing poor trade legislation might be funding for unnecessary public works projects.

What is worse is that the administration and the Republican leadership abandoned their commitment to free trade in the poorest of countries by gutting the Caribbean Basin Initiative. This hard-fought trademark legislation was a proud bipartisan achievement that would have helped some of the poorest and most distressed countries. We are now jettisoning our principles, denying hundreds of millions of the world's poorest citizens the power of trade benefits.

□ 1245

Of course, we await to learn the concessions, not just to citrus growers but

to the whole tired American agricultural regime. Our current policy works to the detriment of most American farmers and the taxpayers and undercuts our ability at the bargaining table to open up foreign markets to American agriculture.

It is not too late for the President to restore integrity to our trade negotiations by abandoning these narrow, ideological partisan approaches. The Senate can easily make this a better bill by jettisoning the trade-corrupting provisions, letting the legislative process work, and listening to the critics who have legitimate concerns.

We are not going to end the debates on the role of globalization and trade policy; but by addressing these legitimate concerns, we can narrow the debate and enable the administration to pursue the policies that United States Trade Representative Zoellick sincerely wants to achieve, I believe.

Given the right bill, we will not be held hostage to narrow special interests at home while we make the poorest of countries pay the price for our lack of political leadership and policy clarity.

## SOCIAL SECURITY SOLVENCY

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

Mr. SMITH of Michigan. Mr. Speaker, I just returned from the Presidential Commission on Social Security meeting. This morning they released their plan that they will be reviewing and presenting to the President on the 21st of this month.

They presented three proposals. Earlier this year, I encouraged the commission to come to agreement on one proposal. I am somewhat concerned, with three proposals, that we end up bickering in this Chamber about the advantages and disadvantages of each proposal and use it as an excuse to do nothing. It would have been much better if the commission had developed one proposal.

Briefly, the three proposals allow optional, worker owned investments.

The first proposal allows an investment of 2 percent of our taxable income and then offsets future Social Security benefits to the extent and with the assumption that that investment in private accounts will accumulate 3.5 percent return on investment. So they assume that that is 3.5 percent, and deduct that compounded earnings value from future benefits.

The second proposal allows 4 percent of taxable income, not to exceed $1,000 a year, but provides that they are only assuming 2 percent return on that proposal to determine reductions in future benefits. Investments would be limited to safe investments, and all plans are optional. Everything that our personal account would accrue above the 2 percent would be an increase in ultimate retirement benefits.

These plans are especially beneficial for those individuals under 40 years of age that have a period of time for the magic of compound interest to work.

The third proposal is based on the premise that it is important to resolve Social Security, but it is more important to keep promised benefits. So it appears that it would take a tremendous amount of financing from other sources other than the payroll tax to accommodate that particular proposal.

Mr. Speaker, earlier this year I told the commission that I was concerned that they must do a better job communicating to the American people the predicament that Social Security now finds itself in. Social Security is insolvent.

We know how many people there are and when they are going to retire. We know that people will live longer in retirement. We know how much they will pay in and how much they will take out. We also know that payroll taxes will not cover benefits, starting in 2015, and that the shortfalls will add up to $120 trillion in the 75 years following 2015.

Today's value of that shortfall is a little over $9 trillion. This graph simply represents our short-term benefit, because we have been increasing taxes, payroll taxes. Every time Social Security was in trouble, we would increase the taxes. So in the short run, until 2015, 2016, 2017, someplace in those years, there is more money coming in than we need. But after that, the red portion of this graph represents the $120 trillion that will be needed in addition to Social Security taxes. Something needs to be done if we are going to keep this most important program secure and solvent.

A lot of people have said that the economic growth will fix Social Security. That is not true, because as wages increase, so do the benefits. So increasing the economy of this country with more jobs and more benefits in the long run simply results in a greater requirement for payouts. When the economy grows, workers pay more in taxes, but they are going to get it out. Growth makes the number look better now, but leaves a larger hole later.

I think this Social Security Commission has done a service by at least laying out three proposals, all of which eventually will add to the solvency of Social Security. The question is, do we want to allow some privately owned account for private investments?

This is a graph that I made up just to show what has happened in the last 100 years in terms of the returns of stock investments. We see the ups and downs, but the average over the last 100 years is 6.7 percent. That compares to about 1.7 percent that the average retiree is going to receive as a return on the money they and their employer put into Social Security for them.

So, that is the problem: there is not a very good return on your Social Security taxes. It is not a good investment. Everybody, on average, that is working now and paying in can expect at retirement time the equivalent of a 1.7 percent return.

I would like to conclude by congratulating the commission for their work. I will help increase a understanding by the American people that there is a huge problem. We have come a long way since my first Social Security bill in 1994. I hope this report is the kind of stimulus and catalyst that will allow this Chamber to move forward to assure that we save Social Security.

## AN ALTERNATIVE PLAN TO PRIVATIZATION TO SECURE SOCIAL SECURITY FOR THE FUTURE

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

Mr. DEFAZIO. Mr. Speaker, responding to the gentleman that preceded me, I agree that there is a problem with Social Security, and it is something that this House and this administration should deal with. We do agree there.

However, the problem is a little different than described. In the year 2016, Social Security will get to the point where the income, it is true, will not equal benefits; but it will begin only to draw on the interest on its accumulated trust funds.

Now, we either have assets in Social Security, because we are paying much more in taxes today and accumulating trust funds, or we do not. There is some disagreement over whether Federal Treasury notes deposited for Social Security constitute real assets. In fact, the Secretary of the Treasury went so far as to say that there are no real economic assets in the trust fund, only obligations, the full faith and credit of the Federal Government of the United States of America, which the last time I checked was the safest investment in the world.

So from 2016 to 2025, we will only spend down interest. In 2025, just like someone in retirement, then the government would begin to redeem the bonds, the investments, the principle. And yes, in 2038, there will be a real problem. In 2038, Social Security will only have income sufficient to pay 70 percent of promised benefits. So starting in 37 years, we have a 30 percent problem.

Now, the question becomes, do we destroy the entire existing system, which benefits more than 40 million Americans today and many more millions in the future, or do we adjust it a little bit, especially with 37 years lead time?

There are three ways to do it:

First, we can increase the income, which either means some different kind of investments other than Federal debt; or we can increase taxes, which has been ruled out by this administration.

Next, we can decrease expenditures, that is, lower benefits; or we can have deficits, as the gentleman alluded to under option three of this commission; or we can have a combination of those three things.

Now, the President appointed a commission that was supposed to deal with this. Unfortunately, the commission's charge was not to stabilize the financing of the most successful social program in the history of the United States. The charge of this group, and every single member was hand-picked because of this, was to privatize the system, to begin to undermine that system for the future. That was their charge. And even there, they really kind of failed.

Now, they are led by the CEO of Time Warner, of course, who has a vital interest in the future of Social Security. He had to divert part, part of his bonus last year to buy a winery in Tuscany. Imagine that, he had to spend part of last year's bonus for that, so he is vitally concerned. He knows some day he will need that Social Security, like tens of millions of working Americans.

Then we have a former Democratic Senator who used to say that raising taxes was the answer, but late in his career he changed his mind and said privatization was the answer. So their pronouncements are sort of a mix here. Actually, all three of their solutions worsen the financial situation of Social Security. Is that not interesting, a commission to solve the problems of Social Security, but since they were charged only to privatize it, they did not even deal with the financing problems?

In their first solution, they would bring us insolvency 5 years sooner than the current system. They would reduce benefits under the premise that people's benefits are being reduced but they will gain more with their diverted investments. But if the investments do not pan out, well, hey, that is the way it goes. Mr. Parsons will be living on his vineyard in Tuscany, and they will be down at the local Dumpster trying to find food.

Now, we could go with the second option: a 4 percent diversion of trust funds. Then they would change the way they index future benefits, reducing the benefits for everybody in the program, even those who do not choose the option of the 4 percent diversion; and they would have to inject general funds, that is, subsidize Social Security, beginning in 2025. That means insolvency comes 30 years sooner than under the current system.

Finally, in their last option, which no one can describe, the Wall Street Journal said, for option three, ''Suffice it to say, it is so complicated we are not even sure we understand it,'' but it does have a combination of a benefit reduction, of benefit reductions, increase in age of retirement, and huge trust fund transfers from the general fund.

There is a much simpler solution; but this commission, this President, will never touch it, because it revolves around tax fairness.

Americans only pay the regressive Social Security tax on the first $850,400 of income. So that means someone who earns $160,000 pays Social Security taxes at half the rate of someone who earns $80,000 or half the rate of someone who earns $10,000 a year on every dollar they earn. If they earn twice that, it goes down to a quarter.

Now, one simple solution would solve the problem of Social Security forever: have every working American pay the same tax on every penny they earn; that is, Mr. Parsons, the CEO of Time Warner, would contribute the same percentage of his income in taxes as would the minimum wage worker.

It is fair, and the Social Security trustees tell us that in fact that is more money than we need to assure the future of Social Security forever. Unfortunately, this commission and this President will never go there.

## REPUBLICAN GIVEAWAYS TO INSURANCE COMPANIES AND LARGE CORPORATIONS DO NOT SOLVE AMERICA'S ECONOMIC CRISIS

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

Mr. BROWN of Ohio. Mr. Speaker, 3 months ago today, as we all know, was September 11. That afternoon, gas stations, some number of gas stations all over the country raised their prices to $4 and $5 and $6 a gallon. We all remember that. Most of us would call that war profiteering.

However, others around the country, the great, great majority of people in this country, came together. They put out their flags, they gave blood, they volunteered, some went to New York to volunteer, went to the Pentagon to volunteer, and schoolchildren all over the country collected pennies, nickels, and dimes to send to the victims and their families.

But something else emerged in Washington, not war profiteering in the simple sense of raising gas prices, but a more sophisticated kind of political profiteering: this Congress, pushed by the President and the Republican leadership in this Congress, first of all gave a huge multi-billion dollar bailout to the airlines, requiring nothing from the airline executives, requiring nothing for airport security, requiring nothing of airline safety.

Then this Congress turned around and gave tax cuts for the largest corporations in the country: a check, a tax refund to IBM, a check from the Federal Government for $1.4 billion; $1 billion to Ford; $900 million to GM, and the list went on and on and on.

Then, this Congress gave a huge bailout to insurance companies, insurance executives who usually preach ''We want government off our backs, we believe in free enterprise, except when we have our hand out and want money from the Federal Government.''

Then last week this Congress, with unemployment creeping upward to the highest 2-month increase we have seen in 21 years, with the anxiety that people have about their jobs, with LTV workers and other steel industry workers losing their jobs around the country, this Congress passed, at the behest of the Republican leadership and the largest corporations in the country, Trade Promotion Authority, which will send more of our jobs ultimately to Latin America and around the world.

My dad used to talk about World War II and shared sacrifice, about war bonds and WAVES and WACs and victory gardens and scrap metal drives. But instead, this Republican Congress and this President demand tax cuts for IBM while ignoring 100,000 airline workers, doing zero for them. This President and this Congress demand a bailout for the insurance companies while ignoring workers who have lost their jobs and not trying to help them with any health insurance and any health care costs.

Instead, instead of shared sacrifice, this Republican Congress and this President demand of Congress that we pass Trade Promotion Authority, instead of providing public investments for our broken-down schools and broken-down infrastructure and broken-down highway and rail system.

□ 1300

Imagine though, Mr. Speaker, if the President and the Republican Congress called on us like in World War II for shared sacrifice. Imagine if the President called on young patriotic Americans to enlist in the Army or the Peace Corps, to enlist in the Navy or Americorp, to enlist in the Air Force or Teach for America. That is what waving the American flag is all about.

Imagine if the President said to his friends, and the Republican leadership said to their friends in the drug industry, no more special favors; we are not going to allow them to charge American consumers and America's elderly more for prescription drugs than anywhere else in the world; we are not going to allow that anymore in this Congress. That is what waving the American flag is all about.

Imagine if the President called on Americans to volunteer for Meals on Wheels or cleaning up the neighborhood or tutoring children that are having difficulty keeping up. That is what waving the American flag is all about.

Imagine if the President would say to his friends in the oil business, imagine if he would say we are going to wean ourselves off Middle Eastern oil, we are going to find a way to help Americans conserve and get better gas mileage and turn their thermostats down and all the things the President could do to appeal to Americans, to appeal to his friends in the corporate boardrooms and the oil companies, to wean ourselves off that Middle Eastern oil. That

is what waving the American flag is all about.

Instead of this Republican President and Republican leadership bestowing tax cuts on the wealthiest Americans, imagine if we helped those who needed help the most, and imagine, instead of the President and the Republican leadership bestowing tax cuts on the largest corporations in the world in this country, imagine instead if they appealed to the best in America.

Imagine.

## RECESS

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

Accordingly (at 1 o'clock and 2 minutes p.m.), the House stood in recess until 2 p.m. today.

□ 1400

## AFTER RECESS

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

## PRAYER

Dr. Lloyd J. Ogilvie, Chaplain, United States Senate, offered the following prayer:

Gracious Father, whom to know is to love and whom to love is to serve, we ask for a fresh empowering of Your Spirit today. Renew in us the excitement of being partners with You in bringing Your best for America. We are here by Your divine appointment. Therefore we need not fear. You will supply exactly what we need each hour of this day. Replenish our enthusiasm. May we do old duties with new delight. Revive our expectation. You have plans for us and power to accomplish them. Regenerate our hope.

Make us hopeful people who expect great strength from You and attempt great strategies for You. Fill this Chamber with Your presence and each Representative with Your power. Replenish their inner wells with Your peace that passes understanding. We claim Your promise through Isaiah, ''Fear not, for I am with you; be not dismayed, for I am your God, I will strengthen you, yes, I will help you, I will uphold you with My righteous right hand.'' Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

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

Mr. CASTLE 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.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

## RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT AMENDMENTS

Mr. CASTLE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3216) to amend the Richard B. Russell National School Lunch Act to exclude certain basic allowances for housing of an individual who is a member of the uniformed services from the determination of eligibility for free and reduced price meals of a child of the individual.

The Clerk read as follows:

H.R. 3216

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

**SECTION 1. EXCLUSION OF CERTAIN MILITARY BASIC ALLOWANCES FOR HOUSING FOR DETERMINATION OF ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS.**

Section 9(b)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(3)) is amended by adding at the end the following: ''For the two-year period beginning on the date of the enactment of this sentence, the amount of a basic allowance provided under section 403 of title 37, United States Code, on behalf of an individual who is a member of the uniformed services for housing that is acquired or constructed under the authority of subchapter IV of chapter 169 of title 10, United States Code, or any other related provision of law, shall not be considered to be income for purposes of determining the eligibility of a child of the individual for free or reduced price lunches under this Act.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from California (Mrs. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3216.

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

There was no objection.

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

Madam Speaker, to address the decline in the condition of military family housing, the Department of Defense initiated a housing program which would allow commercial contractors to replace traditional base housing with newly built or renovated privately managed base housing, so-called privatized housing.

Yet as this program is being implemented, the gentleman from Texas (Mr. RODRIGUEZ) brought to my attention a serious and unintended consequence of the program, children of junior enlisted personnel living in privatized housing were being denied free or reduced price meals at lunchtime. Due to DOD accounting changes, servicemembers receiving a housing allowance under the privatized housing program were being treated differently from those who were assigned traditional housing and not paid an allowance. This is because the income-based National School Lunch Program considered the housing allowance, but not the actual house income. For this reason, servicemembers living in traditional base housing at no cost were presumed to have less income than servicemembers of the same rank who received a housing allowance, but used those funds to pay a private contractor for rent and utilities.

Unfortunately, this distinction caused military families in privatized housing to exceed the income-based eligibility requirements for the school lunch program, and it resulted in the loss of the free or reduced price meals for their children. DOD intended the privatization housing program to provide quality housing at no out-of-pocket expense for servicemembers and their families. Unfortunately, these families are now finding that they will have to pay approximately $75 per child per month to replace the benefit that they received previously under the school lunch program.

This problem is further compounded by the fact that numerous State and Federal education, nutrition and technology programs are contingent on the number of children eligible for the school lunch program. As a result, entire school districts could be affected.

To adjust these problems, my legislation, H.R. 3216, amends the school lunch program to exclude the housing allowance of servicemembers in privatized housing for the determination of eligibility for free and reduced price meals. Although this only affects families at about 15 military installations currently, that number is expected to increase to about 70 installations, encompassing 70,000 housing units, including 450 units at the Dover Air Force Base in Dover, Delaware.

Our uniformed services are being asked to make tremendous personal sacrifices to ensure the defense of our Nation. I believe we should do all we

can to improve the quality of life for the families they leave behind.

Madam Speaker, for that reason, I am pleased that we are considering this legislation today.

In conclusion, I thank the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce, and the ranking member, the gentleman from California (Mr. GEORGE MILLER) for allowing this measure to come to the floor. I also thank the gentleman from Texas (Mr. RODRIGUEZ) and the gentlewoman from California (Mrs. DAVIS) for their personal interest and leadership on this issue. I urge an ''aye'' vote on this bill.

Madam Speaker, I reserve the balance of my time.

Mrs. DAVIS of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this bill which will correct an unintended consequence of an important program. First, I would like to thank the gentleman from Delaware (Mr. CASTLE) for introducing this legislation. I also thank the chairman and ranking member of the Committee on Education and the Workforce for their consideration of this measure.

I raised this issue in the spring of this year, and I am happy to see that we have come to a reasonable conclusion. In an effort to leverage its limited quality life and resources, the Armed Services are privatizing military family housing. Such privatization of military family housing is a welcomed solution to a difficult problem in my district and across the Nation. However, as my colleague from Delaware mentioned, one of the unintended consequences of a well-intentioned program is the loss of income to school districts resulting from reduced eligibility for free and reduced school lunch programs.

Compounding this problem, numerous State and Federal education, nutrition and technology programs are contingent on the number of children eligible for the free and reduced meal program; and this program we all know well as title I. The program affects only a small number of military children today, but it will affect tens of thousands of military families and the schools their children attend as the military housing privatization program expands.

Many children and listed personnel living in the privatized housing are disqualified for eligibility for free and reduced price lunch. This is because the servicemember living in the privatized house has the basic allowance for earnings included on their earnings statement, although the money flows directly through the member to the private housing developer. This added income, which is not reported for members living in traditional on-base housing, causes many servicemembers' children to lose eligibility for free and reduced price meals because under Department of Agriculture rules, this amount is included as income in determining eligibility for free and reduced price school lunches. The Department of Defense adds the allowance to the pay statement to assist in accounting, but the servicemember loses.

Madam Speaker, let me explain. On a Sunday, a housing community is owned and operated by the military. And on Monday, the housing community is operated by a private company still on Federal land, but the servicemember, who never moved, is impacted by all this. Earlier this year, the superintendent of the Coronado school district, Dr. Marilyn Wheeler, first made me aware of this problem. She contacted me when she learned that as a result of the privatization of the Silver Strand housing area, her small district could lose more than $90,000 in title I Federal funds which she already budgeted for in the 2001 and 2002 school year.

Title I funds have been utilized to improve school achievement at the Silver Strand School. Student achievement has steadily improved for the entire student body, and those identified as title I eligible have made significant gains in closing the achievement gap.

This year's funding would have hired a full-time certificated teacher to work with small groups of students below grade level in reading, language arts and math; and a half-time reading specialist to work one on one with students below the grade level in reading, and certificated staff to work with small groups of students before or after school in reading and math. With all of our hard work on education, it would really be a travesty to leave this problem unresolved.

Madam Speaker, I know that others around the country were facing similar circumstances, and I contacted the Department of Defense, the Department of Agriculture and the Social Security Administration. Initially, the Department of Defense did not believe it was feasible to eliminate the housing allowance from the military leave and earnings statement because of the negative impact it would have on the entire housing privatization program. However, the Department now believes it is possible, although the change will take at least 16 months.

This bill will give DOD the time it needs to adjust its practices; and short of this effort, will correct the problem until it can be permanently fixed in the 2003 National School Lunch Reauthorization.

Madam Speaker, I urge my colleagues to support our schools and our military and vote ''yes'' on this legislation.

Madam Speaker, I reserve the balance of my time.

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

Mrs. DAVIS of California. Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Madam Speaker, in 1995, Congress took important steps to address the deterioration of conditions by nearly half of the military families in housing by enacting the Military Housing Privatization Initiative. The program has expedited the renovation and construction of military family housing by having developers construct private family housing on Federal property, which is then made available to military personnel.

The unintended consequence of this worthwhile program is that children of many junior personnel living in privatizing housing are disqualified from being eligible for free and reduced price meals. The bill before the House today will temporarily solve the problem, and will ensure that 10,000 military children do not lose their eligibility for free and reduced price meals.

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A service member living in privatized housing has their housing allowance included on their monthly earnings statement even though the funding passes directly to the privatized housing developer. This reported housing allowance, which is not reported for members living in traditional on-base housing, causes certain service members' children to lose eligibility for free and reduced-price meals. So you have a certain person who receives the same wages but is housed in traditional types of homes, those kids can qualify; but the other kids that are in a different housing do not qualify. Compounding the problem, numerous State and Federal education, nutrition and technology programs are contingent on the number of children eligible for the free and reduced-price meals program. And so both the schools suffer as well as the students suffer and families.

At Fort Hood, Texas, for example, the Army privatized nearly 6,000 housing units earlier this year. Because of the privatization effort, more than 1,000 children of Army families will lose eligibility for free or reduced-price meals. The Killeen, Texas, Independent School District would lose about $1.1 million annually in State and Federal funding.

I want to take this time to thank the Military Impacted School Association for their efforts because they were out there in support of all the military schools throughout the country. Working with them, I contacted the Department of Defense to remedy this quality-of-life problem that they were encountering. The Department of Defense responded that it could not fix the problem without dismantling the entire housing privatization finance method that they had intact and suggested instead that Congress amend the national school lunch program. In October, I introduced legislation to amend the national school lunch program to permanently fix the problem.

The bill before the House today will fix the problem for 2 years with no cost, as estimated by the Congressional Budget Office. A permanent fix can

then be addressed in the reauthorization of the national lunch program in the 108th Congress.

I want to thank Chairman BOEHNER of the Committee on Education and the Workforce and Subcommittee Chairman CASTLE for their efforts in introducing and expediting consideration of H.R. 3216. Without their strong support and the efforts of all the staff that have been extremely helpful, we would not be able to be here on the floor.

As members of the Armed Forces are fighting terrorism abroad and at home, I would urge my colleagues in the House of Representatives to pass H.R. 3216 unanimously. In these difficult times, the least we can do while these people are serving our country is to make sure that we take care of their children and their education.

Once again, I want to thank both chairmen and the gentlewoman from California (Mrs. DAVIS) for helping out in this effort. I think it is something that we have to come back in the 108th and make sure we take care of it completely. In addition to that, I know that there are about 16,000 housing projects that have been implemented. There is an additional 15,000 whose contracts are out. And then in the future we hope to improve the housing quality for all our military. We have over 51,000 housing projects, so it is an area that we really need to look at very seriously.

I once again thank very much both sides for this effort. The children will appreciate it.

Mrs. DAVIS of California. Madam Speaker, I yield myself such time as I may consume.

I want to thank my distinguished colleague from Texas. I know he has worked tirelessly on this issue. I appreciate all of that and so do the children in our school districts.

Madam Speaker, this is important bipartisan legislation that improves the quality of life of our service members, many of whom are deployed overseas in the face of danger, and removes a handicap to education faced by school districts across the Nation. I urge my colleagues to support this bill.

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

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

I thank the gentlewoman from California and the gentleman from Texas for their kind words and the concept of actually going forward with this. I agree with the gentlewoman from California, this is legislation which is of extreme importance, particularly in helping children who need the extra help in an income circumstance.

I would encourage everybody also to support the legislation.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of H.R. 3216. H.R. 3216 corrects a problem created by the Department of Defense housing allowance policy by exempting military housing allowances as income for the purpose of determining a student's eligibility for the National School Lunch Program. It will prevent the loss of free- and reduced-priced meal eligibility by school-age children of military when their family home becomes privatized, or when the family moves into a new, privatized home. This measure will take effect for two years from the date of enactment and a permanent fix is anticipated in the 2003 National School Lunch Act reauthorization.

Military personnel generally receive in-kind housing or a housing allowance. In-kind housing usually takes the form of housing on a military base. Several years ago, however, the Department of Defense initiated a pilot program that allowed private developers to build military housing on Federal land, or manage existing military base housing.

Currently, the Department of Agriculture treats this privatized housing allowance as income. The result is that a family's income is raised above the level needed to receive free- or reduce-price lunches. There is little distinction between these families and those living in regular civilian housing because military families living in these privatized housing sign their housing allowance over to the developer. Therefore, military families in privatized military housing should remain eligible for the National School Lunch Program.

We must remember that individual directly benefiting from the National School Lunch Program are the children. Mr. Speaker, we cannot take away these children's free- or reduced-price lunches because of some technicality they have no control over. These are innocent children who require the nourishment to get them through the school day just like any other student. Especially now, when many American mothers and fathers are being called to war to defend our safety and freedom, we should not deny this benefit to their deserving children. For these children, I urge my colleagues to support H.R. 3216.

Mr. BOEHNER. Madam Speaker, recently, I was disheartened to learn that some children of the men and women who proudly serve our country in the U.S. armed services are unfairly losing their eligibility to receive free- and reduced-priced school meals. This is occurring for no reason other than that their family home is being privatized or they have been asked to move into a new, privatized military home. Because program eligibility is based on income, the additional compensation in the form of a housing allowance received by military personnel to pay for privatized military housing can result in the loss of meal benefits, although there is no real increase in salary or disposable income. In addition, schools attended by the children of military personnel could lose Federal and State education aid based on free- and reduced-priced meal counts, including their designation and funding as title I schools.

I support the Department of Defenses' plan to improve the standards of military housing through privatization, but Congress must resolve this unintended consequence of the Department of Defense's housing policy before more otherwise qualified children lose access to free- and reduced-priced school meals.

H.R. 3216 addresses and solves this problem for the next two school years at no cost. By excluding housing allowances used to live in privatized military housing from income when determining a child's eligibility to receive a free- and reduced-priced lunch, we can restore and preserve this benefit for qualified military families.

Many of our service men and women take comfort in knowing that their children can receive a nutritious meal in school at little or no cost. Especially now, when many of our service men and women are being called to war to defend our safety and freedom, we should not deny this benefit to their deserving children.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill, H.R. 3216.

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

A motion to reconsider was laid on the table.

## GLOBAL ACCESS TO HIV/AIDS PREVENTION, AWARENESS, EDUCATION, AND TREATMENT ACT OF 2001

Mr. HYDE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2069) to amend the Foreign Assistance Act of 1961 to authorize assistance to prevent, treat, and monitor HIV/AIDS in sub-Saharan African and other developing countries, as amended.

The Clerk read as follows:

H.R. 2069

*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 ''Global Access to HIV/AIDS Prevention, Awareness, Education, and Treatment Act of 2001''.

**SEC. 2. FINDINGS; SENSE OF CONGRESS.**

(a) FINDINGS.—Congress makes the following findings:

(1) According to the Joint United Nations Programme on HIV/AIDS (UNAIDS) more than 58,000,000 people worldwide have already been infected with HIV/AIDS, a fatal disease that is devastating the health and economies in dozens of countries in Africa and increasingly in Asia, the Caribbean region, and Eastern Europe.

(2) The HIV/AIDS pandemic has erased decades of progress in improving the lives of families in the developing world and has claimed 22,000,000 lives since its inception.

(3) More than 17,000,000 individuals have died from HIV/AIDS in sub-Saharan Africa alone.

(4) The HIV/AIDS pandemic in sub-Saharan Africa has grown beyond an international public health issue to become a humanitarian, national security, and developmental crisis.

(5) The HIV/AIDS pandemic is striking hardest among women and girls. According to UNAIDS, by the end of 2000, fifty-five percent of the HIV-positive population in sub-Saharan Africa and 40 percent of such population in North Africa and the Middle East were women, infected mainly through heterosexual transmission. In Africa, 6 out of 7 children who are HIV positive are girls.

(6) An estimated 1,400,000 children under age 15 were living with HIV/AIDS at the end of 2000, of which 1,100,000 were children living

in sub-Saharan Africa. An estimated 500,000 children died of AIDS during 2000, of which 440,000 were children in sub-Saharan Africa. In addition there are an estimated 13,200,000 children worldwide who have lost one or both of their parents to HIV/AIDS, of which 12,100,000 are children in sub-Saharan Africa.

(7) Mother-to-child transmission is the largest source of HIV infection in children under age 15 and the only source for very young children. The total number of births to HIV-infected pregnant women each year in developing countries is approximately 700,000.

(8) Counseling and voluntary testing are critical services to help infected women accept their HIV status and the risk it poses to their unborn child. Mothers who are aware of their status can make informed decisions about treatment, replacement feeding, and future child-bearing.

(9) Although the HIV/AIDS pandemic has impacted the sub-Saharan Africa disproportionately, HIV infection rates are rising rapidly in India and other South Asian countries, Brazil, Russia, Eastern European countries, and Caribbean countries, and pose a serious threat to the security and stability in those countries.

(10) By 2010, it is estimated that approximately 40,000,000 children worldwide will have lost one or both of their parents to HIV/AIDS.

(11) In January 2000, the United States National Intelligence Council estimates that this dramatic increase in AIDS orphans will contribute to economic decay, social fragmentation, and political destabilization in already volatile and strained societies. Children without care or hope are often drawn into prostitution, crime, substance abuse or child soldiery. The Council also stated that, in addition to the reduction of economic activity caused by HIV/AIDS to date, the disease could reduce GDP by as much as 20 percent or more by 2010 in some countries in sub-Saharan Africa.

(12) The HIV/AIDS epidemic is not just a health crisis but is directly linked to development problems, including chronic poverty, food security and personal debt that are reflected in the capacity of affected households, often headed by elders or orphaned children, to meet basic needs. Similarly, heavily-indebted countries are stripped of the resources necessary to improve health care delivery systems and infrastructure and to prevent, treat, and care for individuals affected by HIV/AIDS.

(13) On March 7, 2001, the United States Secretary of State testified before Congress that the United States has an obligation '' . . . if we believe in democracy and freedom, to stop this catastrophe from destroying whole economies and families and societies and cultures and nations''.

(14) A continuing priority for responding to the HIV/AIDS crisis should be to emphasize and encourage awareness, education, and prevention, including prevention activities that promote behavioral change, while recognizing that behavioral change alone will not conquer this disease. In so doing, priority and support should be given to building capacity in the local public health sector through technical assistance as well as through nongovernmental organizations, including faith-based organizations where practicable.

(15) Effective use should be made of existing health care systems to provide treatment for individuals suffering from HIV/AIDS.

(16) Many countries in Africa facing health crises, including high HIV/AIDS infection rates, already have well-developed and high functioning health care systems. Additional resources to expand and improve capacity to respond to these crises can easily be absorbed by the private and public sectors, as well as by nongovernmental organizations, community-based organizations, and faith-based organizations currently engaged in combatting the crises.

(17) An effective response to the HIV/AIDS pandemic must also involve assistance to stimulate the development of sound health care delivery systems and infrastructure in countries in sub-Saharan Africa and other developing countries, including assistance to increase the capacity and technical skills of local public health professionals and other personnel in such countries, and improved access to treatment and care for those already infected with HIV/AIDS.

(18) Access to effective treatment for HIV/AIDS is determined by issues of price, health care delivery system and infrastructure, and sustainable financing and such access can be inhibited by the stigma and discrimination associated with HIV/AIDS.

(19) The HIV/AIDS crisis must be addressed by a robust, multilateral approach such as the one envisioned by the Congress in the Global AIDS and Tuberculosis Relief Act of 2000, which directed the United States Government to seek to negotiate the creation of an international HIV/AIDS trust fund involving the World Bank.

(20) The Secretary General of the United Nations has called for a global fund to halt and reverse the spread of HIV/AIDS and other infectious diseases. The Secretary General has also called for annual expenditures of $7,000,000,000 to $10,000,000,000, financed by donor governments and private contributors, for all efforts to combat the HIV/AIDS pandemic and, equally important, called on leaders from developing countries to give a much higher priority in their budgets to development of comprehensive health systems.

(21) The Administration has advocated a fiduciary role for the World Bank in the Global Fund to Fight AIDS, Tuberculosis, and Malaria and the Transitional Working Group for that fund has decided to invite the World Bank to play such a role.

(22) An effective United States response to the HIV/AIDS crisis must also focus on the development of HIV/AIDS vaccines to prevent the spread of the disease as well as the development of microbicides, effective diagnostics, and simpler treatments.

(23) The innovative capacity of the United States in the commercial and public pharmaceutical research sectors is among the foremost in the world, and the active participation of both these sectors should be supported as it is critical to combat the global HIV/AIDS pandemic.

(24) Appropriate treatment of individuals with HIV/AIDS can prolong the lives of such individuals, preserve their families and prevent children from becoming orphans, and increase productivity of such individuals by allowing them to lead active lives and reduce the need for costly hospitalization for treatment of opportunistic infections caused by HIV.

(25) United States nongovernmental organizations, including faith-based organizations, with experience in healthcare and HIV/AIDS counseling, have proven effective in combatting the HIV/AIDS pandemic and can be a resource in assisting sub-Saharan African leaders of traditional, political, business, and women and youth organizations in their efforts to provide treatment and care for individuals infected with HIV/AIDS.

(26) Most of the HIV infected poor of the developing world die of deadly diseases such as tuberculosis and malaria. Accordingly, effective HIV/AIDS treatment programs should address the growing threat and spread of tuberculosis, malaria, and other infectious diseases in the developing world.

(27) Law enforcement and military personnel of foreign countries often have a high rate of prevalence of HIV/AIDS, and therefore, in order to be effective, HIV/AIDS awareness, prevention, and education programs must include education and related services to such law enforcement and military personnel.

(28) Microenterprise development and other income generation programs assist communities afflicted by the HIV/AIDS pandemic and increase the productive capacity of communities and afflicted households. Microenterprise programs are also an effective means to support the productive activities of healthy family members caring for the sick and orphaned. Such programs should give priority to women infected with the AIDS virus or in HIV/AIDS affected families, particularly women in high-risk categories.

(29) The exploding global HIV/AIDS pandemic has created new challenges for United States bilateral assistance programs and will require a substantial increase in the capacity of the United States Agency for International Development and other agencies of the United States to manage and monitor bilateral HIV/AIDS programs and resources. To meet this challenge, the Agency will need to recruit and retain appropriate technical expertise in the United States as well as in foreign countries to help develop and implement HIV/AIDS strategies in concert with multilateral agencies, host country governments, and nongovernmental organizations.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1)(A) combatting the HIV/AIDS pandemic in countries in sub-Saharan Africa and other developing countries should be a global effort and include the financial support of all developed countries and the cooperation of governments and the private sector, including faith-based organizations; and

(B) the United States should provide additional funds for multilateral programs and efforts to combat HIV/AIDS and also seek to leverage public and private resources to combat HIV/AIDS on a global basis through the Global Development Alliance Initiative of the United States Agency for International Development and other public and private partnerships with an emphasis on HIV/AIDS awareness, education, prevention, and treatment programs;

(2)(A) in addition to HIV/AIDS awareness, education, and prevention programs, the United States Government should make its best efforts to support programs that safely make available to public and private entities in countries in sub-Saharan Africa and other developing countries pharmaceuticals and diagnostics for HIV/AIDS therapy in order—

(i) to effectively and safely assist such countries in the delivery of HIV/AIDS therapy pharmaceuticals through the establishment of adequate health care delivery systems and treatment monitoring programs; and

(ii) to provide treatment for poor individuals with HIV/AIDS in such countries; and

(B) in carrying out such programs, priority consideration for participation should be given to countries in sub-Saharan Africa;

(3)(A) combatting the HIV/AIDS pandemic requires that United States Government programs place a priority on the vulnerable populations at greatest risk for contracting HIV;

(B) these populations should be determined through qualitative and quantitative assessments at the local level by local government, nongovernmental organizations, people living with HIV/AIDS, and other relevant sectors of civil society; and

(C) such assessments should be included in national HIV/AIDS strategies;

(4) the United States should promote efforts to expand and develop programs that support the growing number of children orphaned by the HIV/AIDS pandemic;

(5) in countries where the United States Government is conducting HIV/AIDS awareness, prevention, and education programs, such programs should include education and related services to law enforcement and military personnel of foreign countries to prevent and control HIV/AIDS, malaria, and tuberculosis;

(6) prevention and treatment for HIV/AIDS should be a component of a comprehensive international effort to combat deadly infectious diseases, including malaria and tuberculosis, and opportunistic infections, that kill millions annually in the developing world;

(7) programs developed by the United States Agency for International Development to address the HIV/AID pandemic should preserve personal privacy and confidentiality, should not include compulsory HIV/AIDS testing, and should not be discriminatory;

(8)(A) the United States Agency for International Development should carry out HIV/AIDS awareness, prevention, and treatment programs in conjunction with effective international tuberculosis and malaria treatment programs and with programs that address the relationship between HIV/AIDS and a number of opportunistic diseases that include bacterial diseases, fungal diseases, viral diseases and HIV-associated malignancies, such as Kaposi sarcoma, lymphoma, and squamous cell carcinoma; and

(B) effective intervention against opportunistic diseases requires not only the appropriate drug or other medication for a given medical condition, but also the infrastructure necessary to diagnose the condition, monitor the intervention, and provide counseling services; and

(9) the United States Agency for International Development should expand and replicate successful microenterprise programs in Uganda, Zambia, Zimbabwe, and other African countries that provide poor families affected by HIV/AIDS with the means to care for themselves, their children, and orphans;

(10) the United States Agency for International Development should substantially increase and improve its capacity to manage and monitor HIV/AIDS programs and resources;

(11) the United States Agency for International Development must recruit and retain appropriate technical expertise in the United States as well as in foreign countries to help develop and implement HIV/AIDS strategies in conjunction with multilateral agencies, host country governments, and nongovernmental organizations;

(12) the United States Agency for International Development must strengthen coordination and collaboration between the technical experts in its central and regional bureaus and foreign country missions in formulating country strategies and implementing HIV/AIDS programs;

(13) strong coordination among the various agencies of the United States, including the Department of State, the United States Agency for International Development, the Department of Health and Human Services, including the Centers for Disease Control and the National Institutes of Health, the Department of the Treasury, the Department of Defense, and other relevant Federal agencies must exist to ensure effective and efficient use of financial and technical resources within the United States Government; and

(14) to help alleviate human suffering, and enhance the dignity and quality of life for patients debilitated by HIV/AIDS, the United States should promote, both unilaterally and through multilateral initiatives, the use of palliative and hospice care, and provide financial and technical assistance to palliative and hospice care programs, including programs under which such care is provided by faith-based organizations.

**SEC. 3. ASSISTANCE TO COMBAT HIV/AIDS.**

(a) ASSISTANCE.—Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) is amended—

(1) by striking paragraphs (4) through (6); and

(2) by inserting after paragraph (3) the following:

''(4)(A) Congress recognizes that the alarming spread of HIV/AIDS in countries in sub-Saharan Africa and other developing countries is a major global health, national security, and humanitarian crisis. Accordingly, the United States and other developed countries should provide assistance to countries in sub-Saharan Africa and other developing countries to control this crisis through HIV/AIDS prevention, treatment, monitoring, and related activities, particularly activities focused on women and youth, including mother-to-child transmission prevention strategies.

''(B)(i) The Administrator of the United States Agency for International Development is authorized to provide assistance to prevent, treat, and monitor HIV/AIDS, and carry out related activities, in countries in sub-Saharan Africa and other developing countries.

''(ii) It is the sense of Congress that the Administrator should provide an appropriate level of assistance under clause (i) through nongovernmental organizations in countries in sub-Saharan Africa and other developing countries affected by the HIV/AIDS pandemic.

''(iii) The Administrator shall coordinate the provision of assistance under clause (i) with the provision of related assistance by the Joint United Nations Programme on HIV/AIDS (UNAIDS), the United Nations Children's Fund (UNICEF), the World Health Organization (WHO), the United Nations Development Programme (UNDP), other appropriate international organizations, such as the World Bank and the relevant regional multilateral development institutions, national, state, and local governments of foreign countries, and other appropriate governmental and nongovernmental organizations.

''(C) Assistance provided under subparagraph (B) shall, to the maximum extent practicable, be used to carry out the following activities:

''(i) Prevention of HIV/AIDS through activities including—

''(I) education, voluntary testing, and counseling (including the incorporation of confidentiality protections with respect to such testing and counseling), including integration of such programs into women's and children's health programs;

''(II) assistance to ensure a safe blood supply and to provide post-exposure prophylaxis to victims of rape and sexual assault; and

''(III) assistance through nongovernmental organizations, including faith-based organizations, particularly those organizations that utilize both professionals and volunteers with appropriate skills and experience, to establish and implement culturally appropriate HIV/AIDS education and prevention programs.

''(ii) The treatment and care of individuals with HIV/AIDS, including—

''(I) assistance to establish and implement programs to strengthen and broaden indigenous health care delivery systems and the capacity of such systems to deliver HIV/AIDS pharmaceuticals and otherwise provide for the treatment of individuals with HIV/AIDS, including clinical training for indigenous organizations and health care providers;

''(II) assistance aimed at the prevention of transmission of HIV/AIDS from mother to child, including medications to prevent such transmission and access to infant formula and other alternatives for infant feeding; and

''(III) assistance to strengthen and expand hospice and palliative care programs to assist patients debilitated by HIV/AIDS, their families, and the primary caregivers of such patients, including programs that utilize faith-based organizations.

''(iii) The monitoring of programs, projects, and activities carried out pursuant to clauses (i) and (ii), including—

''(I) monitoring to ensure that adequate controls are established and implemented to provide HIV/AIDS pharmaceuticals and other appropriate medicines to poor individuals with HIV/AIDS; and

''(II) appropriate evaluation and surveillance activities.

''(iv) The conduct of related activities, including—

''(I) the care and support of children who are orphaned by the HIV/AIDS pandemic, including services designed to care for orphaned children in a family environment which rely on extended family members;

''(II) improved infrastructure and institutional capacity to develop and manage education, prevention, and treatment programs, including the resources to collect and maintain accurate HIV surveillance data to target programs and measure the effectiveness of interventions;

''(III) vaccine research and development partnership programs with specific plans of action to develop a safe, effective, accessible, preventive HIV vaccine for use throughout the world; and

''(IV) the development and expansion of financially-sustainable microfinance institutions and other income generation programs that strengthen the economic and social viability of communities afflicted by the HIV/AIDS pandemic, including support for the savings and productive capacity of affected poor households caring for orphans.

''(D)(i) Not later than January 31 of each calendar year, the Administrator shall submit to Congress an annual report on the implementation of this paragraph for the prior fiscal year.

''(ii) Such report shall include—

''(I) a description of efforts made to implement the policies set forth in this paragraph;

''(II) a description of the programs established pursuant to this paragraph and section 4 of the Global Access to HIV/AIDS Prevention, Awareness, Education, and Treatment Act of 2001; and

''(III) a detailed assessment of the impact of programs established pursuant to this paragraph, including the effectiveness of such programs in reducing the spread of HIV infection, particularly in women and girls, in reducing HIV transmission from mother to child, in reducing mortality rates from HIV/AIDS, and the progress toward improving health care delivery systems and infrastructure to ensure increased access to care and treatment.

''(iii) The Administrator shall consult with the Global Health Advisory Board established under section 6 of the Global Access to HIV/AIDS Prevention, Awareness, Education, and Treatment Act of 2001 in the preparation of the report under clause (i) and on other global health activities carried out by the United States Agency for International Development.

''(E)(i) There is authorized to be appropriated to the President to carry out this paragraph $485,000,000 for fiscal year 2002.

''(ii) Not more than six percent of the amount appropriated pursuant to the authorization of appropriations under clause (i) for fiscal year 2002, and not more than four percent of the amount made available to carry out this paragraph for any subsequent fiscal year, may be used for the administrative expenses of the Agency in carrying out this paragraph.

''(iii) Amounts appropriated pursuant to the authorization of appropriations under clause (i) are in addition to amounts otherwise available for such purposes and are authorized to remain available until expended.

''(F) In this paragraph:

''(i) The term 'HIV' means infection with the human immunodeficiency virus.

''(ii) The term 'AIDS' means acquired immune deficiency syndrome.''.

(b) AVAILABILITY OF ASSISTANCE UNDER SECTION 104(c).—Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) is amended—

(1) by redesignating paragraph (7) as paragraph (5); and

(2) by adding at the end the following:

''(6) Assistance made available under any paragraph of this subsection, and assistance made available under chapter 4 of part II of this Act to carry out the purposes of any paragraph of this subsection, may be made available notwithstanding any other provision of law.''.

**SEC. 4. ASSISTANCE FOR PROCUREMENT AND DISTRIBUTION OF HIV/AIDS PHARMACEUTICALS AND RELATED MEDICINES.**

(a) ASSISTANCE.—The Administrator of the United States Agency for International Development shall provide assistance to countries in sub-Saharan Africa and other developing countries for—

(1) the procurement of HIV/AIDS pharmaceuticals, anti-viral therapies, and other appropriate medicines; and

(2) the distribution of such HIV/AIDS pharmaceuticals, anti-viral therapies, and other appropriate medicines to qualified national, regional, or local organizations for the treatment of individuals with HIV/AIDS in accordance with appropriate HIV/AIDS testing and monitoring requirements and for the prevention of transmission of HIV/AIDS from mother to child.

(b) ADDITIONAL AUTHORITY.—The authority contained in section 104(c)(6) of the Foreign Assistance Act of 1961, as amended by section 3(b) of this Act, shall apply to assistance made available under subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the President to carry out this section $50,000,000 for fiscal year 2002.

**SEC. 5. INTERAGENCY TASK FORCE ON HIV/AIDS.**

(a) ESTABLISHMENT.—The President shall establish an interagency task force (hereafter referred to as the ''task force'') to ensure coordination of all Federal programs related to the prevention, treatment, and monitoring of HIV/AIDS in foreign countries.

(b) DUTIES.—The duties of the task force shall include—

(1) reviewing all Federal programs related to the prevention, treatment, and monitoring of HIV/AIDS in foreign countries to ensure proper coordination and compatibility of activities and policies of such programs;

(2) exchanging information regarding design and impact of such programs to ensure that the United States Government can catalogue the best possible practices for HIV/AIDS prevention, treatment, and monitoring and improve the effectiveness of such programs in the countries in which they operate; and

(3) fostering discussions with United States and foreign nongovernmental organizations to determine how United States Government programs can be improved, including by engaging in a dialogue with the Global Health Advisory Board established under section 6 of this Act.

(c) MEMBERSHIP.—

(1) COMPOSITION.—The task force shall be composed of the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of Health and Human Services, the Secretary of the Treasury, the Director of the National Institutes of Health, the Director of the Centers for Disease Control, the Secretary of Defense, and the head of any other agency that the President determines is appropriate.

(2) CHAIRPERSON.—The Secretary of State shall serve as chairperson of the task force.

(d) PUBLIC MEETINGS.—At least once each calendar year, the task force shall hold a public meeting in order to afford an opportunity for any person to present views regarding the activities of the United States Government with respect to the prevention, treatment, and monitoring of HIV/AIDS in foreign countries. The Secretary of State shall maintain a record of each meeting and shall make the record available to the public.

(e) AVAILABILITY OF FUNDS.—Amounts made available for a fiscal year pursuant to section 104(c)(4)(E)(ii) of the Foreign Assistance Act of 1961, as amended by section 3(a) of this Act, are authorized to be made available to carry out this section for such fiscal year.

**SEC. 6. GLOBAL HEALTH ADVISORY BOARD.**

(a) ESTABLISHMENT.—There is established a permanent Global Health Advisory Board (hereafter referred to as the ''Board'') to assist the President and other Federal officials, including the Secretary of State and the Administrator of the United States Agency for International Development, in the administration and implementation of United States international health programs, particularly programs relating to the prevention, treatment, and monitoring of HIV/AIDS.

(b) DUTIES.—

(1) IN GENERAL.—The Board shall serve as a liaison between the United States Government and private and voluntary organizations, other nongovernmental organizations, and academic institutions in the United States that are active in international health issues, particularly prevention, treatment, and care with respect to HIV/AIDS and other infectious diseases.

(2) SPECIFIC ACTIVITIES.—In carrying out paragraph (1), the Board—

(A) shall provide advice to the United States Agency for International Development and other Federal agencies on health and management issues relating to foreign assistance in which both the United States Government and private and voluntary organizations participate;

(B) shall provide advice on the formulation of basic policy, procedures, and criteria for the review, selection, and monitoring of project proposals for United States Government international health programs and for the establishment of transparency in the provision and implementation of grants made under such programs;

(C) shall provide advice on the establishment of evaluation and monitoring programs to measure the effectiveness of United States Government international health programs, including standards and criteria to assess the extent to which programs have met their goals and objectives and the development of indicators to track progress of specific initiatives;

(D) shall review and evaluate the overall health strategy for United States bilateral assistance for each country receiving significant United States bilateral assistance in the health sector;

(E) shall recommend which developing countries could benefit most from programs carried out under United States Government international health programs; and

(F) shall assess the impact and effectiveness of programs carried out under section 104(c)(4) of the Foreign Assistance Act of 1961, as amended by section 3(a) of this Act, in meeting the objectives set out in the HIV/AIDS country strategy established by the United States Agency for International Development.

(c) MEMBERSHIP.—

(1) COMPOSITION.—The Board shall be composed of 12 members—

(A)(i) all of whom shall have a substantial expertise and background in international health research, policy, or management, particularly in the area of prevention, treatment, and care with respect to HIV/AIDS and other infectious diseases; and

(ii) of whom at least one member shall be an expert on women's and children's health issues; and

(B) of whom—

(i) three members shall be individuals from academic institutions;

(ii) five members shall be individuals from nongovernmental organizations active in international health programs, particularly HIV/AIDS prevention, treatment and monitoring programs in foreign countries, of which not more than two members may be from faith-based organizations;

(iii) two members shall be individuals from health policy and advocacy institutes; and

(iv) two members shall be individuals from private foundations that make substantial contributions to global health programs.

(2) APPOINTMENT.—The individuals referred to in paragraph (1) shall be appointed by the President, after consultation with the chairman and ranking member of the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(3) TERMS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each member shall be appointed for a term of two years and no member or organization shall serve on the Advisory Board for more than two consecutive terms.

(B) TERMS OF INITIAL APPOINTEES.—As designated by the President at the time of appointment, of the members first appointed—

(i) six members shall be appointed for a term of three years; and

(ii) six members, to the extent practicable equally divided among the categories described in clauses (i) through (iv) of paragraph (1)(B), shall be appointed for a term of two years.

(4) CHAIRPERSON.—At the first meeting of the Board in each calendar year, a majority of the members of the Commission present and voting shall elect, from among the members of the Board, an individual to serve as chairperson of the Board.

(d) TRAVEL EXPENSES.—Each member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(e) AVAILABILITY OF FUNDS.—Amounts made available for a fiscal year pursuant to section 104(c)(4)(E)(ii) of the Foreign Assistance Act of 1961, as amended by section 3(a) of this Act, are authorized to be made available to carry out this section for such fiscal year.

**SEC. 7. AUTHORIZATION OF APPROPRIATIONS FOR MULTILATERAL EFFORTS TO PREVENT, TREAT, AND MONITOR HIV/AIDS.**

(a) AUTHORIZATION.—There is authorized to be appropriated to the President $750,000,000 for fiscal year 2002 for United States contributions to a global health fund negotiated by the United States consistent with the general principles in the Global AIDS and Tuberculosis Relief Act of 2000 and the initiative of the Secretary General of the United Nations or other multilateral efforts to prevent, treat, and monitor HIV/AIDS in countries in sub-Saharan Africa and other developing countries, including efforts to provide hospice and palliative care for individuals with HIV/AIDS.

(b) CHARACTERISTICS OF GLOBAL HEALTH FUND.—It is the sense of Congress that, consistent with the general principles outlined in the Global AIDS and Tuberculosis Relief Act of 2000, United States contributions should be provided to a global health fund under subsection (a) only if the fund—

(1) is a public-private partnership that includes participation of, and seeks contributions from, governments, foundations, corporations, nongovernmental organizations, organizations that are part of the United Nations system, and other entities or individuals;

(2) has the World Bank serving as the fiduciary agent of the fund and in any other capacity deemed appropriate by the international community;

(3)(A) includes donors, recipient countries, civil society, and other relevant parties in the governance of the fund; and

(B) contains safeguards against conflicts of interest in the governance of the fund by the individuals and entities described in subparagraph (A);

(4) supports targeted initiatives to address HIV/AIDS, tuberculosis, and malaria through an integrated approach that includes prevention interventions, care and treatment programs, and infrastructure capacity-building;

(5) permits strategic targeting of resources to address needs not currently met by existing bilateral and multilateral efforts and includes separate sub-accounts for different activities allowing donors to designate funds for specific categories of programs and activities;

(6) reserves a minimum of 5 percent of its grant funds to support scientific or medical research in connection with the projects it funds in developing countries;

(7) provides public disclosure with respect to—

(A) the membership and official proceedings of the mechanism established to manage and disburse amounts contributed to the fund; and

(B) grants and projects supported by the fund;

(8) authorizes and enforces requirements for the periodic financial and performance auditing of projects and makes future funding conditional upon the results of such audits; and

(9) provides public disclosure of the findings of all financial and performance audits of the fund.

**SEC. 8. DEFINITION.**

In this Act:

(1) HIV.—The term ''HIV'' means infection with the human immunodeficiency virus.

(2) AIDS.—The term ''AIDS'' means acquired immune deficiency syndrome.

**SEC. 9. EXTENSION OF TIME FOR GAO REPORT ON TRUST FUND EFFECTIVENESS.**

Section 131(b) of the Global AIDS and Tuberculosis Relief Act of 2000 (22 U.S.C. 6831(b)) is amended by striking ''of the enactment of this Act'' and inserting ''the Trust Fund is established''.

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

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

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

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

There was no objection.

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

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

Mr. HYDE. Madam Speaker, once again the United States has an opportunity, and the responsibility, to lead the world in confronting one of the most compelling humanitarian and moral challenges facing us today. I speak of the HIV/AIDS pandemic, a crisis unparalleled in modern times and one that threatens the entire world, embracing developed and developing countries alike.

The statistics are chilling: over 22 million people have already died of AIDS throughout the world. More than 3 million died last year alone. That is over 8,000 deaths each day, or nearly one death every 6 minutes. What is most alarming is that the number of infections and deaths is growing and the pandemic is quickly spreading from sub-Saharan Africa to India, China and Russia. An incredible 36 million people are already infected with HIV; and 15,000 new infections occur every day.

To illustrate the magnitude of the crisis, it is estimated that by the year 2010, over 80 million people may have died from AIDS. By comparison, that is more than all the military and civilian deaths resulting from World War II. If the disease is left unchecked, we have no idea what the statistics will be in 2015 or 2020, less than 20 years from today. The most dramatic increase in infection rates is in the developing world, where education, awareness and access to health care is most seriously lacking. As is too often the case, it is the children who suffer most. Millions are born HIV-infected even though mother-to-child transmission is easily avoided if adequate training and health care is provided. To this is added a widespread mortality among parents: by the end of the decade, 40 million children are likely to be orphaned as a consequence of AIDS. The impact on developing societies, socially, politically and economically, is incalculable and threatens the stability of many countries and societies around the globe.

Contrary to popular conceptions, the pandemic is not limited to Africa, where AIDS continues to sweep forward virtually unchecked. The disease has jumped to every continent. In Europe, last year Russia had the highest rate of increase of new cases of any country on the planet. That impoverished country's medical system is clearly unable to adequately cope with the challenge, ensuring that it will continue to spread. According to the National Intelligence Council, India is on the verge of a catastrophic AIDS epidemic. Closer to home, the Caribbean region has the second highest rate of HIV infections in the world.

The most appropriate comparison of this ever-widening threat is with the 14th century, when the plague repeatedly swept through Europe, killing a quarter of that continent's population, leaving no country untouched, and decimating entire regions. This time, however, it is the entire world that is at risk. If the world is to have a chance of prevailing against this disease, the United States must take a leading role in the efforts to combat it. To do so, we must advance along many fronts, both bilateral and multilateral. The bill we consider today, H.R. 2069, addresses both the bilateral and multilateral pillars of our response to the AIDS crisis.

H.R. 2069 builds upon existing efforts by authorizing the Agency for International Development to carry out a comprehensive program of HIV/AIDS prevention, education and treatment at a level of $485 million during fiscal year 2002. Moreover, Madam Speaker, H.R. 2069 authorizes an additional $50 million pilot program to provide treatment for those infected with HIV/AIDS by helping the public and private sectors of developing countries procure HIV/AIDS pharmaceuticals and antiviral therapies.

The novel bilateral treatment program that my bill authorizes is vitally important, for it gives hope to those already suffering from AIDS. By authorizing a pilot treatment program, we can work to extend the productive lives of those infected by the virus. This is not only the right thing to do, it has beneficial impact on treatment as well. Without some expectation of care, the poor have little reason to be tested for AIDS or to seek help. I am fully cognizant of the challenge posed by treatment programs in developing countries. However, it is my hope that successful treatment programs such as those carried out by the AIDS Healthcare Foundation will be replicated in developing countries. Madam Speaker, there simply is no option other than treatment if we are ever to stem the tide of this pandemic.

Through our bilateral efforts, the United States will demonstrate its commitment to address all facets of the HIV/AIDS challenge and thereby challenge the entire developed world to emulate the example of the United States. It is also my hope that faith-based organizations such as Catholic Relief Services will play a very significant and meaningful role in advising

USAID on the most effective approaches to combat the HIV/AIDS pandemic.

In addition to our bilateral efforts, the President has already signaled our Nation's intention to lead the multilateral campaign by committing at least $200 million to combat HIV/AIDS through a global AIDS war chest that will be designed and implemented in the months to come.

The Global Access to HIV/AIDS Prevention, Awareness, Education, and Treatment Act of 2001 also authorizes the President to contribute to multilateral efforts to combat HIV/AIDS at a level that the administration deems appropriate and at such time as a fund is established and criteria developed to ensure its sound management. America will contribute its fair share as we work to leverage additional funds for this effort from other developed countries.

By providing the President with this flexibility, we can ensure that the contributions made by the United States will be adequate and also yield the commitments from other countries to make this effort a truly global war on AIDS.

As with any problem, however, financial resources cannot serve as the sole answer, and the generosity of the American people must be well managed. We must provide resources at a pace at which these can be absorbed and used wisely. We must continue to encourage and support those faith-based organizations and churches that are on the front lines in the effort to educate the poor about HIV and AIDS and treatment and prevention. We must also insist that any program designed to combat the AIDS pandemic include abstinence as a core component.

In closing, I wish to thank the many Members and staff who have contributed to the passage of this landmark legislation. I am especially grateful to the gentleman from California (Mr. LANTOS) the committee's ranking member, and to the gentlewoman from California (Ms. LEE) for their leadership in crafting this legislation.

I am also appreciative of the invaluable support of the gentleman from New York (Mr. GILMAN), the committee's chairman emeritus; the gentleman from Nebraska (Mr. BEREUTER); and the gentleman from Iowa (Mr. LEACH). I am also very grateful for the generous support offered by the gentleman from Arizona (Mr. KOLBE). I also wish to thank Nisha Desai, David Abramowitz, Pearl Alice Marsh, and Michael Riggs of the Democratic staff for their many contributions and dedication to make this bill come to fruition.

□ 1430

My greatest appreciation, however, goes to Adolfo Franco, a member of my own staff, whose tireless work made this bill a reality. He is leaving the staff to go to a very important job with the administration, and he will be sorely missed.

Madam Speaker, I wish to reiterate what I think is a consensus in Congress. Simply stated, the AIDS virus is one of the great moral challenges of our era. It is a scourge of unparalleled proportions in modern times. Every citizen has a stake in preventing what otherwise might well become the bubonic plague of the 21st century. We must do all that lies in our power to do if we are to meet this threat, first of all, by reaching out now to those most in need. It is not only the most sensible thing to do, it is the right thing to do for our children, our country and for the world.

I urge all of my colleagues to vote for H.R. 2069.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in strong support of this legislation.

Madam Speaker, I first would like to commend my good friend, the distinguished chairman of the Committee on International Relations, for his leadership, his vision and his commitment to help combat the global HIV-AIDS crisis. The gentleman from Illinois (Mr. HYDE) has shown courage and integrity in tackling this issue, when he could have relied upon others to legislate on this front. Many do not see the global HIV–AIDS crisis as a United States priority and question the need to spend significant U.S. funds toward preventing and treating this disease, but the gentleman from Illinois (Chairman HYDE) recognizes not only the severity of the epidemic, but our moral, humanitarian and national security interests in stemming the tide of the HIV–AIDS pandemic.

I would also like to commend my colleague, the gentlewoman from California (Ms. LEE), for her unwavering leadership in the global fight against HIV–AIDS. She has played a critical role in setting this Congress on the right course on this human disaster and in fashioning this legislation.

Madam Speaker, the bill reflects an extraordinary process of consultation that involves not only members of our committee, but advocacy groups, nongovernmental organizations, the administration and the staff of the United Nations. The result is a landmark, bipartisan agreement that outlines both a policy framework and funding levels for U.S. bilateral and multilateral assistance to fight the global AIDS pandemic. I want to join the gentleman from Illinois (Chairman HYDE) in praising members of the Republican and Democratic staffs who played such a key role in bringing us to this point.

Madam Speaker, the bill before us represents a broad consensus, and I urge all of my colleagues to support it. I truly believe that our legislation lays the foundation for a long-term commitment by the United States to eradicate this devastating disease.

Our bill authorizes $535 million in bilateral U.S. assistance to education, prevention, treatment and care of HIV–AIDS and those highly infectious diseases associated with it. In addition, our bill commits $750 million towards a global health fund to coordinate both funding and comprehensive programs in the fight against this disease, to which governments the private sector, foundations and individual philanthropists will contribute.

Madam Speaker, in this post-September 11 world, it is all too easy to lose sight of the HIV–AIDS crisis as we focus on the most pressing problem of global terrorism and the devastating conditions in Afghanistan, but it is precisely in this post-September 11 era that we must strive to maintain our commitment to HIV–AIDS and other crises of global magnitude. AIDS has devastated entire societies, and it is leaving in its wake a generation lost in despair. It is these children, raised without hope, who often provide fertile grounds for the terrorists and criminal networks to sow their evil seeds.

As our Secretary of State, Colin Powell, said at the UN special session on AIDS, ''From this moment on, our response to AIDS must be no less comprehensive, no less relentless, and no less swift than the pandemic itself.''

If we have learned anything through our terrible national tragedy, it is that the world's problems are our problems, and if we do not deal with these problems overseas, we will be dealing with them on our own doorstep.

The resurgence of HIV–AIDS and tuberculosis in some parts of the United States is just one ominous indication of how the problems of the developing world can soon become our own problems if we do not act decisively. The new bilateral program authorized by our legislation will guarantee that the American people are directly engaged in providing education, prevention, treatment and care to those suffering in poor countries. It will improve the quality of the U.S. aid programs in the HIV–AIDS field and provide those who are suffering with AIDS opportunities to live better and more productive lives.

Our proposed 1-year multilateral expenditure of $750 million is a major investment on our part toward a global effort to secure a better future for millions suffering from this deadly disease. It is a signal to the world, and particularly those suffering from this disease, that the United States is a partner in the international battle against HIV–AIDS.

Lastly, Madam Speaker, I want to tell schoolteachers, health workers, women and men, grandparents and orphans in poor countries suffering from the HIV–AIDS pandemic that we are fighting for and with them. Men, women and children in Africa, South Asia, Europe, the Western Hemisphere, are all affected, and we must all work

together to find a solution. I urge my colleagues to support H.R. 2069.

Madam Speaker, I reserve the balance of my time.

Mr. HYDE. Madam Speaker, I am pleased to yield 4 minutes to the distinguished gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Madam Speaker, I rise in strong support of this legislation, and I thank the distinguished chairman for yielding me time. I want to thank him also for his leadership in introducing this legislation and for the effort to move it to the House floor so expeditiously. Also I would like to thank the distinguished ranking member of the House Committee on International Relations, the gentleman from California (Mr. LANTOS) and the distinguished gentlewoman from California (Ms. LEE), among others mentioned by the gentleman from Illinois (Chairman HYDE), for their very positive efforts regarding H.R. 2069.

I am pleased to be a member of the Committee on International Relations, but today I speak primarily as a chairman of a subcommittee of the Committee on Financial Services, the Subcommittee on International Monetary Policy and Trade. It is in that respect that I thank the gentleman from Illinois (Mr. HYDE), the chairman, and the gentleman from California (Mr. LANTOS), and others, for working with the distinguished gentleman from Ohio (Chairman OXLEY) and this Member by incorporating into H.R. 2069 language suggested by us to recognize the World Bank's fiduciary role for the Global Health Fund on HIV–AIDS.

The statistics on HIV–AIDS are staggering, as we heard a few minutes ago. According to the joint United Nations Programme on HIV–AIDS, as of December 2001, an estimated 40 million people worldwide live with HIV–AIDS, which includes an estimated 28.1 million people in Sub-Saharan Africa. Furthermore, in the year 2001 alone, there were an estimated 5 million new HIV–AIDS infections worldwide, with 3.4 million of these cases being in Sub-Saharan Africa. In addition to Africa, HIV infection rates are also rising dramatically in India and the other South Asian countries, as well as Russia, the Eastern European countries, Brazil and the Caribbean countries.

As the chairman of the Subcommittee on International Monetary Policy and Trade, this Member conducted a hearing on May 15, 2001, which focused on the activities in Africa of the International Monetary Fund, the World Bank, the African Development Bank and African Development Fund, including their efforts to combat HIV–AIDS. As a result of this hearing, which included testimony from the Joint United Nations Programme on HIV–AIDS, this Member introduced H.R. 2209. This legislation increases the authorization for the multilateral world AIDS trust for FY 2002 from $150 million to $200 million.

The World Bank AIDS Trust Fund was established with American support through what became Public Law 106–264, primarily authored by the distinguished gentleman from Iowa (Mr. LEACH). This law directed the United States Government to seek to negotiate the creation of an international HIV–AIDS trust fund which would be established within the World Bank.

The Global Access to HIV–AIDS Prevention, Awareness, Treatment, and Education Act of 2001, this bill, provides both multilateral and bilateral authorization funding to help prevent, treat and monitor HIV–AIDS. This dual approach is very important as the United States combats the global plague of HIV–AIDS with our neighbors and outer countries throughout the world.

This Member would like to particularly emphasize the $750 million multilateral authorization for FY 2002 to the Global Health Fund to combat HIV–AIDS. This legislation, H.R. 2069, states that this Global Health Fund is consistent with the global AIDS and Tuberculosis Relief Act of 2000, which established the U.S. negotiations for the World Bank AIDS Trust Fund.

The World Bank has the most extensive global infrastructure to provide the multilateral assistance needed to help prevent, treat and monitor HIV–AIDS. This Member fully supports the Bush administration's position to abdicate a fiduciary role for the World Bank in this Global Health Fund to fight HIV–AIDS. It should be noted that the Transitional Working Group, a multilateral institution for this Global Health Fund, has recently invited the World Bank to play that fiduciary role as a trustee for the fund.

I urge support of this legislation. I think the two committees worked well together to merge the two bills together.

Mr. LANTOS. Madam Speaker, I yield 4 minutes to the gentlewoman from California (Ms. LEE). No Member has worked harder and more diligently on this issue than my friend and colleague from California.

Ms. LEE. Madam Speaker, I rise first to thank the gentleman from Illinois (Chairman HYDE), our ranking member, the gentleman from California (Mr. LANTOS), the gentleman from Iowa (Mr. LEACH), and also the gentleman from Nebraska (Mr. BEREUTER), for their commitment and real diligence in working to develop H.R. 2069, legislation that will comprehensively fight the global AIDS, TB and malaria pandemics.

This bipartisan legislation that we are considering today is important because it authorizes the desperately needed resources to address the multifaceted and multigenerational challenges presented by the global AIDS, TB and malaria pandemics.

It has been over 20 years since the first AIDS diagnosis. Since then, HIV and AIDS has infected over 56 million people worldwide and has claimed over 25 million lives, including 4 million children. The events of September 11 have turned the world's attention appropriately on combatting international terrorism. However, we cannot forget the global will scourge of HIV and AIDS. It is a national security threat of staggering proportions. AIDS, like many diseases, knows no borders and discriminates against no one. Each day, AIDS, TB and malaria claim over 17,000 lives. So, just as we fight terrorism, we must also fight these diseases.

According to UN, AIDS left unchecked, it is estimated that over 100 million people will be infected worldwide by 2007.

□ 1445

AIDS is decimating the continent of Africa and leaving millions of orphans in its wake.

Today, the number of orphans in Africa is the equivalent of the total population of children in America's public schools. Left unchecked, Africa will be home to more than 40 million orphans by 2010; and unfortunately, Africa is only the epicenter. We must not sacrifice this generation of children on the alter of indifference.

The AIDS pandemic has cut life expectancy by 25 years in some countries. In Botswana, the population growth due to AIDS is negative. This means that there are more people dying from AIDS than there are being born. The AIDS, TB, and malaria pandemics constitute a crisis of biblical proportions in Africa and puts the very survival of the continent at stake. These pandemics are not only a humanitarian crisis, but they are potentially an economic, political, and social catastrophe. Therefore, it is important that we continue to beat the drum to raise awareness. Our efforts at home must reach far beyond our shores.

When the House Committee on International Relations marked this bill up earlier this year, the gentleman from Illinois (Mr. HYDE), the chairman of the committee, the gentleman from California (Mr. LANTOS), the gentleman from Iowa (Mr. LEACH), and the gentleman from Nebraska (Mr. BEREUTER) worked on this bill day and night to increase bilateral funding for AIDS, TB, and malaria and also to increase the U.S. contribution to our multilateral AIDS program. The program, under this bill's $750 million, includes a contribution to the Global AIDS Trust Fund, which the gentleman from Iowa (Mr. LEACH) and I cosponsored last year. This was actually signed into law as the Global AIDS and TB Relief Act of 2000, which the gentleman from Nebraska (Mr. BEREUTER) earlier referred to.

So today, the House is sending a strong message that America can and must do more.

Also, I want to state for the record that all HIV-infected persons have a basic right to vital medicines for prevention and treatment of AIDS and also must have access to drugs for treatment of opportunistic infections

and to anti-retroviral agents. We have the knowledge and we have the technology to prevent the spread of AIDS. We have the necessary drugs that can substantially reduce the rate of mother-to-child transmission and also prolong the lives of people who are infected.

In addition to all of the barriers we face addressing this global crisis, basic health care infrastructure remains an issue. This bill addresses that also.

So I just once again want to thank my colleagues, the gentleman from Illinois (Mr. HYDE), the chairman of the committee; the gentleman from California (Mr. LANTOS), the ranking member; the gentleman from Iowa (Mr. LEACH); and the gentleman from Nebraska (Mr. BEREUTER) for their commitment, and also for our staffs' work. I want to thank the staff for diligently working on this. Our dedication and their dedication to the future of the human family will surely have a ripple effect.

Mr. HYDE. Madam Speaker, I ask unanimous consent that each side be granted an additional 6 minutes for purposes of debate.

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

There was no objection.

Mr. HYDE. Madam Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. KOLBE).

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

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

When I became chairman of the Subcommittee on Foreign Operations of the Committee on Appropriations, I said that one of my highest priorities was to fund the battle against HIV/AIDS that is becoming a pandemic globally. With that in mind, I want to thank the distinguished chairman of the Committee on International Relations for his leadership and his interest in fighting HIV and other infectious diseases. We share this as a priority, and I am very pleased to work with the chairman on this important matter.

The authorization for bilateral assistance through the United States Agency for International Development is virtually identical to the amount recommended by the House and Senate conferees on the Foreign Operations, Export Financing, and Related Programs Appropriations Act for fiscal year 2002. We hope to file that conference report on the bill in the very near future. We completed the work on our conference in November and are awaiting a signal from the leadership to file that agreement.

Having said that, however, I think it is important to tell the House and Members here that the $750 million authorization that is included in this bill for the multilateral assistance is unlikely to be funded in fiscal year 2002. The chairman indicated in his own remarks that he understood that that was going to be the case.

Members need to know, should know, that the multilateral fund does not yet exist. It is a concept, and we are working on it; but its structure, its objectives, its voting methodology has not yet been determined and is not likely to occur until the middle of next year.

Despite that, the Committee on Appropriations is in the process of providing a total of $250 million in three separate bills for the proposed global fund to fight HIV, tuberculosis, and malaria; and that is an amount that is $50 million greater than had been requested in the President's budget.

Now, more funds are possible; but I do not want anybody to have unrealistic expectations for the FY 2002 budget. First, it is very important that this fund get created and that we begin to demonstrate success. That is not going to happen yet until at least well into this fiscal year. Until the Congress concurs with the proposed terms and conditions under which our initial $250 million could be used, it is not prudent, in my view, to leave the impression that there is another $500 million available or required at this time for the global fund.

Madam Speaker, I support this bill, because we must continue to dedicate an increasing amount of resources to fight the global pandemic of HIV/AIDS, but I do not want my support for the bill to be viewed as an endorsement of the $750 million level authorized for the proposed global fund, at least not at this time. We have more work to do before we are going to be ready to spend any of the funds set aside for the global trust fund, much less an amount as large as $250 million. I know the chairman understands that.

So this is a proactive, leading-the-way authorization, and I appreciate that. I do think that we can carry out the policies and provide for the ongoing and expanded bilateral programs. I thank the chairman for his leadership.

Mr. LANTOS. Madam Speaker, I am delighted to yield 2 minutes to the gentlewoman from California (Ms. PELOSI), the incoming whip of the Democratic Party, my friend and neighbor in San Francisco, who has been a national leader in the fight against HIV/AIDS for years.

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding me this time, and I thank him for his leadership on this issue. I commend the gentleman from Illinois (Mr. HYDE), the chairman of the committee; the gentleman from Nebraska (Mr. BEREUTER), the gentleman from Iowa (Mr. LEACH), and the gentlewoman from California (Ms. LEE) for their extraordinary leadership in bringing this bill to the floor. I know it was difficult, and I congratulate them in doing it.

I am pleased to follow the gentleman from Arizona (Mr. KOLBE), my distinguished chairman on the Subcommittee on Foreign Operations, a longtime member on that committee. Following the lead of my own constituents, we put the first money for international AIDS into that bill several years ago. We could never get the attention that he is getting here today on this issue. I know how hard it is, and I commend him for it. We tried to get the attention of the G–7 to put AIDS on the agenda a dozen years ago in both Democratic and Republican administrations, and only recently have the ramifications of AIDS been recognized at that level.

So it is with great enthusiasm that I commend all of my colleagues, and I rise in support of H.R. 2069.

Madam Speaker, we must never forget that every single day, 8,000 people die of AIDS; 8,000 people die every day of AIDS. Think of it. It is so staggering. It is unimaginable, almost. But we are concerned about every single one of them and about protecting every single child in the world and person in the world from contracting HIV and AIDS in the future.

The United States must take the lead in the global effort to end the global AIDS pandemic and the havoc it is creating in the developing world. Halting this crisis can only happen with new resources, and the dramatic step that is being taken today is a very, very important and significant step forward.

The social, economic, security, national security, and human rights cost of this crisis are devastating entire nations. Projections show that by 2010, South Africa's GDP will be 17 percent below where it would have been without AIDS, and the United Nations has estimated that AIDS could kill up to 26 percent of the workforce in Africa. India already has more infected people than Africa.

Madam Speaker, I will submit my full statement for the RECORD because, again, the statistics are staggering. Madam Speaker, $750 million is an excellent step forward. We need to do more.

Experts are predicting that without significant prevention and treatment efforts the number of Indians living with HIV/AIDS could surpass the combined number of cases in all African countries within two decades.

Developing countries will be unable to turn the tide on this epidemic if even the most basic health care is unavailable for most of their citizens. People must be educated about HIV and how to prevent its spread. Increased testing and counseling opportunities are desperately needed. Basic care and treatment that can be delivered in homes or makeshift clinics is essential. And the need for support for the growing number of children orphaned by AIDS looms large.

We know that prevention and treatment work. Comprehensive prevention efforts have turned around HIV epidemics in Uganda and Thailand, and averted an epidemic in Senegal. In a small village in Haiti, community health workers have been trained to deliver high quality care, including the advanced medicines used to treat AIDS in our country. The provisions of H.R. 2069 will help impoverished

countries expand and replicate effective programs, and strengthen the capacity of indigenous health care systems to deliver HIV/AIDS pharmaceuticals.

Our investment in the fight against the global AIDS pandemic not only has a direct impact, but is also promises to leverage significant funds from other countries and multilateral institutions. Specifically, the $750 million authorized for multilateral assistance will demonstrate this country's dedication to the new United Nations Global Fund, and other international efforts. Fighting AIDS requires a real, sustained commitment, and the money we provide is a signal to other nations that we will do our part.

The fight ahead of us against the global AIDS pandemic is a long one. We have no choice but to engage in the fight and to prevail. I urge my colleagues to support H.R. 2069.

Mr. HYDE. Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Madam Speaker, I thank the gentleman for yielding me this time.

I rise in strong support of H.R. 2069, the Global Access to HIV and AIDS Prevention Act, to authorize nearly $1.4 billion to combat HIV/AIDS in sub-Saharan Africa and other developing countries.

I certainly want to applaud the leadership of the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) for their efforts in bringing this bill to the floor today. Because of their work and the work of so many of my friends and colleagues here in Congress, we are seeing a vast change in the global AIDS crisis in sub-Saharan Africa and other parts of the world. What I am referring to is a rapidly changing and increased level of awareness and concern, not only about the horrific damage the virus is wreaking, but about the future costs, costs in cultural, political, and economic stability in Africa.

New figures released on December 1, which was World AIDS Day, show that more than 40 million people are now living with the virus. The vast majority of them are in sub-Saharan Africa where the devastation is so acute it has become one of the main obstacles to development. I could go on with the various statistics. An estimated 24.5 million people in sub-Saharan Africa are infected with the HIV virus. That is 71 percent of the world's total.

What can we do? The United States is uniquely positioned to lead the world in the prevention and eradication of HIV and AIDS. This year's House-passed Foreign Operations Appropriations bill provides $474 million for AIDS prevention and control. But we must also pass this bill, H.R. 2069, The Global Access to HIV and AIDS Prevention Act. It authorizes $560 million in bilateral assistance programs for the various AIDS treatment and prevention programs administered by USAID. It also authorizes $750 million in 2002 for the United States contributions to the Global AIDS Fund.

So I would certainly say that this bill is good news. The bad news is it has taken so long.

Mr. LANTOS. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. RODRIGUEZ), our distinguished colleague.

Mr. RODRIGUEZ. Madam Speaker, I rise in support of the Global Access to HIV/AIDS Prevention Act, H.R. 2069. I would like to commend the gentlewoman from California (Ms. LEE). I want to thank her for her hard work and her dedication as well. I want to thank her specifically for when she first sent that letter for us to sign to get on board, and I was very pleased to see that. I also want to thank the gentleman from California (Mr. LANTOS) for his efforts and the gentlewoman from California (Ms. PELOSI) and some of the other speakers that have been speaking on this issue, as well as the gentleman from Illinois (Mr. HYDE). I thank him for allowing us this opportunity to move forward on this issue.

This year marks the 20th year of HIV/AIDS, and in that time the virus has taken the lives of more than 25 million people throughout the world. In claiming lives, the virus has destroyed families and communities. It has devastated economies and created instability. It has changed the very way we interact with our neighbors.

The continued spread of the virus calls for a multilateral strategy in the struggle to reduce infections. Domestic and international efforts, prevention as well as treatment, as well as research and development and education, are critical. These are the parts of the equation that will help us change the outcome.

We must remember that disease has no borders and especially infectious diseases. We cannot afford to ignore the plight of our neighbors, because sooner or later, it will come and knock on our door.

By investing in the international efforts to eradicate this virus, we will be assuring and protecting Americans' health and prosperity. We will also show ourselves as a Nation committed to alleviating human sufferings everywhere else. It is the right thing to do for our neighbors and ourselves and for our constituents and for our children, for untreated and mistreated HIV/AIDS can hamper us all. For not treating appropriately, other types of strains can be created that will cause us more harm.

□ 1500

Madam Speaker, I urge my colleagues to support H.R. 2069, the Global Access to HIV/AIDS Prevention Awareness, Education, and Treatment Act of 2001.

Mr. HYDE. Madam Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Florida, (Mr. WELDON).

Mr. WELDON of Florida. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I did my internship and residency in San Francisco in the early eighties when AIDS was ravaging the homosexual community in that city. Prior to coming here to the U.S. House, I practiced infectious diseases and primarily treated AIDS, so I have seen firsthand the devastation that this disease can cause. I certainly commend all those involved with working to bring this bill to the floor.

I am particularly pleased that the chairman was willing to work with me to add language to emphasize the importance of a safe blood supply and the importance of prophylactic drugs for victims of rape and sexual assault; certainly, also, the language to emphasize access to infant formula and other alternatives for infant feeding.

Many babies are born to HIV mothers and survive the birth process without contracting AIDS, to only go on, unfortunately, to contract the disease through the process of breast feeding.

I do remain concerned, Madam Speaker, that the bill does not sufficiently stress abstinence. Abstinence programs have shown to be helpful in Uganda and Senegal; and abstinence, of course, is the only approach that actually guarantees that AIDS will not be spread.

I have served in the past on the board of a faith-based group that has worked in Nigeria on abstinence-based education. I think the bill, as it moves through the conference process and gets signed by the President, should have some stronger language inserted to deal with the importance of abstinence.

Also, I would like to see the makeup of the board, the advisory board, structured in such a way that faith-based organizations will be guaranteed a place at the table. There are currently hundreds of faith-based organizations in Africa. As I said, I have worked with one of them firsthand. They need to be included in this process.

Mr. LANTOS. Madam Speaker, I am pleased to yield 2 minutes to my good friend and my distinguished colleague, the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I rise in support of the Global to Access HIV/AIDS Prevention, Awareness, Education, and Treatment Act of 2001, H.R. 2069.

I also want to commend the leadership on this bill, the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS), and all others involved in sponsoring this, the gentleman from Nebraska (Mr. BEREUTER), the gentlewoman from California (Ms. LEE), and those who have been carrying this fight on and have been strong advocates for ridding the world of this disease.

This legislation provides crucial funding for the prevention, treatment, and monitoring of AIDS in sub-Saharan Africa and other parts of the developing world, and an increased amount

of assistance through education and treatment programs, as well as assistance and aid for the prevention and transmission of HIV/AIDS from mother to child.

Madam Speaker, this legislation is essential to fighting the HIV/AIDS epidemic in many parts of the world, including that part of Africa. HIV is worldwide and actually knows no border, as we said earlier.

Madam Speaker, I include for the RECORD information on the AIDS epidemic provided by the World Health Organization.

The material referred to is as follows:

AIDS EPIDEMIC UPDATE—DECEMBER 2001

GLOBAL OVERVIEW

Twenty years after the first clinical evidence of acquired immunodeficiency syndrome was reported, AIDS has become the most devastating disease humankind has ever faced. Since the epidemic began, more than 60 million people have been infected with the virus. HIV/AIDS is now the leading cause of death in sub-Saharan Africa. Worldwide, it is the fourth-biggest killer.

At the end of 2001, an estimated 40 million people globally were living with HIV. In many parts of the developing world, the majority of new infections occur in young adults, with young women especially vulnerable. About one-third of those currently living with HIV/AIDS are aged 15–24. Most of them do not know they carry the virus. Many millions more know nothing or too little about HIV to protect themselves against it.

*Eastern Europe and Central Asia—still the fastest-growing epidemic*

Eastern Europe—especially the Russian Federation—continues to experience the fastest-growing epidemic in the world, with the number of new HIV infections rising steeply. In 2001, there were an estimated 250,000 new infections in this region, bringing to 1 million the number of people living with HIV. Given the high levels of other sexually transmitted infections, and the high rates of injecting drug use among young people, the epidemic looks set to grow considerably.

*Asia and the Pacific—narrowing windows of opportunity.*

In Asia and the Pacific, an estimated 7.1 million people are now living with HIV/AIDS. The epidemic claimed the lives of 435,000 people in the region in 2001. The apparently low national prevalence rates in many countries in this region are dangerously deceptive. They hide localized epidemics in different areas, including some of the world's most populous countries. There is a serious threat of major, generalized epidemics. But, as Cambodia and Thailand have shown, prompt, large-scale prevention programmes can hold the epidemic at bay. In Cambodia, concerted efforts, driven by strong political leadership and public commitment, lowered HIV prevalence among pregnant women to 2.3 percent at the end of 2000—down by almost a third from 1997.

*Sub-Saharan Africa—the crisis grows*

AIDS killed 2.3 million African people in 2001. The estimated 3.4 million new HIV infections in sub-Saharan Africa in the past year mean that 28.1 million Africans now live with the virus. Without adequate treatment and care, most of them will not survive the next decade. Recent antenatal clinic data show that several parts of southern Africa have now joined Botswana with prevalence rates among pregnant women exceeding 30 percent. In West Africa, at least five countries are experiencing serious epidemics, with adult HIV prevalence exceeding 5 percent. However, HIV prevalence among adults continues to fall in Uganda, while there is evidence that prevalence among young people (especially women) is dropping in some parts of the continent.

*The Middle East and North Africa—slow but marked spread*

In the Middle East and North Africa, the number of people living with HIV now totals 440,000. The epidemic's advance is most marked in countries (such as Djibouti, Somalia and the Sudan) that are already experiencing complex emergencies. While HIV prevalence continues to be low in most countries in the region, increasing numbers of HIV infections are being detected in several countries, including the Islamic Republic of Iran, the Libyan Arab Jamahiriya and Pakistan.

*High-income countries—resurgent epidemic threatens*

A larger epidemic also threatens to develop in the high-income countries, where over 75,000 people acquire HIV in 2001, bringing to 1.5 million the total number of people living with HIV/AIDS. Recent advances in treatment and care in these countries are not being consistently matched with enough progress on the prevention front. New evidence of rising HIV infection rates in North America, parts of Europe and Australia is emerging. Unsafe sex, reflected in outbreaks of sexually transmitted infections, and widespread injecting drug use are propelling these epidemics, which, at the same time, are shifting more towards deprived communities.

*Latin America and the Caribbean—diverse epidemics*

An estimated 1.8 million adults and children are living with HIV in Latin America and the Caribbean—a region that is experiencing diverse epidemics. With an average adult HIV prevalence of approximately 2 percent, the Caribbean is the second-most affected region in the world. But relatively low national HIV prevalence rates in most South and Central American countries mask the fact that the epidemic is already firmly lodged among specific population groups. These countries can avert more extensive epidemics by stepping up their responses now.

*Stronger commitment*

Greater and more effective prevention, treatment and care efforts need to be brought to bear. During the year 2001, the resolve to do so became stronger than ever.

History was made when the United Nations General Assembly Special Session on HIV/AIDS in June 2001 set in place a framework for national and international accountability in the struggle against the epidemic. Each government pledged to pursue a series of many benchmark targets relating to prevention, care, support and treatment, impact alleviation, and children orphaned and made vulnerable by HIV/AIDS, as part of a comprehensive AIDS response. These targets include the following: To reduce HIV infection among 15–24-year-olds by 25 percent in the most affected countries by 2005 and, globally, by 2010; by 2005, to reduce the proportion of infants infected with HIV by 20 percent, and by 50 percent by 2010; by 2003, to develop national strategies to strengthen health-care systems and address factors affecting the provision of HIV-related drugs, including affordability and pricing. Also, to urgently make every effort to provide the highest attainable standard of treatment for HIV/AIDS, including antiretroviral therapy in a careful and monitored manner to reduce the risk of developing resistance; by 2003, to develop and, by 2005, implement national strategies to provide a supportive environment for orphans and children infected and affected by HIV/AIDS; by 2003, to have in place strategies that begin to address the factors that make individuals particularly vulnerable to HIV infection, including under-development, economic insecurity, poverty, lack of empowerment of women, lack of education, social exclusion, illiteracy, discrimination, lack of information and/or commodities for self-protection, and all types of sexual exploitation of women, girls and boys; and by 2003, to develop multisectoral strategies to address the impact of the HIV/AIDS epidemic at the individual, family, community and national levels.

Increasingly, other stakeholders, including nongovernmental organizations and private companies worldwide, are making clear their determination to boost those efforts.

New resources are being marshalled to lift spending to the necessary levels, which UNAIDS estimates at US$7–10 billion per year in low- and middle-income countries. The global fund called for by United Nations Secretary-General Kofi Annan has attracted about US$1.5 billion in pledges. In addition, the World Bank plans major new loans in 2002 and 2003 for HIV/AIDS, with a grant equivalency of over US$400 million per year. All the while, more countries are boosting their national budget allocations towards AIDS responses. Several ''least developed countries'' have received, or are in line for, debt relief that could help them increase their spending on HIV/AIDS.

More private companies are also stepping up their efforts. Guiding some of their interventions is a new international code of conduct on AIDS and the workplace, which was ratified earlier this year by members of the International Labour Organization (the new, eighth cosponsoring organization of UNAIDS).

The challenge now is to build on the newfound commitment and convert it into sustained action—both in the countries and regions already hard hit, and in those where the epidemic began later but is gathering steam.

*Beyond complacency*

The diversity of HIV's spread worldwide is striking. But in many regions of the world, the HIV/AIDS epidemic is still in its early stages. While 16 sub-Saharan African countries reported overall adult HIV prevalence of more than 10 percent by the end of 1999, there remained 119 countries of the world where adult HIV prevalence was less than 1 percent.

Low national prevalence rates can, however, be very misleading. They often disguise serious epidemics that are initially concentrated in certain localities or among specific population groups and that threaten to spill over into the wider population.

Nationwide prevalence in Myanmar, for instance, has been put at 2 percent. Yet, national HIV rates as high as 60 percent are being registered among injecting drug users and almost 40 percent among sex workers. Moreover, in vast populous countries such as China, India and Indonesia (where individual provinces or states often have more inhabitants than most countries), national prevalence all but loses meaning. The Indian states of Maharashtra, Andhra Pradesh and Tamil Nadu (each with at least 55 million inhabitants), have registered HIV prevalence rates of over 2 percent among pregnant women in one or two sentinel sites and over 10 percent among sexually transmitted infection patients—rates far higher than the national average of less than 1 percent. In the absence of vigorous prevention efforts, there is considerable scope for further HIV spread.

Even HIV prevalence rates as low as 1 percent or 2 percent across Asia and the Pacific (which is home to about 60 percent of the world's population) would cause the number of people living with HIV/AIDS to soar.

All countries have, at some point in their epidemic histories, been low-prevalence countries. HIV prevalence among pregnant women attending antenatal clinics in South Africa was less than 1 percent in 1990 (almost a decade after the first HIV diagnosis there in 1982). Yet, a decade later, the country was experiencing one of the fastest growing epidemics in the world, with prevalence among pregnant women at 24.5 percent by the end of 2000.

Low-prevalence settings present special challenges. At the same time, they offer opportunities for averting large numbers of future infections. Today, we are seeing rapidly emerging epidemics in several countries that had previously recorded relatively low rates of HIV infection—proof that the epidemic can emerge quickly and unexpectedly, and that no society is immune. In Indonesia, where recorded infection rates were negligible until very recently (even among some high-risk groups), there is new evidence of striking increases in the infection rates of HIV. Prevalence has risen significantly among female sex workers in three cities at opposite ends of the Indonesian archipelago, with similar increases also evident at other sites. Among women working in massage parlours in the capital, Jakarta, HIV prevalence was measured at 18 percent in 2000. Blood donor data now show a tenfold rise in HIV prevalence since 1998.

Elsewhere, longer-standing epidemics could be on the verge of spreading more rapidly and widely. Nepal and Viet Nam, for example, have registered marked increases in HIV infection in recent years, while in China—home to a fifth of the world's people—the virus seems to be moving into new groups of the population.

In other areas of the world, too, time is fast running out if much larger AIDS epidemics are to be averted. For instance, in the Russian Federation, only 523 HIV infections had been diagnosed by 1991. A decade later, that number had climbed to more than 129,000. In a country where injecting drug use among young people is rife (and there are higher levels of sexually transmitted infections in the wider population), there is an urgent need for action to avoid an even larger number of new infections.

*Prompt, focused prevention*

Countires that still have low levels of HIV infection should avert the epidemic's potential spread, rather than take comfort from current infection rates. The key to success in low-prevalence settings where HIV is not yet at risk to the wider population is to enable the most vulnerable groups to adopt safer sexual and drug-injecting behaviour, interrupt the virus's spread among and between those groups, and buy time to bolster the wider population's ability to protect itself against the virus.

This means, first, determining which population groups are at highest risk of infection and, second mustering the political will to safeguard them against the epidemic. At the same time, it is vital to defuse the stigma and blame so often attached to vulnerable groups and to deepen the wider public's knowledge and understanding of the epidemic.

Young people are a priority on this front. Twenty years into the epidemic, millions of young people know little, if anything, about HIV/AIDS. According to UNICEF, over 50 percent of young people (aged 15–24) in more than a dozen countries, including Bolivia, Botswana, Côte d'Ivoire, the Dominican Republic, Ukraine, Uzbekistan and Viet Nam, have never heard of AIDS or harbour serious misconceptions about how HIV is transmitted. Providing young people with candid information and life skills is a prerequisite for success in any AIDS response.

*Reclaiming the future*

The impact of the AIDS epidemic is being increasingly felt in many countries across the world. Southern Africa continues to be the worst affected area, with adult prevalence rates still rising in several countries. But elsewhere, also, in countries often already burdened by huge socioeconomic challenges, AIDS threatens human welfare, developmental progress and social stability on an unprecedented scale.

The AIDS epidemic has a profound impact on growth, income and poverty. It is estimated that the annual per capita growth in half the countries of sub-Saharan Africa is falling by 0.5–1.2 percent as a direct result of AIDS. By 2010, per capita GDP in some of the hardest hit countries may drop by 8 percent and per capita consumption may fall even farther. Calculations show that heavily affected countries could lose more than 20 percent of GDP by 2020. Companies of all types face higher costs in training, insurance, benefits, absenteeism and illness. A survey of 15 firms in Ethiopia has shown that, over a five-year period, 53 percent of all illnesses among staff were AIDS-related.

*Devastating cycles*

An index of existing social and economic injustices, the epidemic is driving a ruthless cycle of impoverishment. People at all income levels are vulnerable to the economic impact of HIV/AIDS, but the poor suffer most acutely. One quarter of households in Botswana, where adult HIV prevalence is over 35 percent can expect to lose an income earner within the next 10 years. A rapid increase in the number of very poor and destitute families is anticipated. Per capita household income for the poorest quarter of households is expected to fall by 13 percent, while every income earner in this category can expect to take on four more dependents as a result of HIV/AIDS.

In sub-Saharan Africa, the economic hardships of the past two decades have left three-quarters of the continent's people surviving on less than US $2 a day. The epidemic is deepening their plight. Typically, this impoverished majority has limited access to social and health services, especially in countries where public services have been cut back and where privatized services are unaffordable. In hard-hit areas, households cope by cutting their food consumption and other basic expenditures, and tend to sell assets in order to cover the costs of health care and funerals.

Studies in Rwanda have shown that households with a HIV/AIDS patient spend, on average, 20 times more on health care annually than households without an AIDS patient. Only a third of those households can manage to meet these extra costs.

According to a new United Nations Food and Agricultural Organization (FAO) report, seven million farm workers have died from AIDS-related causes since 1985 and 16 million more are expected to die in the next 20 years. Agricultural output—especially of staple products—cannot be sustained in such circumstances. The prospect of widespread food shortages and hunger is real. Some 20 percent of rural families in Burkina Faso are estimated to have reduced their agricultural work or even abandoned their farms because of AIDS. Rural households in Thailand are seeing their agricultural output shrink by half. In 15 percent of these instances, children are removed from school to take care of ill family members and to regain lost income. Almost everywhere, the extra burdens of care and work are deflected onto women—especially the young and the elderly.

Families often remove girls from school to care for sick relatives or assume other family responsibilities, jeopardizing the girls' education and future prospects. In Swaziland, school enrollment is reported to have fallen by 36 percent due to AIDS, with girls most affected. Enabling young people—especially girls—to attend school and, hopefully, complete their education, is essential. South Africa's and Malawi's universal free primary education systems point the way. Schemes to provide girls with second-chance schooling are another option.

*Development and stability threatened*

Meanwhile, the epidemic is claiming huge numbers of teachers, doctors, extension workers and other human resources. In some countries, health-care systems are losing up to a quarter of their personnel to the epidemic. In Malawi and Zambia, for example, five-to-six-fold increases in health worker illness and death rates have reduced personnel, increasing stress levels and workload for the remaining employees.

Teachers and students are dying or leaving school, reducing both the quality and efficiency of educational systems. In 1999 alone, an estimated 860,000 children lost their teachers to AIDS in sub-Saharan Africa. In the Central African Republic, AIDS was the cause of 85 percent of the 300 teacher deaths that occurred in 2000. Already, by the late 1990s, the toll had forced the closure of more than 100 educational establishments in that country. In Guatemala, studies have shown that more than a third of children orphaned by HIV/AIDS drop out of school. In Zambia, teacher deaths caused by AIDS are equivalent to about half the total number of new teachers the country manages to train annually.

Replacing skilled professionals is a top priority, especially in low-income countries where governments depend heavily on a small number of policy-makers and managers for public management and core social services. In heavily affected countries, losing such personnel reduces capacity, while raising the costs of recruitment, training, benefits and replacements. A successful response to AIDS requires that essential public services, such as education, health, security, justice and institutions of democratic governance, be maintained. Each sector has to take account of HIV/AIDS in its own development plans and introduce measures to sustain public sector functions. Such actions might include fast-track training, as well as the recruitment of key civil servants and the reallocation of budgets towards the most essential services. Countries that explore innovative ways of maintaining and rebuilding capacity in government will be better equipped to contain the epidemic. Equally valuable are labour and social legislation changes that boost people's rights, more effective and equitable ways of delivering social services, and more extensive programmes that benefit those worst hit by the epidemic (especially women and orphans).

*Coping with crisis*

In the worst-affected countries, steep drops in life expectancies are beginning to occur, most drastically in sub-Saharan Africa, where four countries (Botswana, Malawi, Mozambique and Swaziland) now have a life expectancy of less than 40 years. Were it not for HIV/AIDS, average life expectancy in sub-Saharan Africa would be approximately 62 years; instead, it is about 47 years. In South Africa, it is estimated that average life expectancy is only 47 years, instead of 66, if AIDS were not a factor. And, in Haiti, it has dropped to 53 years (as opposed to 59).

The number of African children who had lost their mother or both parents to the epidemic by the end of 2000—12.1 million—is forecast to more than double over the next decade. These orphans are especially vulnerable to the epidemic, and the impoverishment and precariousness it brings.

As more infants are born HIV-positive in badly affected countries, child mortality rates are also rising. In the Bahamas, it is estimated that some 60 percent of deaths among children under the age of five are due to AIDS, while, in Zimbabwe, the figure is 70 percent.

Unequal access to affordable treatment and adequate health services is one of the main factors accounting for drastically different survival rates among those living with HIV/AIDS in rich and poor countries and communities. Public pressure and UN-sponsored engagements with pharmaceutical corporations (through the Accelerating Access Initiative), along with competition from generic drug manufacturers, has helped drive antiretroviral drug prices down. But prices remain too high for public-sector budgets in low-income countries where, in addition, health infrastructures are too frail to bring life-prolonging treatments to the millions who need it.

Backed by a strong social movement, Brazil's government has shown that those barriers are not impregnable and that the use of cheaper drugs can be an important element of a successful response. Along with Brazil, countries such as Argentina and Uruguay also guarantee HIV/AIDS patients free antiretroviral drugs. In Africa, several governments are launching programmes to provide similar drugs through their public health system, albeit on a limited scale, at first.

In all such cases, though, clearing the hurdle of high prices is essential but not enough. Also indispensable are functioning and affordable health systems. Massive international support is needed to help countries meet that challenge.

EASTERN EUROPE AND CENTRAL ASIA

HIV incidence is rising faster in this region than anywhere else in the world. There were an estimated 250,000 new infections in 2001, raising to 1 million the number of people living with HIV.

In the Russian Federation, the startling increase in HIV infections of recent years is continuing, with new reported diagnoses almost doubling annually since 1998. In 2001, more than 40,000 new HIV-positive diagnoses were reported in the first six months. The total number of HIV infections reported since the epidemic began came to more than 129,000 in June 2001—up from the 10,993 reported for the end of 1998. The actual number of people now living with HIV in the Russian Federation is estimated to be many times higher than these reported figures.

At 1 percent, the adult HIV prevalence rate in Ukraine is the highest in the region. While injecting drug use is currently responsible for three-quarters of HIV infections in Ukraine, the proportion of sexually transmitted HIV infections is increasing. In Estonia, reported HIV infections have soared from 12 in 1999 to 1,112 in the first nine months of 2001. Outbreaks of HIV-related injecting drug use are also being reported in several Central Asian republics, including Kazakhstan and, most recently, Kyrgyzstan, Tajikistan and Uzbekistan.

Given the current evidence, a much larger and more generalized epidemic is a real threat. However, the epidemic is still at an early stage in the region and massive prevention efforts could curtail its scale and extent. Such efforts would require a comprehensive response to reduce risky sexual and drug-injecting behaviour among young people, and tackle the socioeconomic and other factors that promote the spread of the virus.

In the Russian Federation and other parts of the former Soviet Union, the vast majority of reported HIV infections are related to injecting drug use, which has become unusually widespread among young people, especially young men. An estimated 1 percent of the population of those countries is injecting drugs. Given the high odds of transmission through needle sharing, the fact that the young people are also sexually active, and the high levels of sexually transmitted infections in the wider population, a huge epidemic may be imminent. As well, the male-female ratio among newly detected HIV cases has narrowed from 4:1 to 2:1, indicating that young women are increasingly at risk of HIV infection.

Several factors are creating a fertile setting for the epidemic; mass unemployment and economic insecurity beset much of the region; social and cultural norms are being increasingly liberalized; and public health services are steadily disintegrating.

Reported rates of other sexually transmitted infections are very high and compound the odds of HIV being transmitted through unprotected sex. The incidence of syphilis (the reported number of infections in a given year) in the Russian Federation in 2000 stood at 157 per 100,000 persons, compared to 4.2 per 100,000 persons in 1987. Similar general trends are visible in the Baltic States, Belarus, the Central Asian republics, the Republic of Moldova, and Ukraine.

Unprecedented numbers of young people are not completing their secondary schooling. With jobs in short supply, many are at special risk of joining groups of vulnerable populations, by resorting to injecting drug use and (regular or occasional) sex work. Among young people in the Russian Federation, for instance, drug use is almost three times more prevalent than it was five years ago. Drug use is steadily becoming a more frequent feature of secondary school life in many cities. Needle sharing is common practice among injecting drug users—and a common cause of HIV transmission. Surveys in some cities in the Russian Federation show that most sex workers are 17–23 years old and that condom use in the sex industry is erratic, at best.

HIV risk is high among men who have sex with men, among whom multiple partners and unprotected sex are widespread. While laws penalizing homosexual activities with imprisonment have been struck off the statute books in the Russian Federation and in most (though not all) other countries of the former Soviet Union, men who have sex with men remain highly stigmatized socially. Currently, there are very few examples of HIV prevention activities targeting this group.

In south-eastern Europe, rates of sexually transmitted infections and injecting drug use are also on the rise, although still at considerably lower levels than elsewhere in the region. Drug trafficking, along with the economic and psychological aftermath of recent conflicts, are increasing the likelihood that HIV epidemics will emerge in this region.

In Central Europe, there is cause for tempered optimism. There is little indication, at this stage, of a potential rise in HIV infections. By mounting a strong national response, the Polish Government has successfully curtailed the epidemic among injecting drug users and prevented it from gaining a foothold in the general population. Prevalence remains low in countries such as the Czech Republic, Hungary and Slovenia, where well-designed national HIV/AIDS programmers are in operation.

More than 150 HIV/AIDS prevention projects among injecting drug users have been set up across the region in the past five years, along with projects focusing on other vulnerable populations such as prison inmates, sex workers and men who have sex with men. Although comparatively few in number, many of these projects are laying the foundations for larger, more extensive prevention work.

At the same time, there are signs of growing political commitment in the region. Following the UN General Assembly Special Session on HIV/AIDS, countries of the Commonwealth of Independent States are developing a special declaration on the epidemic and are preparing a regional work plan to guide a coordinated response. In countries such as Bulgaria, Romania, the Russian Federation and Ukraine, the budgets of national AIDS programmes have increased substantially. The strong partnerships being forged between the government, private sector and nongovernmental organizations in Ukraine are setting a positive example for the rest of the region. In June 2001, the President of Ukraine declared 2002 the year of the fight against AIDS.

Vigorous prevention efforts are needed to equip young people with the knowledge and services (such as HIV/AIDS information, condom promotion, life-skills training) they need to protect themselves against the virus. Given that young people (especially women) are bearing the brunt of the economic transitions in the region, socioeconomic programmes that can reduce the vulnerability of young men and women are also vital.

Special steps are needed to include HIV-related life-skills education in school curricula and to extend peer education to vulnerable young people who are in institutions or out of school and employment. Much more comprehensive efforts are needed to address the complex issues related to HIV and injecting drug use among young people.

ASIA AND THE PACIFIC

HIV/AIDS was late coming to Asia. Until the late 1980s, no country in the region had experienced a major epidemic and, in 1999, only Cambodia, Myanmar and Thailand had documented significant nationwide epidemics. This situation is now rapidly changing. In 2001, 1.07 million adults and children were newly infected with HIV in Asia and the Pacific, bringing to 7.1 million the total number of people living with HIV/AIDS in this region. Of particular concern are the marked increases registered in some of the world's most heavily populated countries.

Surveillance data on China's huge population are sketchy, but the country's health ministry estimates that about 600,000 Chinese were living with HIV/AIDS in 2000. Given the recently observed rises in reported HIV infections and infection rates in many sub-populations in several parts of the country, the total number of people living with HIV/AIDS in China could well have exceeded one million by late 2001. Reported HIV infections rose by 67.4 percent in the first six months of 2001, compared with the previous year, according to the country's ministry of health. Increasing evidence has emerged of serious epidemics in Henan Province in central China, where many tens of thousands (and possibly more) of rural villages have become infected since the early 1990s by selling their blood to collecting centres that did not follow basic blood donation safety procedures.

HIV levels in specific groups are known to be rising in several other areas. Seven Chinese provinces were experiencing serious labor HIV epidemics in 2001, with prevalence higher than 70 percent among injecting drug

users in a number of areas, such as Yili Prefecture in Xinjiang and Ruili Country in Yunnan. Another nine provinces are possibly on the brink of HIV epidemics among injecting drug users because of very high rates of needle sharing. There are also signs of heterosexually transmitted HIV epidemics in at least three provinces (Yunnan, Guangxi and Guangdong), with HIV rates reaching 4.6 percent (up from 1.6 percent in 1999) in Yunnan and 10.7 percent in Guangxi (up from 6 percent) among sentinel sex worker populations in 2000.

Vast and populous India faces similar challenges. At the end of 2000, the national adult HIV prevalence rate was under 1 percent, yet this meant that an estimated 3.86 million Indians were living with HIV/AIDS—more than in any other country besides South Africa. Indeed, median HIV prevalence among women attending antenatal clinics was higher than 2 percent in Andhra Pradesh and exceeded 1 percent in five other states (Karnataka, Maharashtra, Manipur, Nagaland and Tamil Nadu) and in several major cities (including Bangalore, Chennai, Hyderabad and Mumbai). India's epidemic is also strikingly diverse, both among and within states.

Indonesia—the world's fourth-most populous country—offers an example of how suddenly a HIV/AIDS epidemic can emerge. After more than a decade of negligible rates of HIV, the country is now seeing infection rates increase rapidly among injecting drug users and sex workers, in some places, along with an exponential rise in infection among blood donors (an indication of HIV spread in the population at large). HIV infection in injection drug users was not considered worth measuring until 1999/2000, when it had already reached 15 percent. Within another year, 40 percent of injectors in treatment in Jakarta were already infected. In Bogor, in West Java Province, 25 percent of injecting drug users tested were HIV-infected, while among drug-using prisoners tested in Bali, prevalence was 53 percent.

Behaviours that bring the highest risk of infection in Asia and the Pacific are unprotected sex between clients and sex workers, needle sharing and unprotected sex between men. But infections do not remain confined to those with higher-risk behaviour. Many countries have been major epidemics grow out of initially relatively contained rates of infection in these populations. Northern Thailand's epidemic in the late 1980's and early 1990s was primed in this way. Over 10 percent of young men became infected before strong national and local prevention efforts, including the ''100 percent programme'', reduced high-risk behaviour, encouraged safer sex and lowered HIV prevalence.

Commercial sex provides the virus with considerable scope for growth. The limited national behavioural data collected in the region to date show that, over the past decade, the percentage of surveyed adult men who reported having visited a sex worker in a given year ranged from 5 percent in some countries to 20 percent in others. India and Viet Nam are countries where levels of infection among clients and sex workers are rising. In Ho Chi Minh City, the percentage of sex workers with HIV has risen sharply since 1998, reaching more than 20 percent by 2000.

Few countries are acting vigorously enough to protect sex workers and clients from the HIV virus. Yet, it is from the comparatively small pool of sex workers first infected by their clients that HIV steadily enters the larger pool of still-uninfected clients who eventually transmit the virus to their wives and partners. Although recent behaviour surveillance surveys show that, in 11 out of 15 Asian countries and Indian states, over two-thirds of sex workers report using a condom with their last client, the need to boost condom use remains. In Bangladesh, Indonesia, Nepal and the Philippines, for instance, fewer than half of sex workers report using condoms with every client.

Sharing injecting equipment is a very efficient way of spreading HIV, making prevention programmes among injecting drug user populations another top priority. Upwards of 50 percent of injecting drug users have acquired the virus in Myanmar, Nepal, Thailand, China's Yunnan Province and Manipur in India. Recent surveys show that a third of injecting drug users in Viet Nam said they recently shared needles with other users, while 55 percent of male injecting drug users in northern Bangladesh and 75 percent in the central region report sharing injecting equipment at least once in the week prior to being questioned.

Extensive harm reduction programmes can and do work. By the 1980s, Australia had prevented a major epidemic from occurring among injecting drug users and, quite likely, from spreading beyond them. Such examples are being followed by several other countries, but in an isolated fashion. The SHAKTI Project in Dhaka, Bangladesh, offers injecting drug users needle exchange, safer injecting options and safer sex education, as well as condoms. IKHLAS, in the Malaysian capital of Kuala Lumpur, provides peer support services, but the estimated 5000 injecting drug users reached are only a fraction of the country's drug-injecting population.

The need to expand such programmes nationally is patent is these concentrated epidemics are to be brought under control before they spill into the wider population. Many injecting drug users are sexually active young men. Many have steady partners; others buy sex. The overlap between injecting drug use and buying sex is striking. In some Vietnamese cities, 17 percent of male injecting drug users reported having recently bought unprotected sex. Between half and three-quarters of male injecting drug users in several cities of Bangladesh have reported buying sex from women during the past year, with fewer than one-quarter of them saying they had used a condom the last time they paid for sex. There also is increasing evidence of female sex workers taking up injecting drug use in Viet Nam.

Some self-identified ''gay'' communities exist throughout the region but, in most of Asia, many additional categories of men engage in same-sex intercourse. Many men who prefer sex with men also have sex with women. Indeed, many marry and raise families. This creates a huge potential for men who have unprotected sex with men to act as ''bridges'' for the virus in the wider population. In Cambodia, for instance, some 40 percent of men who have sex with men reported also having had sex with women in the month prior to being surveyed.

At the same time, there is ample evidence that early, large-scale and focused prevention programmes, which include efforts directed at both those with higher-risk behavior and the broader population, can keep infection rates lower in specific groups and reduce the risk of extensive HIV spread among the wider population. Cambodia's prevention measures, which began in earnest in 1994–95, saw high-risk behavior among men fall and condom use rise consistently in the late 1990s. As a consequence, HIV prevalence among pregnant women declined from 3.2 percent in 1997 to 2.3 percent at the end of 2000, suggesting that the country is beginning to bring its epidemic under control.

Thailand's well-funded, politically-supported and comprehensive prevention programmes, which accelerated in the early 1990s have trimmed annual new HIV infections to about 30,000, from a high of 140,000 a decade ago. Although an estimated 700,000 Thais are living with HIV today, Thailand's prevention efforts probably averted millions of HIV infections. Nonetheless, one-in-60 Thais in this country of 62 million people is infected with HIV, and AIDS has become the leading cause of death, despite the country's prevention successes. There are indications that transmission between spouses is now responsible for more than half of new infections—a reminder that mainly targeting high-risk groups is inadequate, and that countries need to carefully track patterns of HIV spread and adapt their responses accordingly. Furthermore, ongoing high rates of HIV infection through needle sharing in Thailand highlight the need to sustain prevention efforts as the epidemic evolves.

In large parts of Asia and the Pacific, prevention programmes are poorly funded and resourced. Typically, small projects are scattered across countries and do not acquire the scale or coherence that is needed to halt the epidemic's spread. Because many high-risk practices are frowned upon and even criminalized, there are serious political hurdles to prevention.

SUB-SAHARAN AFRICA

Sub-Saharan Africa remains the region most severely affected by HIV/AIDS. Approximately 3.4 million new infections occurred in 2001, bringing to 28.1 million the total number of people living with HIV/AIDS in this region.

The region is experiencing diverse epidemics in terms of scale and maturity. HIV prevalence rates have risen to alarming levels in parts of southern Africa, where the most recent antenatal clinic data reveal levels of more than 30 percent in several areas. In Swaziland, HIV prevalence among pregnant women attending antenatal clinics in 2000 ranged from 32.3 percent in urban areas to 34.5 percent in rural areas; in Botswana, the corresponding figures were 43.9 percent and 35.5 percent. In South Africa's KwaZulu-Natal Province, the figure stood at 36.2 percent in 2000.

At least 10 percent of those aged 15–49 are infected in 16 African countries, including several in southern Africa, where at least 20 percent are infected. Countries across the region are expanding and upgrading their responses. But the high prevalence rates mean that even exceptional success on the prevention front will now only gradually reduce the human toll. It is estimated that 2.3 million Africans died of AIDS in 2001.

This notwithstanding, in some of the most heavily affected countries there is growing evidence that prevention efforts are bearing fruit. One new study in Zambia shows urban men and women reporting less sexual activity, fewer multiple partners and more consistent use of condoms. This is in line with earlier indications that HIV prevalence is declining among urban residents in Zambia, especially among young women aged 15–24.

According to the South African Ministry of Health, HIV prevalence among pregnant women attending antenatal clinics reached 24.5 percent in 2000. About one-in-nine South Africans (or 4.7 million people) are living with HIV/AIDS. Yet, there are possibly heartening signs that positive trends might be increasingly taking hold among adolescents, for whom prevalence rates have dropped slightly since 1998. Large-scale information campaigns and condom distribution programmes appear to be bearing fruit. In South Africa, for instance, free male condom distribution rose from 6 million in 1994 to 198 million five years later. In recent surveys, approximately 55 percent of sexually active teenage girls reported that they always use a condom during sex. But these

developments are accompanied by a troubling rise in prevalence among South Africans aged 20–34, highlighting the need for greater prevention efforts targeted at older age groups, and tailored to their realities and concerns.

Progress is also being made on the treatment and care front. In the southern African region, relatively prosperous Botswana has become the first country to begin providing antiretroviral drugs through its public health system, thanks to a bigger health budget and drug price reductions negotiated with pharmaceutical companies.

Within the context of a public/private partnership between five research-and-development pharmaceutical companies and five United Nations agencies, there is increasing access to antiretroviral therapy in Africa. As of the end of 2001, more than 10 African countries were providing antiretroviral therapy to people living with HIV/AIDS.

In five West African countries—Burkina Faso, Cameroon, Côte d'Ivoire, Nigeria and Togo—national adult prevalence rates already passed the 5 percent mark in 2000. Countries such as Nigeria are boosting their spending on HIV/AIDS and extending their responses nationwide. This year, Nigeria launched a US $240-million HIV/AIDS Emergency Action Plan. Determined prevention efforts in Senegal continue to bear fruit, thanks to the prompt political support for its programmes.

On the eastern side of the continent, the downward arc in prevalence rates continues in Uganda—the first African country to have subdued a major HIV/AIDS epidemic. HIV prevalence in pregnant women in urban areas has fallen for eight years in a row, from a high of 29.5 percent in 1992 to 11.25 percent in 2000. Focusing heavily on information, education and communication, and decentralized programmes that reach down to village level, Uganda's efforts have also boosted condom use across the country. In the Masindi and Pallisa districts, for instance, condom use with casual partners in 1997—2000 rose from 42 percent and 31 percent, respectively, to 51 percent and 53 percent. In the capital, Kampala, almost 98 percent of sex workers surveyed in 2000 said they had used a condom the last time they had sex.

But despite such success, huge challenges remain. New infections continue to occur at a high rate. Most people with HIV do not have access to antiretroviral therapy. Already, by the end of 1999, 1.7 million children had lost a mother or both parents to the disease. Providing them with food, housing and education will test the resources and resolve of the country for many years to come.

Uganda's experience underlines the fact that even a rampant HIV/AIDS epidemic can be brought under control. The axis of any effective response is a prevention strategy that draws on the explicit and strong commitment of leaders at all levels, that is built on community mobilization, and that extends into every area of the country.

Although they are exceptionally vulnerable to the epidemic, millions of young African women are dangerously ignorant about HIV/AIDS. According to UNICEF, more than 70 percent of adolescent girls (aged 15–19) in Somalia and more than 40 percent in Guinea Bissau and Sierra Leone, for instance, have never heard of AIDS. In countries such as Kenya and the United Republic of Tanzania, more than 40 percent of adolescent girls harbor serious misconceptions about how the virus is transmitted. One of the targets fixed at the UN General Assembly Special Session on HIV/AIDS in June 2001 was to ensure that at least 90 percent of young men and women should, by 2005, have the information, education and services they need to defend themselves against HIV infection. As in other regions of the world, most countries in sub-Saharan Africa are a considerable way from fulfilling that pledge.

The vast majority of Africans living with HIV do not know they have acquired the virus. One study has found that 50 percent of adult Tanzanian women know where they could be tested for HIV, yet only 6 percent have been tested. In Zimbabwe, only 11 percent of adult women have been tested for the virus. Moreover, many people who agree to be tested prefer not to return and discover the outcome of those tests. However, other obstacles remain. A study in Abidjan, Côte d'Ivoire, shows that 80 percent of pregnant women who agree to undergo a HIV test return to collect their results. But of those who discover they are living with the virus, fewer than 50 percent return to receive drug treatment for the prevention of mother-to-child transmission of the virus.

More than half of the women who know they have acquired HIV, and who were surveyed by Kenya's Population Council this year, said they had not disclosed their HIV status to their partners because they feared it would expose them to violence or abandonment. Not only are voluntary counselling and testing services in short supply across the region, but stigma and discrimination continue to discourage people from discovering their HIV status.

Accumulating over the past year have been many encouraging developments. Thirty-one countries in the region have now completed a national HIV/AIDS strategic plan and another 12 are developing such a plan. Several regional initiatives to roll back the epidemic are under way. Some, such as those grouping countries in the Great Lakes region, the Lake Chad Basin and West Africa, are concentrating their efforts on reducing the vulnerability of refugee and other mobile populations. The political commitment to turn the tide of AIDS appears stronger than ever. Gatherings such as the 200 African Development Forum meeting last December, and the Organization of African Unity Summit HIV/AIDS, Tuberculosis and Other Related Infectious Diseases in April 2001, appear to be cementing that resolve. At the latter meeting, Heads of State agreed to devote at least 15 percent of their countries' annual budgets to improving health sectors. Fewer than five countries had reached that level in 2000.

AIDS has become the biggest threat to the continent's development and its quest to bring about an African Renaissance. Most governments in sub-Saharan Africa depend on a small number of highly skilled personnel in important areas of public management and core social services. Badly affected countries are losing many of these valuable civil servants to AIDS. Essential services are being depleted at the same time as state institutions and resources come under greater strain and traditional safety nets disintegrate. In some countries, health-care systems are losing up to a quarter of their personnel to the epidemic. People at all income levels are vulnerable to these repercussions, but those living in poverty are hit hardest. Meanwhile, the ability of the state to ensure law and order is being compromised, as the epidemic disrupts institutions such as the courts and the police. The risks of social unrest and even socio-political instability should not be underestimated.

THE MIDDLE EAST AND NORTH AFRICA

In the countries of the Middle East and North Africa, the visible trend is also towards increasing HIV infection rates, though still at very low levels. Existing surveillance systems remain inadequate, but it is estimated that 80,000 people acquired the virus in 2001, bringing to 440,000 the number of people living with HIV/AIDS. The need for early, effective prevention is becoming manifest throughout this region.

Unfortunately, factors driving the epidemic are still too seldom systematically analysed in most countries in the region. As a result, HIV/AIDS responses are rarely based on a clear understanding of infection patterns or knowledge of particular high-risk groups.

Based on current knowledge, however, factors putting people at risk are varied, though sexual intercourse remains the dominant route of transmission. A local study in Algeria has revealed prevalence rates of 1 percent among pregnant women. Outbreaks now appear to be occurring elsewhere, including in the Libyan Arab Jamahiriya, where all but a fraction of the 570 new HIV infections reported in 2000 were among drug users. Djibouti and the Sudan are facing growing epidemics that are being driven by combinations of socioeconomic disparities, large-scale population mobility and political instability.

The rate of HIV infection is increasing significantly in other vulnerable groups. Among prisoners in the Islamic Republic of Iran, rates of HIV infection have risen from 1.37 percent in 1999 to 2.28 percent in 2000. Besides the Sudan and the Republic of Yemen, all countries in the region have reported HIV transmission through injecting drug use. Unless addressed promptly through harm reduction and other prevention approaches, the epidemic among these subpopulations of injecting drug users could grow dramatically and spread into the wider population.

There are also signs that the double disease burden of HIV and tuberculosis is growing in some countries. Rates of HIV infection among tuberculosis patients are rising and, by mid-2001, stood at 8 percent in the Sudan, 4.8 percent in Oman, 4.2 percent in the Islamic Republic of Iran and 2.1 percent in Pakistan.

At the same time, the political will to mount a more potent response to the epidemic is visible in several countries, some of which are introducing innovative approaches. Examples include the mobilization of nongovernmental organizations around prevention programmes in Lebanon, and harm reduction work among injecting drug users in the Islamic Republic of Iran.

HIGH-INCOME COUNTRIES

Unless averted with renewed and more effective prevention efforts, resurgent epidemics will continue to threaten high-income countries, where over 75,000 people became infected with HIV in 2001.

In Australia, Canada, the United States of America (USA) and countries of Western Europe, a pronounced rise in unsafe sex is triggering higher rates of sexually transmitted infections and, in some cases, higher levels of HIV incidence among men who have sex with men. The prospect of rebounding HIV/AIDS epidemics looms as a result of widespread public complacency and stalled, sometimes inappropriate, prevention efforts that do not reflect changes in the epidemic. In Japan, meanwhile, HIV infections are also on the rise.

The rise in new HIV infections among men who have sex with men is striking. In Vancouver, Canada, HIV incidence among young men who have sex with men rose from an average of 0.6 percent in 1995–1999 to 3.7 percent in 2000. In London, United Kingdom, reported HIV infections among gay men are also on the rise. In Madrid, reported HIV infections rose almost twofold (from 1.16 percent to 2.16 percent in 1996–2000, whereas, in San Francisco, it rose from 1.1 percent in 1997 to 1.7 percent in 2000 and appears to be rising still, according to recent studies. Among gay men

who inject drugs in that city, the infection rate climbed from 2 percent in 1997 to 4.6 percent in 2000.

Rising incidence of other sexually transmitted infections among men who have sex with men (in Amsterdam, Sydney, London and southern California, for instance) confirms that more widespread risk-taking is eclipsing the safer-sex ethic promoted so effectively for much of the 1980s and 1990s. Similar trends are being detected among the heterosexual populations of some countries, especially among young people. Diagnoses of gonorrhea and syphilis among men and women have hit their highest levels for 13 years in England and Wales, for instance.

Part of the explanation could lie in the visibly life-saving effects of antiretroviral therapy, introduced in high-income countries in 1996. Deaths attributed to HIV in the USA, for instance, fell by a remarkable 42 percent in 1996–97, since the decline has levelled off. However, this wide access to antiretroviral therapy has encouraged misperceptions that there is now a cure for AIDS and that unprotected sex poses a less daunting risk. High-risk behaviour is increasing, as a result.

Prevention efforts, as well as treatment and care strategies, have to contend with other, significant shifts in the epidemic, such as its slow but apparently inexorable shift towards other vulnerable populations. At play appears to be an overlap of racial discrimination with income, health and other inequalities. In high-income countries there is evidence that HIV is moving into poorer and more deprived communities, with women at particular risk of infection. Young adults belonging to ethnic minorities (including men who have sex with men) face considerably greater risks of infection than they did five years ago in the USA. African-Americans, for instance, make up only 12 percent of the population of the USA, but constituted 47 percent of AIDS cases reported there in 2000. As elsewhere in the world, young disadvantaged women (especially African-American and Hispanic women) in the USA are being infected with HIV at higher rates and at younger ages than their male counterparts.

In the USA, men having sex with men is still the main mode of transmission (accounting for some 53 percent of new HIV infections in 2000), but almost one-third of new HIV-positive diagnoses were among women in 2000. In this latter group, an overlap of injecting drug use and heterosexual intercourse appears to be driving the epidemic. Indeed, injecting drug use has become a more prominent route of HIV infection in the USA, where an estimated 30 percent of new reported AIDS cases are related to this mode of transmission. In Canada, women now represent 24 percent of new HIV infections, compared to 8.5 percent in 1995.

The HIV epidemic in western and central Europe is the result of a multitude of epidemics that differ in terms of their timing, their scale and the populations they affect. Portugal faces a serious epidemic among injecting drug users. Of the 3733 new HIV infections reported there in 2000, more than half were caused by injecting drug use and just under a third occurred via heterosexual intercourse. Reports of new HIV infections also indicate that sex between men is an important transmission route in several countries, including Germany, Greece and the United Kingdom. Unfortunately, HIV reporting data are uneven in several of the more affected countries, including some of those believed to be most affected by the epidemic among injecting drug users.

In Japan, the number of HIV infections detected in men who have sex with men has risen sharply in recent years, with male-male sex now accounting for more than twice as many infections in men as heterosexual sex. This is a major departure from past patterns: until two years ago, the number of new infections reported in both groups was roughly equal.

There are also signs that the sexual behavior of youth in Japan could be changing significantly and putting this group at greater risk of HIV infection. Higher rates of Chlamydia among females and gonorrhoea infections among males, as well as a doubling of the number of induced abortions among teenage women in the past five years, suggest increased rates of unprotected sexual intercourse. Behavioral data, meanwhile, show low condom use, both in the general population and among sex workers.

LATIN AMERICA AND THE CARIBBEAN

Major differences in epidemic levels and patterns of HIV transmission are evident in Latin America and the Caribbean, where an estimated 1.8 million adults and children are living with HIV—including the 190,000 people who acquired the virus in the past year. Some 1.4 million people are living with HIV/AIDS in Latin America and 420,000 in the Caribbean.

In Central America and the Caribbean, HIV is mainly heterosexually transmitted, with unsafe sex and frequent partner exchange among young people high among the factors driving the epidemic. Other powerful dynamics are abetting the spread of HIV, notably the combination of socioeconomic pressures and high population mobility (including tourism).

The Caribbean is the second-most affected region in the world, with adult HIV prevalence rates only exceeded by those of sub-Saharan Africa. In several Caribbean countries, HIV/AIDS has become a leading cause of death. Worst affected are Haiti and the Bahamas, where adult HIV prevalence rates are above 4 percent. But the epidemic is by no means concentrated only in the Caribbean.

Along with Barbados and the Dominican Republic, several Central American and Caribbean countries had adult HIV prevalence rates of at least 1 percent at the end of 1999, including Belize, Guyana, Honduras, Panama and Suriname. By contrast, prevalence is lowest in Bolivia, Ecuador and other Andean countries. Almost three-quarters of AIDS cases reported in Central America are the result of sex between men and women. On some Caribbean islands, the phenomenon of young women having sex with older men is especially prominent, and is reflected in the fact that the HIV rate among girls aged 15–19 is up to five times that of boys in the same age group. Research among sex workers in Guyana's capital, Georgetown, has found that 46 percent of surveyed sex workers were living with HIV/AIDS, that more than one-third of them never used a condom with their clients, and that almost three-quarters did not use condoms with their regular partners. The probability of the virus passing into the wider population is therefore high.

In Costa Rica, Mexico, Nicaragua and parts of the Andean region, sex between men is the more prominent route of HIV transmission. Recent studies among men who have sex with men in Mexico have shown that just over 14 percent were HIV-positive. Prevalence rates among heterosexual sex workers and sexually transmitted infection patients in Mexico, meanwhile, appear still to be low. Injecting drug use is a main route of HIV transmission in Argentina, Chile and Uruguay, and also plays a major role in Brazil. Patterns of transmission can also differ markedly within countries—a reminder that universal national programmes are inappropriate. In Colombia's highlands, for instance, unprotected sex between men accounts for most HIV infections, while, on the coast, heterosexual intercourse is the main route of transmission.

Countries' commitment to stem the epidemic and limit its effects has grown markedly. Several countries have launched or are developing government programmes to distribute antiretroviral drugs to HIV/AIDS patients. But there are wide disparities in the quality and scope of different countries' antiretroviral treatment programmes. The wide access to treatment that people living with HIV/AIDS have in countries such as Argentina, Brazil and Uruguay is not yet matched in most other countries of the Americas. Up to recently, Central America experienced a large gap in access to treatment. Now, however, countries such as Costa Rica and Panama are providing treatment access. Caribbean countries are currently developing a regional strategy to speed up and expand access to treatment and care for people living with HIV/AIDS. Countries such as Barbados and Trinidad and Tobago are preparing to implement new national programmes.

In Brazil, a substantial decline in HIV prevalence among injecting drug users has been observed recently in several large metropolitan areas. This suggests that HIV/AIDS prevention and harm reduction programmes in those cities have made possible safer injection habits among these populations. Brazil's prevention efforts are being balanced with an extensive treatment and care programme that guarantees state-funded antiretroviral therapy for those living with HIV/AIDS. The number of people living with the virus in Brazil has reached about 600,000, according to the country's Health Ministry—up from 540,000 in 1999. An estimated 105,000 Brazilians are receiving antiretrovial drugs through the public health system.

A new political resolve is also apparent in several regional initiatives. Launched in February 2001, the Pan-Caribbean Partnership against HIV/AIDS, for instance, links the resources of governments and the international community with those of civil society to boost national and regional responses. It is being coordinated by the Caribbean Community Secretariat (CARICOM). On the basis of the Nassau Declaration issued in July 2001, as follow-up to the UN General Assembly Special Session on HIV/AIDS, Caribbean Heads of Government are also devising ways to support each other's national HIV/AIDS programmes and jointly negotiate affordable prices for antiretrovial drugs.

Meanwhile, protecting vulnerable populations on the move is now the focus of a regional initiative in Central America. Argentina, Chile, Paraguay and Uruguay are collaborating in harm-reduction schemes for injecting drugs users. National AIDS programmes have also joined a collaborative scheme to share technical assistance throughout Latin America and the Caribbean. Known as the Horizontal Technical Cooperation Group, it brings together more than 20 countries of the region.

EXPLANATORY NOTE ABOUT UNAIDS/WHO ESTIMATES

The UNAIDS/WHO estimates in this document are based on the most recent available data on the spread of HIV in countries around the world. They are provisional. UNAIDS and WHO, together with experts from national AIDS programmes and research institutions, regularly review and update the estimates as improved knowledge about the epidemic becomes available, while also drawing on advances made in the methods for deriving estimates.

The estimates and data provided in the graphs and tables are given in rounded numbers. However, unrounded numbers were used

in the calculation of rates and regional totals, so there may be small discrepancies between the global totals and the sum of the regional figures.

In 2001, new software was developed to model the course of HIV/AIDS around the world and to further enhance the quality of estimates of HIV/AIDS prevalence and impact. As a result, this year's estimates incorporate, in particular, new knowledge and assumptions about survival times for adults and children living with HIV/AIDS. Because of this, some of the new estimates cannot be compared directly with estimates from previous years.

UNAIDS and WHO will continue to work with countries, partner organizations and experts to improve data collection. These efforts will ensure that the best possible estimates are available to assist governments, nongovernmental organizations and others in gauging the status of the epidemic and monitoring the effectiveness of their considerable prevention and care efforts.

HIV/AIDS accounts for 70 percent of all cases of AIDS worldwide. Since its inception, more than 58 million individuals have been infected with HIV/AIDS, while 22 million have lost their lives, 17 million alone in sub-Saharan Africa. It is clearly the leading cause of death in sub-Saharan Africa. Further, 90 percent of the world's orphans reside in this region.

Given the loss of life AIDS has caused, the destruction of entire communities, and the long-term impact of economic growth, we must step up our efforts to fight this devastating disease. I have worked with the officials in Botswana who are struggling to combat the impact of HIV on their young adults, their most productive sector of their community. Therefore, we must do all we can.

I want to commend all involved and ask that we not only pass this bill, but do other things to fight this global pandemic.

Mr. HYDE. Madam Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Madam Speaker, I thank the gentleman for yielding time to me.

Let me first express my appreciation for the leadership of the gentleman from Illinois (Chairman HYDE), the gentleman from California (Mr. LANTOS), the gentleman from Nebraska (Mr. BEREUTER), and of course the gentlewoman from California (Ms. LEE) on this issue.

There should be no doubt that the United States confronts two wars simultaneously. One is the war on terrorism, waged with the scourge of biological weapons. The other is war on the devastating disease that is pandemic in so many poor parts of the world.

Einstein once said that splitting the atom has changed everything save our mode of thinking. Atom-splitting produced the potential for great good through nuclear energy, and the potential for great harm through weapons of mass destruction.

Now, the splitting of genes has come to symbolize an even greater change: the biological discoveries that promise to enrich and lengthen life on the one hand, and the possibility of biological weapons on the other that jeopardize life itself on the planet.

What we must be about is constraining the forces of evil and expanding the forces of life. We cannot win the war that terrorism has brought to our shore without waging with equal vigor the war on disease everywhere that it exists.

Mr. LANTOS. Madam Speaker, I am very pleased to yield 2 minutes to my dear friend and distinguished colleague, the gentlewoman from California (Ms. WATSON), who served our Nation with great distinction as a United States ambassador.

Ms. WATSON of California. Madam Speaker, we have already heard the figures of the number of Africans infected with HIV and AIDS. They are staggering, but deserve to be repeated once again: sub-Saharan Africa has only 10 percent of the world's population, but accounts for 70 percent of all HIV/AIDS cases and 80 percent of all HIV/AIDS-related deaths. The infection rate in some African nations now exceeds 30 percent; and in a few countries, it is approaching 40 percent of the total population.

Finally, the United States National Intelligence Council estimates that the disease could reduce the gross domestic product in some sub-Saharan Africa countries by as much as 20 percent or more by 2010. The social and economic consequences of this disease are not like any other public health threat that the world has faced in modern times. Important and hard-won economic gains made by African nations could be wiped out in less than a decade. Moreover, social dislocation caused by the high rates of death among HIV-infected mothers and fathers is already straining the outer bounds of fragile African nation states.

H.R. 2069, and I commend the sponsors, authorizes additional spending levels in excess of $1 billion for bilateral and multilateral HIV/AIDS assistance to African nations that is more in keeping with our international assistance obligations.

Madam Speaker, the HIV/AIDS pandemic in Africa not only presents us with a profoundly humanitarian, economic, and social dilemma, it also, in the very near term, if more is not done, may challenge the very notion of law-based nation states.

I support this legislation, and I would urge everyone else to do so.

Mr. HYDE. Madam Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I thank my good friend for yielding time to me.

Madam Speaker, I rise in strong support of H.R. 2069 and believe the gentleman from Illinois (Chairman HYDE) deserves special recognition and thanks for his persistence on behalf of all who are weak and vulnerable, including AIDS victims.

As my colleagues know, and has been said on the floor today, the scourge of AIDS around the globe has reached catastrophic proportions, particularly in sub-Saharan Africa. A December report by U.N. AIDS indicated that nearly 25.3 million adults and children are infected with the HIV virus in sub-Saharan Africa. To put this in perspective, this region has about 10 percent of the world's population, but more than 70 percent of the HIV/AIDS patients.

Madam Speaker, among the most tragic of the victims are the children who contact HIV via vertical transmission, from mother to child, during or shortly after childbirth. Some estimates place the number of vertical transmission cases at 600,000 babies annually in Africa. Madam Speaker, vertical transmission is specifically addressed in this bill. In an age where we already have proven drug regimens and methods to prevent mother-to-child transmission, and we have had them for sometime now, Madam Speaker, it is outrageous that so many children around the world are still contracting HIV/AIDS in this manner. This could be stopped, and this bill goes a long way to doing so.

I would also point out to my colleagues that during markup I offered an amendment in the area of hospice and palliative care. Madam Speaker, unfortunately, today, when people, particularly in Africa, get AIDS, they are treated as lepers, like we had in Biblical times: People go nowhere near them, even when they are family members.

Thankfully, there is an effort under way in Africa and elsewhere to reach out to these people so they can die in dignity, and hopefully with the least amount of pain as is humanly possible. In South Africa, the Catholic Church and Catholic Relief Services and others are doing incredible jobs of networking, of bringing the news that you can take care of an AIDS patient in your home without the fear of contamination yourself. There are methods and procedures that need to be followed; and thankfully, that word is getting out.

Madam Speaker, this legislation does address that and will target some resources in that direction.

Madam Speaker, this is a great bill. I hope Members will support it, and congratulations to the gentleman from Illinois (Chairman HYDE).

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

Madam Speaker, again I want to thank the gentleman from Illinois (Chairman HYDE) for his extraordinary leadership. I want to thank all my colleagues and staff for working on this landmark legislation, and I urge all of my colleagues to support it.

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

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

Madam Speaker, we got an awful lot done in this committee because of the great cooperation of the gentleman from California (Mr. LANTOS) and his staff; and I deeply appreciate it, particularly on this bill.

Mr. GILMAN. Madam Speaker, I rise in strong support for H.R. 2069, The Global Access to HIV/AIDS Prevention, Awareness, Education, and Treatment Act of 2001.

More than 58 million people worldwide are infected with HIV/AIDS making it more than just a humanitarian issue . . . it has become a national security, and developmental crisis. It is reported that ninety five percent of the world's HIV-infected people live in developing countries. Right next door, infection rates are rising rapidly in Haiti and the Caribbean, where an estimated 5 percent of the population has AIDS or is HIV-infected.

Madam Speaker, our nation has only begun to properly tackle AIDS and HIV infection in our nation. Our friends and neighbors in lesser developed nations are breaking under the pressure of the destruction that this terrible disease has brought to bear on them. H.R. 2069 helps to alleviate some of the suffering and will help to strengthen the social structures that are crumbling under the weight of the burden of carrying for so many.

Secretary Powell said it well when he stated that the United States has an obligation to do more ''if we believe in democracy and freedom (then we must work) to stop this catastrophe from destroying whole economies and families and societies and cultures and nations.''

Accordingly, Madam Speaker, I urge my colleagues to support H.R. 2069.

Ms. SCHAKOWSKY. Madam Speaker, I rise in strong support of H.R. 2069, The Global Access to HIV/AIDS Prevention Act of 2001. I want to commend and thank the distinguished Chairman (Mr. HYDE) and Ranking Member (Mr. LANTOS) of the International Relations Committee, the authors of this important legislation for their efforts and for their leadership. I also want to commend the gentlewoman from California (Ms. LEE) for her continuing leadership and commitment on this critical issue. The bill we have before us today is another step in the right direction for the global struggle against HIV/AIDS.

H.R. 2069 authorizes a total of $1.3 billion for the prevention, treatment, and monitoring of acquired immune deficiency syndrome (AIDS) in sub-Saharan Africa and other developing countries. The bill authorizes $560 million in bilateral assistance for various AIDS treatment/prevention programs administered by the U.S. Agency for International Development (AID), and it authorizes a $750 million U.S. commitment to multilateral efforts to fight the pandemic. The bill also authorizes $50 million for AIDS drug procurement.

Funds in this measure will be used to cover many of the needs created by HIV/AIDS. The bill is directed toward prevention, education, testing and counseling, including strengthening and broadening the capacity of indigenous health care systems. The bill also includes assistance aimed at mother-to-child transmission prevention, and strengthening and expanding hospice and palliative care programs, as well as care for children orphaned by HIV/AIDS, improved infrastructure, and vaccine research. Finally, H.R. 2069 includes funds for income generation programs targeting assistance to HIV/AIDS affected populations, particularly those groups and individuals who are at the highest risk of being infected, including women.

I am particularly pleased that this body has recognized the importance of providing end of life care for those that are losing their struggle with AIDS and that we have acknowledged the particular plight that AIDS means for women and children.

We have all heard some of the staggering statistics about AIDS. However, I believe that at least some of them need to be repeated time and again until necessary results are achieved.

Since the HIV–AIDS pandemic began, it has claimed over 22 million lives. Over 17 million men, women and children have died due to AIDS in sub-Saharan Africa alone. Over 40 million people are infected with the HIV virus today. Over 25 million of them live in sub-Saharan Africa. By 2010, approximately 40 million children worldwide will have lost one or both of their parents to HIV–AIDS.

Each day AIDS kills more than 7,000 people in sub-Saharan Africa alone, and the pandemic continues to escalate in the Caribbean, Asia, Russia and elsewhere with more than 8,000 people around the world perishing from AIDS each day. This human catastrophe is unlike anything the world has known.

While an encouraging symbol of progress, awareness, and compromise, the funding set forth by this bill alone will not be enough. In order to satisfy the demands posed by the AIDS pandemic, it has been estimated that sub-Saharan Africa will need as much as $15 billion a year.

I want to take this opportunity to include for the RECORD a compelling article from the December 6 New York Times. The article goes a long way toward dispelling the myth that robust drug treatment programs cannot be implemented in poor developing nations. I agree with the article that what we can learn from the example of Haiti is that, ''if we do not treat the millions of Africans dying of AIDS, it is because we have chosen not to, not because we can't.'' Indeed, we can and should help Africans and all of those struggling against the scourge of AIDS. The virus knows no bounds and failing to attack it with every resource at our disposal would not only be morally reprehensible, it will leave this nation more vulnerable to perhaps the greatest threat we have ever faced.

Again, I commend all of those who helped to bring this important measure to the floor and urge all members to vote in support of H.R. 2069.

LEARN FROM HAITI

(By Howard Hiatt)

Of the 28 million people in Africa with AIDS, no more than 25,000 have access to medications. Officials of both Western nations and some affected countries—like South Africa, which has millions in immediate need of treatment—have said that poor countries have too few clinics and doctors and that their populations are too poorly educated to allow treatment of all infected people. This contention has become familiar in the debate over international financing to treat H.I.V.

But it is a misconception. At a health center in Haiti, a country at the very bottom of the economic heap, H.I.V. infections are controlled as effectively as in America. And the success at this health center, sponsored by Partners in Health, a non-profit charity affiliated with Harvard Medical School, could be replicated all over the world if the wealthy nations chose to provide the financing. The barrier to the use of AIDS drugs for all H.I.V. patients is not some physical or educational impossibility; it is lack of will.

The center is in Cange, an impoverished village of small houses with corrugated roofs and dirt floors. There and nearby, care is delivered with skill and personal attention comparable to that in American teaching hospitals.

The compound was begun in 1983 by Paul Farmer, a physician and anthropologist now at Harvard Medical School, and the Rev. Fritz Lafontant, a Haitian Episcopal priest. Working with Dr. Farmer and Jim Yong Kim, another American physician-anthropologist, are Haitian doctors and nurses and about 200 community health workers, who make this model of health care succeed.

About 1,400 of the patients have H.I.V.; of these, 100 of the sickest receive the advanced medicines used to treat AIDS in the United States and now function normally. Their care is supervised by the local health workers, who are trained at the clinic. The health center's operations are financed by donations, and the doctors will treat another 100 desperately ill patients with the AIDS drugs if they can persuade drug companies to donate them.

Partners in Health also applies the principles used in Cange at a center in Peru and one in Mexico. In each case, training community health workers allows the development of a system that can offer sustained treatment for people ill with hard-to-cure diseases. The center in Lima has cured more than 80 percent of patients with drug-resistant tuberculosis—something many tuberculosis experts and even the World Health Organization had thought impossible.

What these doctors do to treat H.I.V. infection is a small effort against a huge worldwide problem. But they have shown that if we do not treat the millions of Africans who are dying of AIDS, it is because we have chosen not to, not because we can't.

Mrs. CHRISTENSEN. Madam Speaker, I rise in support of H.R. 2069, the Global Access to HIV/AIDS Prevention, Awareness, Education and Treatment Act of 2001 and I commend my colleagues Chairman HYDE, Ranking Member LANTOS and my friend Congresswoman BARBARA LEE for their work in bringing this bill to the floor today.

Madam Speaker, H.R. 2069 is badly needed, and my only regret is that we didn't pass it sooner. Just 10 days ago we celebrated World Aids Day to call attention to the global scourge of HIV/AIDS which has, to date, claimed an estimated four million children world wide and the news gets worse, every day. Everyday AIDS kills more than 7,000 people in sub-Saharan Africa. The AIDS pandemic continues to escalate in the Caribbean, Asia, and Russia and according to today's New York Times; the Chinese central government is taking steps to address its growing AIDS problem. This pandemic is now projected to infect over 100 million people with a deadly incurable virus by 2007.

We must realize that we are no longer a world where any one country, or even one neighborhood can labor under the impression that they are isolated. The devastation and the disruptive effects of the HIV/AIDS pandemic may be at its very worse in far away, exotic lands but the dire effects will ripple until they reach our shores.

The Global Access to HIV/AIDS Prevention, Awareness, Education and Treatment Act of 2001 is a step in the right direction in this regard, because it urges the United States and

other developed countries to provide assistance to sub-Saharan Africa and other developing countries, with respect to activities supported in connection with health programs, to control the HIV/AIDS pandemic through HIV/AIDS prevention, treatment, monitoring and related activities, particularly focused on women and youth—including mother-to-child transmission prevention strategies.

I urge my colleagues to support this important and badly need bill.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in strong support of H.R. 2069, the Global Access to HIV/AIDS Prevention, Awareness, Education and Treatment Act of 2001. This bill authorizes assistance to combat the HIV/AIDS pandemic in countries in sub-Saharan Africa and other developing countries. This pandemic is more than an international public health issue, but also a humanitarian, national security, and development crisis.

Sub-Saharan Africa has been the hardest hit region and has been disproportionately affected by the deadly disease. Only 10 percent of the world's population live south of the Sahara, but the region is home to two-thirds of the world's HIV-positive suffering people, accounting for more than 80 percent of all AIDS deaths. In fact, Botswana has an estimated infection rate of 36 percent the highest in the world. Zimbabwe's infection rate is 25 percent, and South Africa's infection rate is 20 percent.

Today, forty million people around the world live with and suffer from HIV/AIDS. Twenty-eight million of them live in the Sub-Saharan African region alone. On the continent of Africa, there are an estimated 11,000 new infections per day, and by the end of this year, approximately 2.3 million Africans will have died from HIV infection.

AIDS does not discriminate against color, and regrettably, it does not discriminate against age. In Africa, 3.8 million children under the age of 15 have died since the beginning of the epidemic 20 years ago. Throughout Africa, 6 out of 7 children who are HIV positive are little girls. Many children are also being orphaned by HIV; losing their mothers or both parents to AIDS. So far, the AIDS pandemic has left behind 13 million orphans, of whom 9 percent currently live in Africa. By 2010, if we do nothing, an estimated 40 million children will be orphaned by this tragic disease. These numbers will lead to the absolute decay of many African societies. As a consequence to losing their parents, children are drawn into prostitution, crime, substance abuse, and child soldiery, and to the kind of destitution unbelievable to most Americans.

Madam Speaker, I traveled to the South African region in 1999 and in July of this year, and what I witnessed was unbelievable! It was a life-altering event to see and meet with the people infected by this deadly virus. But what affected me the most was witnessing the thousands of orphaned children whose parents had died from AIDS.

On November 28, the Global Health Alliance released a report entitled "Pay Now or Pay More Later: An Independent Report on the Response to the Global HIV/AIDS Pandemic". The following day, the African Ambassadors Group and International AIDS Trust sponsored a briefing on Refocusing and Reaffirming our Commitment to AIDS". This is clearly a global issue and it is everyone's problem. The key to fighting this virus must involve a comprehensive approach that includes prevention, education, and support of a health care infrastructure. H.R. 2069 prescribes such an approach. H.R. 2069 also authorizes funds to improve orphan care, encourage hospice and palliative care, strengthen existing health care systems, and to procure medicines and anti-viral therapies to treat the disease. HIV prevention efforts must take into account social and economic factors, such as poverty, underemployment, and poor access to health care, all of which disproportionately affects African societies.

As Members of Congress, we must continue to fight the struggle and persist in obtaining increased funding for the global AIDS response. This is one of the great challenges of our time and of this generation. H.R. 2069 gives us the tools to help overcome this challenge and I urge my colleagues to support this legislation.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 2069, as amended.

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

The title was amended so as to read: "A bill to amend the Foreign Assistance Act of 1961 and the Global AIDS and Tuberculosis Relief Act of 2000 to authorize assistance to prevent, treat, and monitor HIV/AIDS in sub-Saharan African and other developing countries.".

A motion to reconsider was laid on the table.

## SUPPORT FOR TENTH ANNUAL MEETING OF ASIA PACIFIC PARLIAMENTARY FORUM

Mr. BEREUTER. Madam Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 58) expressing support for the tenth annual meeting of the Asia Pacific Parliamentary Forum.

The Clerk read as follows:

S. CON. RES. 58

Whereas the Asia Pacific Parliamentary Forum was founded by former Japanese Prime Minister Yasuhiro Nakasone in 1993;

Whereas the Tokyo Declaration, signed by 59 parliamentarians from 15 countries, entered into force as the founding charter of the forum on January 14 and 15, 1993, establishing the basic structure of the forum as an interparliamentary organization;

Whereas the original 15 members, one of which was the United States, have increased to 27 member countries;

Whereas the forum serves to promote regional identification and cooperation through discussion of matters of common concern to all member states and serves, to a great extent, as the legislative arm of the Asia-Pacific Economic Cooperation;

Whereas the focus of the forum lies in resolving political, economic, environmental, security, law and order, human rights, education, and cultural issues;

Whereas the forum will hold its tenth annual meeting on January 6 through 9, 2002, which will be the first meeting of the forum hosted by the United States;

Whereas approximately 270 parliamentarians from 27 countries in the Asia Pacific region will attend this meeting;

Whereas the Secretariat of the meeting will be the Center for Cultural and Technical Exchange Between East and West in Honolulu, Hawaii;

Whereas the East-West Center is an internationally recognized education and research organization established by the United States Congress in 1960 largely through the efforts of the Eisenhower administration and the Congress;

Whereas it is the mission of the East-West Center to strengthen understanding and relations between the United States and the countries of the Asia Pacific region and to help promote the establishment of a stable, peaceful and prosperous Asia Pacific community in which the United States is a natural, valued, and leading partner; and

Whereas it is the agenda of this meeting to advance democracy, peace, and prosperity in the Asia Pacific region: Now, therefore be it

*Resolved by the Senate (the House of Representatives concurring)*, That the Congress—

(1) expresses support for the tenth annual meeting of the Asia Pacific Parliamentary Forum and for the ideals and concerns of this body;

(2) commends the East-West Center for hosting the meeting of the Asia Pacific Parliamentary Forum and the representatives of the 27 member countries; and

(3) calls upon all parties to support the endeavors of the Asia Pacific Parliamentary Forum and to work toward achieving the goals of the meeting.

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

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. BEREUTER. Madam Speaker, I yield such time as he may consume to the distinguished gentleman from New York (Mr. HOUGHTON), who is the sponsor of this legislation; and he has been the leading force in the House participation in the Asia Pacific Parliamentary Forum.

Mr. HOUGHTON. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I would like to talk very briefly on Senate Concurrent Resolution 58, which really supports the tenth annual meeting of the Asia Pacific Parliamentary Forum.

Madam Speaker, this is a forum, I think it is important to know, that was organized by parliamentarians in the Pacific Rim, including about 27 different nations. The reason we are part of it is because of California, Oregon,

Washington, Alaska, and Hawaii. It was started by former Prime Minister Nakasone of Japan, and also Senator William Roth, who worked very, very closely together; and it is loosely modeled on the APEC forum.

The forum is hosted in a different country every year, and we have been to Australia and Chile and Japan and Canada and many other nations. This is the first year that this forum will be held in the United States, and we are hoping that this resolution will pass in order to authenticate that.

It starts on January 6 and it goes through January 9. We will meet in Honolulu. Senator AKAKA, who is the Senate co-chair, had introduced this resolution in the Senate earlier.

□ 1515

It is really going to be hosted by the East-West Center which is headed by a group out in Honolulu. Dr. Charles Morrison has a great program, and he has worked very hard, and we are going to be discussing issues, I think, that are important for all of us: terrorism, the economy, the environmental issues, defense cooperation, cultural ties and things like that.

Also, we are delighted that the Speaker, the gentleman from Illinois (Mr. HASTERT), will speak at the forum's opening ceremony. We have had participation from many distinguished people, including the gentleman from Nebraska (Mr. BEREUTER), and we hope to have others out there.

Essentially this bill, Madam Speaker, expresses support for this meeting, our hosting of the meeting and commends the East-West Center for their hosting and also hopes that other people will join us in the process.

Mr. LANTOS. Madam Speaker, I yield myself as much time as I might consume.

I rise in strong support of S. Con. Res. 58. I want to thank the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Illinois (Mr. HYDE) for bringing this legislation to the floor, but I particularly want to express my appreciation to the gentleman from New York (Mr. HOUGHTON), my dear friend, our distinguished colleague, for having provided extraordinary leadership on this and on so many other issues that our Committee on International Relations deals with.

I also want to recognize the contribution of my good friend, Senator AKAKA of Hawaii, for his co-chairmanship of this important conference. The resolution before us today expresses the support of our Members for the 10th annual meeting of the Asia Pacific Parliamentary Forum to be held next January in Honolulu. It also commends the East-West Center, an outstanding academic institution, for hosting the meeting and for supporting the endeavors of the forum.

Madam Speaker, we are fortunate as a Nation to have our bright and talented foreign service personnel working overtime to promote our interests throughout the Asia Pacific region. Our diplomats have many opportunities to meet with their colleagues and to develop positive solutions to the challenges we face in the Pacific area.

Until the Asia Pacific Parliamentary Forum was founded a decade ago, there were few opportunities for the region's parliamentarians to meet as a group to discuss key foreign policy and economic matters. The forum has tackled such critical issues as terrorism, weapons of mass destruction, cross boundary environmental pollution, human rights and the need to combat corruption in the region.

The upcoming meeting will tackle these important issues, and hopefully, they will contribute to a partial resolution of many of these matters. I strongly urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

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

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

Mr. BEREUTER. Madam Speaker, I rise in strong support of S. Con. Res. 58.

The distinguished gentleman from New York (Mr. HOUGHTON) has explained the purpose of this legislation, and I want to commend him not only for the legislation but, as I mentioned earlier, for his leadership for the U.S. House of Representatives in our participation in the Asia Pacific Parliamentary Forum. He, along with the former distinguished senior Senator from Delaware, William Roth, provided that initial leadership and continue today through the work of the gentleman from New York (Mr. HOUGHTON). And, the gentleman from American Samoa (Mr. FALEOMAVAEGA) has also been a very important participant, as have Senator AKAKA and others. It was my pleasure to participate in the meeting in Seoul.

This forum, which is really the creation in some ways of the former Prime Minister Nakasone of Japan, has provided an important opportunity for the parliamentarians of the Asia Pacific region to address a whole range of important National mutual interests and concerns. To some extent it also has served as a legislative arm for APEC, the Asia Pacific Economic Cooperation organization, since the forum's inception almost a decade ago.

The fact is that its 10th annual meeting will take place at the East-West Center, as the gentleman from California (Mr. LANTOS) mentioned. The East-West Center is a distinguished research and academic institution that is our creation here in the Congress. A meeting of the forum on U.S. soil for its first time is an honor not only for the State of Hawaii, but for the United States.

The parliamentary cooperation and consultation with key Pacific and Asian countries, has become more critical today as a result of the tragic events of September 11th. I urge Madam Speaker, all Members to express their unqualified support for this resolution, and I encourage interested Members to participate in the upcoming meeting of the Asia Pacific Parliamentary tours at upcoming meeting of the Asia Pacific Parlimentary Tours at the East-West Center.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I am delighted to yield as much time as he might consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA), my dear friend and distinguished colleague, the ranking Democratic member of the Subcommittee on East Asia and the Pacific.

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

Mr. FALEOMAVAEGA. Madam Speaker, I rise in strong support of Senate Concurrent Resolution 58, a measure which expresses Congress' support for the 10th annual meeting of the Asia Pacific Parliamentarian Forum which shall be hosted by the East-West Center in Hawaii next month.

Madam Speaker, I deeply commend the distinguished Senator from Hawaii, Senator DANIEL AKAKA, for introducing and moving this important legislation. I also wish to recognize the gentleman from New York (Mr. HOUGHTON), our distinguished colleague, who for the past 10 years, has provided leadership for the U.S. delegations participating in the meetings of the Asia Pacific Parliamentary Forum.

As a member of the past U.S. delegation to the APPF, I can attest that it has been a distinct pleasure for me in working closely with the gentleman from New York (Mr. HOUGHTON) to represent U.S. interests. I further commend the House Committee on International Relations chairman, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS), our ranking Democratic member, for their assistance and support in bringing this legislation in a timely fashion.

I also want to especially commend the gentleman from Nebraska (Mr. BEREUTER), not only as the manager of this legislation, my good friend, Mr. Bereuter, former chairman of the Subcommittee on East Asia and the Pacific, a subcommittee of the Committee on International Relations, who I believe, and my personal opinion, has been one of the primary moving forces for the past 10 years in his capacity as chairman of the Subcommittee on East Asia and the Pacific, and I certainly want to commend him for his outstanding leadership and service. In fact, he has been one of the primary forces in seeing that our country hosts the APPF conference now will be hosted next month in Hawaii.

I sincerely hope that our colleagues will not be intimidated by the press

which always seems to be the case whenever there are conferences and meetings to be held in Hawaii. The press always takes a negative way of thinking that all we are doing is getting suntan and enjoying the beach there in a warm climate. I would like to invite all of the members of press to see how much of an opportunity we get to enjoy the sun and warm weather in Hawaii besides having these important meetings with some 270 parliamentarians from some 27 Asia-Pacific countries.

Madam Speaker, since the founding of the Asia Pacific Parliamentary Forum in 1993, its membership from the original 15 countries has now increased to some 27 members countries which includes the United States. This is a strong testament to the relevance and growing importance of the APPF as an institution where this January, over some 270 national parliamentarians from these Asia-Pacific governments shall meet to review and discuss pressing issues affecting the Asia-Pacific region as well as our own national interests.

In its deliberations, the Asia Pacific Parliamentary Forum has traditionally focussed in several areas, such as the promotion of peace, stability and security of the region through multilateral dialogue as embodied in the ASEAN Regional Forum; liberalizing trade and investment to spur increased growth and development in the Asia-Pacific economies; protecting the regions environment and resources of clean water and air and land against degradation; and fostering respect for human rights, enforcement for the rule of law, and the expansion of universal education throughout all Asia-Pacific nations.

Madam Speaker, as noted in the legislation, this year will mark the first time that the United States shall host the Asia-Pacific Parliamentary Forum. On this auspicious occasion, I find it particularly appropriate and fitting that the internationally respected East-West Center shall be the Secretariat and the host for the APPF meeting.

As many of our colleagues know, the East-West Center was established by the Congress in 1960 to further the foreign policy interests of the United States and by promoting constructive relations and deeper understanding between the peoples and the leaders of the United States and our Asia-Pacific neighbors.

Madam Speaker, the East-West Center has done an outstanding job in this mission and today, over 47,000 government officials, scholars, businessmen, journalists and other professionals from throughout the Asia-Pacific and the United States are alumni of the East-West Centers programs of collaborative study and research. In fact, a number of the Center's graduates are now national leaders and parliamentarians, many of whom shall participate in the Asia-Pacific parliamentary forum.

I submit it is in our vital national interest that the United States continue to play a leading role in the fastest growing sector of the world, the Asia-Pacific region, where the U.S. conducts nearly $500 billion in two-way trade and ensures regional peace and stability with over 100,000 deployed military personnel.

We can further that goal, Madam Speaker, by strong and active participation of the United States Congress in the upcoming meetings or conferences of the Asia-Pacific Parliamentary Forum.

Madam Speaker, in that regard, I urge the adoption of our colleagues of this important legislation before us.

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

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 58.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

## RUSSIAN DEMOCRACY ACT OF 2001

Mr. BEREUTER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2121) to make available funds under the Foreign Assistance Act of 1961 to expand democracy, good governance, and anti-corruption programs in the Russian Federation in order to promote and strengthen democratic government and civil society in that country and to support independent media, as amended.

The Clerk read as follows:

H.R. 2121

*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 ''Russian Democracy Act of 2001''.

**SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress makes the following findings:

(1) Since the dissolution of the Soviet Union, the leadership of the Russian Federation has publicly committed itself to building—

(A) a society with democratic political institutions and practices, the observance of universally recognized standards of human rights, and religious and press freedom; and

(B) a market economy based on internationally accepted principles of transparency, accountability, and the rule of law.

(2) In order to facilitate this transition, the international community has provided multilateral and bilateral technical assistance, and the United States' contribution to these efforts has played an important role in developing new institutions built on democratic and liberal economic foundations and the rule of law.

(3)(A) Since 1992, United States Government democratic reform programs and public diplomacy programs, including training, small grants, and technical assistance to independent television, radio, and print media across the Russian Federation, have strengthened nongovernment-owned media, provided access to and training in the use of the Internet, brought nearly 40,000 Russian citizens to the United States, and have led to the establishment of over 65,000 nongovernmental organizations, thousands of vibrant independent media outlets, and numerous political parties.

(B) These efforts contributed to the substantially free and fair Russian parliamentary elections in 1995 and 1999 and Presidential elections in 1996 and 2000.

(4) The United States has assisted Russian efforts to replace its centrally planned, state-controlled economy with a market economy and helped create institutions and infrastructure for a market economy by encouraging the transparent privatization of state-owned enterprises. Approximately two-thirds of the Russian Federation's gross domestic product is now generated by the private sector.

(5)(A) The United States fostered grassroots entrepreneurship in the Russian Federation by focusing United States economic assistance on small- and medium-sized businesses and by providing training, consulting services, and small loans to more than 250,000 Russian entrepreneurs.

(B) There are now more than 900,000 small businesses in the Russian Federation, producing 12 to 15 percent of the gross domestic product of the Russian Federation.

(C) United States-funded programs help to fight corruption and financial crime, such as money laundering, by helping to—

(i) establish a commercial legal infrastructure;

(ii) develop an independent judiciary;

(iii) support the drafting of a new criminal code, civil code, and bankruptcy law;

(iv) develop a legal and regulatory framework for the Russian Federation's equivalent of the United States Securities and Exchange Commission;

(v) support Russian law schools;

(vi) create legal aid clinics; and

(vii) bolster law-related activities of nongovernmental organizations.

(6) Because the capability of Russian democratic forces and the civil society to organize and defend democratic gains without international support is uncertain, and because the gradual integration of the Russian Federation into the global order of free-market, democratic nations will further enhance Russian cooperation with the United States on a wide-range of political, economic, and security issues, the success of democracy in Russia is in the national security interest of the United States, and the United States Government should develop a far-reaching and flexible strategy aimed at strengthening Russian society's support for democracy and a market economy, particularly by enhancing Russian democratic institutions and education, promoting the rule of law, and supporting Russia's independent media.

(7) Since the tragic events of September 11, 2001, the Russian Federation has stood with the United States and the civilized world in the struggle against terrorism and has cooperated in the war in Afghanistan by sharing intelligence and through other means.

(b) PURPOSES.—The purposes of this Act are—

(1) to strengthen and advance institutions of democratic government and of a free and independent media and to sustain the development of an independent civil society in the

Russian Federation based on religious and ethnic tolerance, internationally recognized human rights, and an internationally recognized rule of law; and

(2) to focus United States foreign assistance programs on using local expertise and giving local organizations a greater role in designing and implementing such programs, while maintaining appropriate oversight and monitoring.

**SEC. 3. UNITED STATES POLICY TOWARD THE RUSSIAN FEDERATION.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should—

(1) recognize that a democratic and economically stable Russian Federation is inherently less confrontational and destabilizing in its foreign policy and therefore that the promotion of democracy in Russia is in the national security interests of the United States; and

(2) continue and increase assistance to the democratic forces in the Russian Federation, including the independent media, regional administrations, democratic political parties, and nongovernmental organizations.

(b) STATEMENT OF POLICY.—It shall be the policy of the United States—

(1) to facilitate Russia's integration into the Western community of nations, including supporting the establishment of a stable democracy and a market economy, and also including Russia's membership in the appropriate international institutions;

(2) to engage the Government of Russian Federation and Russian society in order to strengthen democratic reform and institutions, and to promote good governance principles based on the internationally recognized norms of transparency in business practices, the rule of law, religious freedom, and human rights;

(3) to advance a dialog between United States Government officials and private sector individuals and representatives of the Government of the Russian Federation regarding Russian integration into the Western community of nations;

(4) to encourage United States Government officials and private sector individuals to meet regularly with democratic activists, human rights activists, representatives of the independent media, representatives of nongovernmental organizations, civic organizers, and reform-minded politicians from Moscow and the various regions of the Russian Federation;

(5) to incorporate democratic reforms, the promotion of an independent media, and economic reforms in the broad United States agenda with the Government of the Russian Federation;

(6) to encourage the Government of the Russian Federation to address cross-border issues, including the environment, crime, trafficking, and corruption in a cooperative and transparent manner consistent with internationally recognized and accepted principles of the rule of law;

(7) to consult with the Government of the Russian Federation and the Russian Parliament on the adoption of economic and social reforms necessary to sustain Russian economic growth and to ensure Russia's transition to a fully functioning market economy;

(8) to persuade the Government of the Russian Federation to honor its commitments made to the Organization for Security and Cooperation in Europe (OSCE) at the November 1999 Istanbul Conference and to conduct a genuine good neighbor policy toward the other independent states of the former Soviet Union in the spirit of internationally accepted principles of regional cooperation; and

(9) to encourage the G–7 partners and international financial institutions, including the World Bank, the International Monetary Fund, and the European Bank for Reconstruction and Development, to develop financial safeguards and transparency practices in lending to the Russian Federation.

**SEC. 4. AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.**

(a) AMENDMENTS.—

(1) DEMOCRACY AND RULE OF LAW.—Section 498(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295(2)) is amended—

(A) in the heading, by striking ''DEMOCRACY'' and inserting ''DEMOCRACY AND RULE OF LAW'';

(B) by striking subparagraphs (E) and (G);

(C) by redesignating subparagraph (F) as subparagraph (I);

(D) by inserting after subparagraph (D) the following:

''(E) development and support of grassroots and nongovernmental organizations promoting democracy, the rule of law, transparency, and accountability in the political process, including grants in small amounts to such organizations;

''(F) international exchanges to promote greater understanding by Russian Federation citizens on how democracy, public policy process, market institutions, and an independent judiciary function in Western societies;

''(G) political parties committed to promoting democracy, human rights, and economic reforms;

''(H) support for civic organizations committed to promoting human rights; and''; and

(E) by adding at the end the following:

''(J) strengthened administration of justice through programs and activities carried out in accordance with section 498B(e), including—

''(i) support for nongovernmental organizations, civic organizations, and political parties that favor a strong and independent judiciary based on merit;

''(ii) support for local organizations that work with judges and law enforcement officials in efforts to achieve a reduction in the number of pretrial detainees; and

''(iii) support for the creation of Russian legal associations or groups that provide training in human rights and advocacy, public education with respect to human rights-related laws and proposed legislation, and legal assistance to persons subject to improper government interference.''.

(2) INDEPENDENT MEDIA.—Section 498 of the Foreign Assistance Act of 1961 (22 U.S.C. 2295) is amended—

(A) by redesignating paragraphs (3) through (13) as paragraphs (4) though (14), respectively; and

(B) by inserting after paragraph (2) the following:

''(3) INDEPENDENT MEDIA.—Developing a free and independent media, including—

''(A) supporting all forms of non-state-owned media reporting, including print, radio, and television;

''(B) providing special support for, and unrestricted public access to, nongovernmental Internet-based sources of information, dissemination and reporting, including providing technical and other support for web radio services, providing computers and other necessary resources for Internet connectivity and training new Internet users in nongovernmental and other civic organizations on methods and uses of Internet-based media; and

''(C) training in journalism, including investigative journalism techniques which educate the public on the costs of corruption and act as a deterrent against corrupt officials.''.

(b) CONFORMING AMENDMENT.—Section 498B(e) of such Act is amended by striking ''paragraph (2)(G)'' and inserting ''paragraph (2)(J)''.

**SEC. 5. ACTIVITIES TO SUPPORT THE RUSSIAN FEDERATION.**

(a) ASSISTANCE PROGRAMS.—In providing assistance to the Russian Federation under chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.), the President is authorized to carry out the following specific activities:

(1) Work with the Government of the Russian Federation, the Duma, and representatives of the Russian Federation judiciary to help implement a revised and improved code of criminal procedure and other laws.

(2) Establish civic education programs relating to democracy, public policy, the rule of law, and the importance of an independent media, including the establishment of ''American Centers'' and public policy schools at Russian universities and programs by universities in the United States to offer courses through Internet-based off-site learning centers at Russian universities.

(3) Support the Regional Initiatives (RI) program, which provides targeted assistance in those regions of the Russian Federation that have demonstrated commitment to reform, democracy, and the rule of law, and which promote the concept of such programs as a model for all regions of the Russian Federation.

(b) RADIO FREE EUROPE/RADIO LIBERTY AND VOICE OF AMERICA.—Radio Free Europe/Radio Liberty and the Voice of America should use new and innovative techniques, in cooperation with local independent media sources, to disseminate information throughout the Russian Federation relating to democracy, free-market economics, the rule of law, and human rights.

**SEC. 6. AUTHORIZATION OF ASSISTANCE FOR DEMOCRACY, INDEPENDENT MEDIA, AND THE RULE OF LAW.**

Of the amounts made available to carry out the provision of chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.) and the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 for fiscal year 2002, not less than $50,000,000 is authorized to be available for the activities authorized by paragraphs (2) and (3) of section 498 of the Foreign Assistance Act of 1961, as amended by section 4(a) of this Act.

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

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, this Member rises in strong support of H.R. 2121, the Russian Democracy Act of 2001. As a cosponsor of this measure this Member would like to thank the distinguished gentleman from California (Mr. LANTOS) for an outstanding effort in

crafting this legislation. In addition, I would like to thank the distinguished gentleman from Illinois (Mr. HYDE), the chairman of the Committee on International Relations for his crucial attendance in bringing this legislation to the floor.

Madam Speaker, the key to building Democratic institutions that include an independent media, a fair judicial system, and an active civil society is to establish community, a community, a body politic which demands those institutions. Building that demand for democracy begins with laying a foundation at the local and regional level. Unfortunately, the United States has, I think, for too long, focussed disproportionately its reform assistance for Russia on funding for democracy building efforts at the national level.

However, this legislation correctly seeks to direct a much greater share of U.S. assistance toward the local and regional levels.

At those critical grassroots levels, the U.S. can be most effective, I think, for the longer-term growth of democracy and reform in Russia. This bill ensures that American assistance will continue to be available to help strengthen democracy in the Russian federation. Seemingly a routine measure perhaps on first glance, we should pause for a moment and note what this bill represents. The mere fact that we can speak of democracy in Russia as an emerging but actual reality in the present tense and not as some dim prospect in the hazy future, is one of the many wonders of the past decade that have grown familiar and that are now taken largely for granted.

Its existence, however, is a testament to the deep commitment to the fundamental values shared by peoples all over the world, the United States and the west as a whole, a tremendous debt to all the men and women of Russia who have struggled to establish and defend a democracy in their country, and thereby create a new era of freedom after a thousand years of autocratic rule.

□ 1530

The benefits of that freedom, of course, are most directly felt by Russia's own citizens. But the West has benefited enormously as well. A half century of effort by the United States and its allies to contain and undermine Soviet imperialism enjoyed many successes, but it was only with the advent of the early stages of democracy in Russia that the Soviet empire finally crumbled.

The creation of a democracy in Russia must be counted as one of the great achievements of the past century. Yet for all of its accomplishments, that democracy is not yet firmly established. The civil society on which all democracies ultimately rest remains weak in Russia. Much of the legacy inherited from Russia's authoritarian past is still to be overcome. The institutions of democracy are largely untested. The habits of freedom have not yet become universal.

Given these and other concerns, the Russian government's current campaign against independent voices in the media is a most worrisome one. Why is this our concern? Because the strengthening of Russia's democracy and the advancing of Russia's integration into the West are unquestionably in the long-term strategic interest of the United States. These advances are necessary if we are to make permanent the gains we have derived from the liberation of Europe, a commitment that stretches unbroken for half a century, from the landings on Normandy beaches to the final dissolution of the Soviet empire.

To this, an even broader motivation can be added. By helping other peoples share the benefits of liberty, we demonstrate a continued commitment to the universal principles on which our country was founded and the promises these represent to all who have endured oppression. Thus, our own interests and our hopes for the world together argue that we should provide direct and ongoing assistance to securing democracy in Russia.

The bill before us represents an important part of that effort. It focuses our attention and assistance on many of the prerequisites of a free and prosperous society, including the creation of a resilient civil society, the strengthening of an independent press, and the establishment of the rule of law. Yet even as we assist Russia's democrats in their unfinished tasks, we must recognize that the building of a free society in that country can only be accomplished by the Russian people themselves. We cannot do it for them, nor do we need to.

Although there are many in this country and elsewhere who would despair of the fate of democracy in Russia, I am not among them. Its course may occasionally surprise and concern us, but the ultimate destination aimed at by Russia's democrats should not be in doubt. The depth of their commitment to freedom has been demonstrated by the enormous obstacles they have already overcome. Freedom was not handed to the Russian people. They freed themselves. Lacking a direct experience of liberty in their past, they nonetheless have continued to lay the foundation to secure it for themselves and for their countrymen, even as they have encountered the inevitable setbacks and disappointments.

It is for these reasons that their effort to strengthen democracy in their country deserve our assistance and respect. And it is my hope that Russia's assumption of its rightful place among the free nations of the world shall prove to be a permanent one.

Madam Speaker, I urge strong support for the legislation, and I commend the gentleman from California (Mr. LANTOS) for his creative and timely action in presenting this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume; and I first want to commend my good friend, the gentleman from Nebraska (Mr. BEREUTER), for his eloquent and powerful statement and for his support. I also want to thank the gentleman from Illinois (Mr. HYDE) for moving this legislation through the committee and to the floor today. I also want to especially thank the Speaker, the majority leader, and the majority whip for placing it on today's suspension calendar. But most of all, Madam Speaker, I want to thank Ms. Tanya Shamson, a distinguished member of the committee staff, bilingual and bicultural, for doing extraordinarily effective work in crafting this legislation.

Madam Speaker, the House could not have chosen a more fitting time to consider this bill. As you know, President Bush recently concluded a most productive summit with President Putin in Texas and Secretary of State Powell was in Moscow just a couple of days ago on a most successful visit.

When I first introduced the Russia Democracy Act of 2001, the world was a very different place. Our administration was embarking on a comprehensive inter-agency Russia policy review with many complications and many problems. The relations between our two countries were neither friendly nor cordial. Today, in the post-September 11 world, the picture is drastically different.

President Putin made a courageous decision on September 11 to join the civilized world and to stand with us against global terrorism. There are elements within Russia, Madam Speaker, who are not happy with this decision. That is one of the many reasons why we must craft a creative and responsible policy toward Russia that will firmly anchor that important country in the West.

I was very pleased to hear President Bush mention the importance of a free press during his Shanghai press conference with President Putin and during President Putin's visit to the United States. I passionately believe that the existence of a vibrant, self-sustaining, nonstate-owned and nonstate-controlled media in Russia is the key to Russia's successful integration with the democratic societies of the West. My bill will support such media activities, including access to the Internet and the use of modern technologies to improve media outreach throughout Russia.

The Russian nongovernmental sector also needs our support. Although President Putin chastised Russian NGOs for accepting financial support from abroad, Russia simply does not yet have a culture of either corporate philanthropy or private donations to make these nongovernmental organizations viable. The plethora of nongovernmental organizations that have sprung up in Russia since 1991 provides us with an enormous opportunity to

build this democratic component into the new Russian society.

U.S.-Russian relationships have entered a new era. Our cooperation in the fight against global terrorism is unprecedented since our alliance during the Second World War more than a half a century ago. Recently, I had the privilege of meeting with President Putin, with Foreign Minister Ivanov, and other Russian officials; and we discussed our relationships in detail. There are still many areas where we disagree, such as Russian arms sales to Iran; but today, there are many areas where we do agree, and the U.S.-Russia relationship today is fundamentally a healthy one.

The Russian leadership has clearly shown where it sees Russia's future to be; and it is our responsibility to stay engaged, to be responsive, and to support Russian democracy and the private sector.

At President Bush's request, I shall shortly be introducing legislation putting an end to the Jackson-Vanik legislation, legislation which was one of the most important pieces of human rights legislation in our Nation's history. But things have changed and Russia now permits free immigration. The repeal of Jackson-Vanik will be yet another demonstration of our growing cooperative, constructive, and healthy relationship with Russia.

The Government of Russia, Madam Speaker, has introduced, and the Russian Duma has passed, landmark legislation during this past session. For the first time since 1917, Russian citizens can now own their own land. This is not only an important new economic fact, it is a psychological breakthrough of immense proportions. It is obvious that the government and the Duma are now serious about tackling other sectors that have long been resistant to reform. Mr. Putin understands that the creation of a welcoming investment climate is one of the key pillars to sustained economic growth in Russia.

Madam Speaker, I strongly believe that supporting democracy, the consolidation of the market economy, and developing a vibrant private sector is in our national interest. By funding the development of civil society in Russia and a free and independent media, H.R. 2121 will play a critical role in strengthening U.S.-Russian relations and strengthening democracy in Russia. Let us not squander this unprecedented moment to bring Russia closer to the West. I urge all of my colleagues to support H.R. 2121.

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

Mr. BEREUTER. Madam Speaker, it is my pleasure to yield such time as he may consume to the distinguished gentleman from New Jersey (Mr. SMITH), the vice chairman of the committee.

Mr. SMITH of New Jersey. Madam Speaker, I thank my good friend, the gentleman from Nebraska (Mr. BEREUTER), for yielding me this time; and I want to commend my good friend and colleague, the gentleman from California (Mr. LANTOS), the ranking Democrat on the committee, for authoring this proposal that is before us today.

This is a very worthy and I think very important contribution to U.S. bilateral relations with Russia. Russia is a country that is of vital strategic, economic, and military importance to our Nation. I think the pending legislation outlines within the text a number of very constructive initiatives.

Madam Speaker, I recently led the U.S. delegation to the OSCE Parliamentary Assembly in Bucharest, Romania; and we spent the better part of a week exploring the destructive consequence of corruption. Parliamentarians from all over the world, Madam Speaker, 54 nations that make up the OSCE, we probed corruption as it relates to undermine democracy. Our conclusions were clear: Corruption represents one of the greatest threats to democracy and market oriented economies on the face of the earth.

Corruption, to a very large degree, has replaced ideology communism as the greatest potential threat to undermining the emergence of democracy in central and Eastern Europe, and especially in Russia itself. We now know that organized crime and criminal elements, some of whom used to be the old KGB, are growing and expanding in Russia. The emerging democracy is being hijacked by thugs and brigands. We know that drugs and weapons are very big money-makers for Russian Mobsters. But not far behind we also know that trafficking of human beings—especially women—has emerged worldwide and in Russia as the number three money-maker for organized crime.

I am very glad that the pending legislation seeks to target assistance to fight corruption and crime and to help the Duma draft new criminal statutes and a new criminal code. Let us not forget that the most recent report that was issued by the State Department cited Russia as a tier three country that has a major problem with trafficking in human beings—And is doing far too little to stop it.

Madam Speaker, we know that worldwide about 50,000 of those trafficked, mostly women, mostly for forced prostitution, come into this country and that anywhere from 700,000 to 2 million persons are trafficked worldwide each year. Many of those women are coming out of Russia and the Ukraine and countries in Europe. This legislation directs the State Department, to do more. There is no doubt that the United States wants and desire a good relationship with Russia, but they have to stop trafficking women into prostitution; they have to crack down on organized crime and provide safe havens for these victimized women who are being exploited in this way.

This is a good bill. I think it deserves the support of every Member of this body. The United States has declared war on organized crime figures who rape and exploit women. Countries of origin—like Russia have to do their part!

Tough, antitrafficking laws are needed in every country. And I hope that this legislation builds on our earlier laws to move that along so that we have trafficking laws that are uniform, to the greatest extent possible. Traffickers must know that if they exploit women, they go to prison, and they go to prison for the rest of their lives. Our law now says that. It is about time the laws of every country, including Russia, said it as well.

□ 1545

I will never forget, Madam Speaker, I brought this legislation up in St. Petersburg at an OSE Parliamentary Assembly. The Duma speaker looked at me when I mentioned trafficking as if I was talking about something that was happening on the moon. That has changed. The next year and the year after in Paris, when the trafficking resolution came up on the floor among the Parliamentary Assembly participants, the Russians embraced that language and said we need to do something at home as well. I hope that we work uniformly to crack down on this scourge of modern-day slavery.

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

This bill, the Russian Democracy Act, ensures that American assistance will continue to be available to help strengthen democracy in the Russian Federation. Seemingly a routine measure, we should pause for a moment and note what this bill represents. The mere fact that we can speak of democracy in Russia as an emerging but actual reality in the present tense, and not as some dim prospect in the hazy future, is one of the many wonders of the past decade that have grown familiar and that are now taken largely for granted. Its existence, however, is a testament to the deep commitment to fundamental values shared by peoples all over the world.

The United States and the West as a whole owe an immense debt to all the men and women of Russia who have struggled to establish and defend a democracy in their country and thereby create a new era of freedom after a thousand years of autocratic rule. The benefits of that freedom, of course, are most directly felt by Russia's own citizens. But the West has benefitted enormously as well. A half century of effort by the United States and its allies to contain and undermine Soviet imperialism enjoyed many successes, but it was only with the advent of the earliest stages of democracy in Russia that the Soviet empire finally crumbled.

The creation of a democracy in Russia must be counted as one of the great achievements of the past century. Yet for all of its accomplishments, that democracy is not yet firmly established. The civil society on which all democracies ultimately rest remains weak in Russia; much of the legacy inherited from Russia's authoritarian past is still to be overcome; the institutions of democracy are largely untested; the habits of freedom have yet to

become universal. Given these and other concerns, the Russian government's current campaign against independent voices in the media is a most worrisome one.

Why is this our concern? Because the strengthening of Russian democracy and advancing Russia's integration into the West are unquestionably in the long-term strategic interests of the United States. These advances are necessary if we are to make permanent the gains we have derived from the liberation of Europe, a commitment that stretches unbroken for half a century, from the landings on the Normandy beaches to the final dissolution of the Soviet empire. To this, an even broader motivation can be added. By helping other peoples share the benefits of liberty, we demonstrate a continuing commitment to the universal principles on which our country was founded and the promise these represent to all who endure oppression. Thus, our own interests and our hopes for the world, together argue, that we should provide direct and ongoing assistance to securing democracy in Russia.

The bill before us represents an important part of that effort. It focuses our attention and assistance on many of the prerequisites of a free and prosperous society, including the creation of a resilient civil society, the strengthening of an independent press, and the establishment of the rule of law.

Yet even as we assist Russia's democrats in their unfinished tasks, we must recognize that the building of a fee society in that country can only be accomplished by the Russian people themselves. We cannot do it for them. But neither do we need to. Although there are many in this country and elsewhere who would despair of the fate of democracy in Russia, I am not among them. Its course may occasionally surprise and concern us, but the ultimate destination aimed at by Russia's democrats should not be in doubt. The depth of their commitment to freedom has been demonstrated by the enormous obstacles they have already overcome. Freedom was not handed to the Russian people; they freed themselves. Lacking a direct experience of liberty in their past, they nonetheless have continued to lay the foundation to secure it for themselves and for their countrymen, even as they have encountered the inevitable setbacks and disappointments.

It is for these reasons that their efforts to strengthen democracy in their country deserve our assistance and respect, and it is my hope that Russia's assumption of its rightful place among the free nations of the world shall prove to be a permanent one.

Madam Speaker, I urge strong support for this legislation and I reserve the balance of my time.

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

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and pass the bill, H.R. 2121, as amended.

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

A motion to reconsider was laid on the table.

## HOMELESS VETERANS COMPREHENSIVE ASSISTANCE ACT OF 2001

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2716) to amend title 38, United States Code, to revise, improve, and consolidate provisions of law providing benefits and services for homeless veterans.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

***SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES TO TITLE 38, UNITED STATES CODE.***

*(a) SHORT TITLE.—This Act may be cited as the ''Homeless Veterans Comprehensive Assistance Act of 2001''.*

*(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:*

*Sec. 1. Short title; table of contents; references to title 38, United States Code.*
*Sec. 2. Definitions.*
*Sec. 3. National goal to end homelessness among veterans.*
*Sec. 4. Sense of the Congress regarding the needs of homeless veterans and the responsibility of Federal agencies.*
*Sec. 5. Consolidation and improvement of provisions of law relating to homeless veterans.*
*Sec. 6. Evaluation centers for homeless veterans programs.*
*Sec. 7. Study of outcome effectiveness of grant program for homeless veterans with special needs.*
*Sec. 8. Expansion of other programs.*
*Sec. 9. Coordination of employment services.*
*Sec. 10. Use of real property.*
*Sec. 11. Meetings of Interagency Council on Homeless.*
*Sec. 12. Rental assistance vouchers for HUD Veterans Affairs Supported Housing program.*

*(c) REFERENCES TO TITLE 38, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.*

***SEC. 2. DEFINITIONS.***

*For purposes of this Act:*

*(1) The term ''homeless veteran'' has the meaning given such term in section 2002 of title 38, United States Code, as added by section 5(a)(1).*

*(2) The term ''grant and per diem provider'' means an entity in receipt of a grant under section 2011 or 2012 of title 38, United States Code, as so added.*

***SEC. 3. NATIONAL GOAL TO END HOMELESSNESS AMONG VETERANS.***

*(a) NATIONAL GOAL.—Congress hereby declares it to be a national goal to end chronic homelessness among veterans within a decade of the enactment of this Act.*

*(b) COOPERATIVE EFFORTS ENCOURAGED.—Congress hereby encourages all departments and agencies of Federal, State, and local governments, quasi-governmental organizations, private and public sector entities, including community-based organizations, faith-based organizations, and individuals to work cooperatively to end chronic homelessness among veterans within a decade.*

***SEC. 4. SENSE OF THE CONGRESS REGARDING THE NEEDS OF HOMELESS VETERANS AND THE RESPONSIBILITY OF FEDERAL AGENCIES.***

*It is the sense of the Congress that—*

*(1) homelessness is a significant problem in the veterans community and veterans are disproportionately represented among homeless men;*

*(2) while many effective programs assist homeless veterans to again become productive and self-sufficient members of society, current resources provided to such programs and other activities that assist homeless veterans are inadequate to provide all needed essential services, assistance, and support to homeless veterans;*

*(3) the most effective programs for the assistance of homeless veterans should be identified and expanded;*

*(4) federally funded programs for homeless veterans should be held accountable for achieving clearly defined results;*

*(5) Federal efforts to assist homeless veterans should include prevention of homelessness; and*

*(6) Federal agencies, particularly the Department of Veterans Affairs, the Department of Housing and Urban Development, and the Department of Labor, should cooperate more fully to address the problem of homelessness among veterans.*

***SEC. 5. CONSOLIDATION AND IMPROVEMENT OF PROVISIONS OF LAW RELATING TO HOMELESS VETERANS.***

*(a) IN GENERAL.—(1) Part II is amended by inserting after chapter 19 the following new chapter:*

***''CHAPTER 20—BENEFITS FOR HOMELESS VETERANS***

*''SUBCHAPTER I—PURPOSE; DEFINITIONS; ADMINISTRATIVE MATTERS*

*''Sec.*
*''2001. Purpose.*
*''2002. Definitions.*
*''2003. Staffing requirements.*

*''SUBCHAPTER II—COMPREHENSIVE SERVICE PROGRAMS*

*''2011. Grants.*
*''2012. Per diem payments.*
*''2013. Authorization of appropriations.*

*''SUBCHAPTER III—TRAINING AND OUTREACH*

*''2021. Homeless veterans reintegration programs.*
*''2022. Coordination of outreach services for veterans at risk of homelessness.*
*''2023. Demonstration program of referral and counseling for veterans transitioning from certain institutions who are at risk for homelessness.*

*''SUBCHAPTER IV—TREATMENT AND REHABILITATION FOR SERIOUSLY MENTALLY ILL AND HOMELESS VETERANS*

*''2031. General treatment.*
*''2032. Therapeutic housing.*
*''2033. Additional services at certain locations.*
*''2034. Coordination with other agencies and organizations.*

*''SUBCHAPTER V—HOUSING ASSISTANCE*

*''2041. Housing assistance for homeless veterans.*
*''2042. Supported housing for veterans participating in compensated work therapies.*
*''2043. Domiciliary care programs.*

*''SUBCHAPTER VI—LOAN GUARANTEE FOR MULTIFAMILY TRANSITIONAL HOUSING*

*''2051. General authority.*
*''2052. Requirements.*
*''2053. Default.*
*''2054. Audit.*

*''SUBCHAPTER VII—OTHER PROVISIONS*

*''2061. Grant program for homeless veterans with special needs.*
*''2062. Dental care.*
*''2063. Employment assistance.*
*''2064. Technical assistance grants for nonprofit community-based groups.*
*''2065. Annual report on assistance to homeless veterans.*

''2066. Advisory Committee on Homeless Veterans.

''SUBCHAPTER I—PURPOSE; DEFINITIONS; ADMINISTRATIVE MATTERS

**''§ 2001. Purpose**

''The purpose of this chapter is to provide for the special needs of homeless veterans.

**''§ 2002. Definitions**

''In this chapter:

''(1) The term 'homeless veteran' means a veteran who is homeless (as that term is defined in section 103(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(a)).

''(2) The term 'grant and per diem provider' means an entity in receipt of a grant under section 2011 or 2012 of this title.

**''§ 2003. Staffing requirements**

''(a) VBA STAFFING AT REGIONAL OFFICES.—The Secretary shall ensure that there is at least one full-time employee assigned to oversee and coordinate homeless veterans programs at each of the 20 Veterans Benefits Administration regional offices that the Secretary determines have the largest homeless veteran populations within the regions of the Administration. The programs covered by such oversight and coordination include the following:

''(1) Housing programs administered by the Secretary under this title or any other provision of law.

''(2) Compensation, pension, vocational rehabilitation, and education benefits programs administered by the Secretary under this title or any other provision of law.

''(3) The housing program for veterans supported by the Department of Housing and Urban Development.

''(4) The homeless veterans reintegration program of the Department of Labor under section 2021 of this title.

''(5) The programs under section 2033 of this title.

''(6) The assessments required by section 2034 of this title.

''(7) Such other programs relating to homeless veterans as may be specified by the Secretary.

''(b) VHA CASE MANAGERS.—The Secretary shall ensure that the number of case managers in the Veterans Health Administration is sufficient to assure that every veteran who is provided a housing voucher through section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is assigned to, and is seen as needed by, a case manager.

''SUBCHAPTER II—COMPREHENSIVE SERVICE PROGRAMS

**''§ 2011. Grants**

''(a) AUTHORITY TO MAKE GRANTS.—(1) Subject to the availability of appropriations provided for such purpose, the Secretary shall make grants to assist eligible entities in establishing programs to furnish, and expanding or modifying existing programs for furnishing, the following to homeless veterans:

''(A) Outreach.

''(B) Rehabilitative services.

''(C) Vocational counseling and training

''(D) Transitional housing assistance.

''(2) The authority of the Secretary to make grants under this section expires on September 30, 2005.

''(b) CRITERIA FOR GRANTS.—The Secretary shall establish criteria and requirements for grants under this section, including criteria for entities eligible to receive grants, and shall publish such criteria and requirements in the Federal Register. The criteria established under this subsection shall include the following:

''(1) Specification as to the kinds of projects for which grants are available, which shall include—

''(A) expansion, remodeling, or alteration of existing buildings, or acquisition of facilities, for use as service centers, transitional housing, or other facilities to serve homeless veterans; and

''(B) procurement of vans for use in outreach to and transportation for homeless veterans for purposes of a program referred to in subsection (a).

''(2) Specification as to the number of projects for which grants are available.

''(3) Criteria for staffing for the provision of services under a project for which grants are made.

''(4) Provisions to ensure that grants under this section—

''(A) shall not result in duplication of ongoing services; and

''(B) to the maximum extent practicable, shall reflect appropriate geographic dispersion and an appropriate balance between urban and other locations.

''(5) Provisions to ensure that an entity receiving a grant shall meet fire and safety requirements established by the Secretary, which shall include—

''(A) such State and local requirements that may apply; and

''(B) fire and safety requirements applicable under the Life Safety Code of the National Fire Protection Association or such other comparable fire and safety requirements as the Secretary may specify.

''(6) Specification as to the means by which an entity receiving a grant may contribute in-kind services to the start-up costs of a project for which a grant is sought and the methodology for assigning a cost to that contribution for purposes of subsection (c).

''(c) FUNDING LIMITATIONS.—A grant under this section may not be used to support operational costs. The amount of a grant under this section may not exceed 65 percent of the estimated cost of the project concerned.

''(d) ELIGIBLE ENTITIES.—The Secretary may make a grant under this section to an entity applying for such a grant only if the applicant for the grant—

''(1) is a public or nonprofit private entity with the capacity (as determined by the Secretary) to effectively administer a grant under this section;

''(2) demonstrates that adequate financial support will be available to carry out the project for which the grant is sought consistent with the plans, specifications, and schedule submitted by the applicant; and

''(3) agrees to meet the applicable criteria and requirements established under subsections (b) and (g) and has, as determined by the Secretary, the capacity to meet such criteria and requirements.

''(e) APPLICATION REQUIREMENT.—An entity seeking a grant for a project under this section shall submit to the Secretary an application for the grant. The application shall set forth the following:

''(1) The amount of the grant sought for the project.

''(2) A description of the site for the project.

''(3) Plans, specifications, and the schedule for implementation of the project in accordance with criteria and requirements prescribed by the Secretary under subsection (b).

''(4) Reasonable assurance that upon completion of the work for which the grant is sought, the project will become operational and the facilities will be used principally to provide to veterans the services for which the project was designed, and that not more than 25 percent of the services provided under the project will be provided to individuals who are not veterans.

''(f) PROGRAM REQUIREMENTS.—The Secretary may not make a grant for a project to an applicant under this section unless the applicant in the application for the grant agrees to each of the following requirements:

''(1) To provide the services for which the grant is made at locations accessible to homeless veterans.

''(2) To maintain referral networks for homeless veterans for establishing eligibility for assistance and obtaining services, under available entitlement and assistance programs, and to aid such veterans in establishing eligibility for and obtaining such services.

''(3) To ensure the confidentiality of records maintained on homeless veterans receiving services through the project.

''(4) To establish such procedures for fiscal control and fund accounting as may be necessary to ensure proper disbursement and accounting with respect to the grant and to such payments as may be made under section 2012 of this title.

''(5) To seek to employ homeless veterans and formerly homeless veterans in positions created for purposes of the grant for which those veterans are qualified.

''(g) SERVICE CENTER REQUIREMENTS.—In addition to criteria and requirements established under subsection (b), in the case of an application for a grant under this section for a service center for homeless veterans, the Secretary shall require each of the following:

''(1) That such center provide services to homeless veterans during such hours as the Secretary may specify and be open to such veterans on an as-needed, unscheduled basis.

''(2) That space at such center be made available, as mutually agreeable, for use by staff of the Department of Veterans Affairs, the Department of Labor, and other appropriate agencies and organizations in assisting homeless veterans served by such center.

''(3) That such center be equipped and staffed to provide or to assist in providing health care, mental health services, hygiene facilities, benefits and employment counseling, meals, transportation assistance, and such other services as the Secretary determines necessary.

''(4) That such center be equipped and staffed to provide, or to assist in providing, job training, counseling, and placement services (including job readiness and literacy and skills training), as well as any outreach and case management services that may be necessary to carry out this paragraph.

''(h) RECOVERY OF UNUSED GRANT FUNDS.—(1) If a grant recipient under this section does not establish a program in accordance with this section or ceases to furnish services under such a program for which the grant was made, the United States shall be entitled to recover from such recipient the total of all unused grant amounts made under this section to such recipient in connection with such program.

''(2) Any amount recovered by the United States under paragraph (1) may be obligated by the Secretary without fiscal year limitation to carry out provisions of this subchapter.

''(3) An amount may not be recovered under paragraph (1) as an unused grant amount before the end of the three-year period beginning on the date on which the grant is made.

**''§ 2012. Per diem payments**

''(a) PER DIEM PAYMENTS FOR FURNISHING SERVICES TO HOMELESS VETERANS.—(1) Subject to the availability of appropriations provided for such purpose, the Secretary, pursuant to such criteria as the Secretary shall prescribe, shall provide to a recipient of a grant under section 2011 of this title (or an entity eligible to receive a grant under that section which after November 10, 1992, establishes a program that the Secretary determines carries out the purposes described in that section) per diem payments for services furnished to any homeless veteran—

''(A) whom the Secretary has referred to the grant recipient (or entity eligible for such a grant); or

''(B) for whom the Secretary has authorized the provision of services.

''(2)(A) The rate for such per diem payments shall be the daily cost of care estimated by the grant recipient or eligible entity adjusted by the Secretary under subparagraph (B). In no case may the rate determined under this paragraph exceed the rate authorized for State homes for domiciliary care under subsection (a)(1)(A) of

*section 1741 of this title, as the Secretary may increase from time to time under subsection (c) of that section.*

*''(B) The Secretary shall adjust the rate estimated by the grant recipient or eligible entity under subparagraph (A) to exclude other sources of income described in subparagraph (D) that the grant recipient or eligible entity certifies to be correct.*

*''(C) Each grant recipient or eligible entity shall provide to the Secretary such information with respect to other sources of income as the Secretary may require to make the adjustment under subparagraph (B).*

*''(D) The other sources of income referred to in subparagraphs (B) and (C) are payments to the grant recipient or eligible entity for furnishing services to homeless veterans under programs other than under this subchapter, including payments and grants from other departments and agencies of the United States, from departments or agencies of State or local government, and from private entities or organizations.*

*''(3) In a case in which the Secretary has authorized the provision of services, per diem payments under paragraph (1) may be paid retroactively for services provided not more than three days before the authorization was provided.*

*''(b) INSPECTIONS.—The Secretary may inspect any facility of a grant recipient or entity eligible for payments under subsection (a) at such times as the Secretary considers necessary. No per diem payment may be provided to a grant recipient or eligible entity under this section unless the facilities of the grant recipient or eligible entity meet such standards as the Secretary shall prescribe.*

*''(c) LIFE SAFETY CODE.—(1) Except as provided in paragraph (2), a per diem payment may not be provided under this section to a grant recipient or eligible entity unless the facilities of the grant recipient or eligible entity, as the case may be, meet applicable fire and safety requirements under the Life Safety Code of the National Fire Protection Association or such other comparable fire and safety requirements as the Secretary may specify.*

*''(2) During the five-year period beginning on the date of the enactment of this section, paragraph (1) shall not apply to an entity that received a grant under section 3 of the Homeless Veterans Comprehensive Service Programs Act of 1992 (Public Law 102–590; 38 U.S.C. 7721 note) before that date if the entity meets fire and safety requirements established by the Secretary.*

*''(3) From amounts available for purposes of this section, not less than $5,000,000 shall be used only for grants to assist entities covered by paragraph (2) in meeting the Life Safety Code of the National Fire Protection Association or such other comparable fire and safety requirements as the Secretary may specify.*

***''§ 2013. Authorization of appropriations***

*''There are authorized to be appropriated to carry out this subchapter amounts as follows:*

*''(1) $60,000,000 for fiscal year 2002.*
*''(2) $75,000,000 for fiscal year 2003.*
*''(3) $75,000,000 for fiscal year 2004.*
*''(4) $75,000,000 for fiscal year 2005.*

*''SUBCHAPTER III—TRAINING AND OUTREACH*

***''§ 2021. Homeless veterans reintegration programs***

*''(a) IN GENERAL.—Subject to the availability of appropriations provided for such purpose, the Secretary of Labor shall conduct, directly or through grant or contract, such programs as the Secretary determines appropriate to provide job training, counseling, and placement services (including job readiness and literacy and skills training) to expedite the reintegration of homeless veterans into the labor force.*

*''(b) REQUIREMENT TO MONITOR EXPENDITURES OF FUNDS.—(1) The Secretary of Labor shall collect such information as that Secretary considers appropriate to monitor and evaluate the distribution and expenditure of funds appropriated to carry out this section. The information shall include data with respect to the results or outcomes of the services provided to each homeless veteran under this section.*

*''(2) Information under paragraph (1) shall be furnished in such form and manner as the Secretary of Labor may specify.*

*''(c) ADMINISTRATION THROUGH THE ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.—The Secretary of Labor shall carry out this section through the Assistant Secretary of Labor for Veterans' Employment and Training.*

*''(d) BIENNIAL REPORT TO CONGRESS.—Not less than every two years, the Secretary of Labor shall submit to Congress a report on the programs conducted under this section. The Secretary of Labor shall include in the report an evaluation of services furnished to veterans under this section and an analysis of the information collected under subsection (b).*

*''(e) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to carry out this section amounts as follows:*

*''(A) $50,000,000 for fiscal year 2002.*
*''(B) $50,000,000 for fiscal year 2003.*
*''(C) $50,000,000 for fiscal year 2004.*
*''(D) $50,000,000 for fiscal year 2005.*
*''(E) $50,000,000 for fiscal year 2006.*

*''(2) Funds appropriated to carry out this section shall remain available until expended. Funds obligated in any fiscal year to carry out this section may be expended in that fiscal year and the succeeding fiscal year.*

***''§ 2022. Coordination of outreach services for veterans at risk of homelessness***

*''(a) OUTREACH PLAN.—The Secretary, acting through the Under Secretary for Health, shall provide for appropriate officials of the Mental Health Service and the Readjustment Counseling Service of the Veterans Health Administration to develop a coordinated plan for joint outreach by the two Services to veterans at risk of homelessness, including particularly veterans who are being discharged or released from institutions after inpatient psychiatric care, substance abuse treatment, or imprisonment.*

*''(b) MATTERS TO BE INCLUDED.—The outreach plan under subsection (a) shall include the following:*

*''(1) Strategies to identify and collaborate with non-Department entities used by veterans who have not traditionally used Department services to further outreach efforts.*

*''(2) Strategies to ensure that mentoring programs, recovery support groups, and other appropriate support networks are optimally available to veterans.*

*''(3) Appropriate programs or referrals to family support programs.*

*''(4) Means to increase access to case management services.*

*''(5) Plans for making additional employment services accessible to veterans.*

*''(6) Appropriate referral sources for mental health and substance abuse services.*

*''(c) COOPERATIVE RELATIONSHIPS.—The outreach plan under subsection (a) shall identify strategies for the Department to enter into formal cooperative relationships with entities outside the Department to facilitate making services and resources optimally available to veterans.*

*''(d) REVIEW OF PLAN.—The Secretary shall submit the outreach plan under subsection (a) to the Advisory Committee on Homeless Veterans for its review and consultation.*

*''(e) OUTREACH PROGRAM.—(1) The Secretary shall carry out an outreach program to provide information to homeless veterans and veterans at risk of homelessness. The program shall include at a minimum—*

*''(A) provision of information about benefits available to eligible veterans from the Department; and*

*''(B) contact information for local Department facilities, including medical facilities, regional offices, and veterans centers.*

*''(2) In developing and carrying out the program under paragraph (1), the Secretary shall, to the extent practicable, consult with appropriate public and private organizations, including the Bureau of Prisons, State social service agencies, the Department of Defense, and mental health, veterans, and homeless advocates—*

*''(A) for assistance in identifying and contacting veterans who are homeless or at risk of homelessness;*

*''(B) to coordinate appropriate outreach activities with those organizations; and*

*''(C) to coordinate services provided to veterans with services provided by those organizations.*

*''(f) REPORTS.—(1) Not later than October 1, 2002, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an initial report that contains an evaluation of outreach activities carried out by the Secretary with respect to homeless veterans, including outreach regarding clinical issues and other benefits administered under this title. The Secretary shall conduct the evaluation in consultation with the Under Secretary for Benefits, the Department of Veterans Affairs central office official responsible for the administration of the Readjustment Counseling Service, the Director of Homeless Veterans Programs, and the Department of Veterans Affairs central office official responsible for the administration of the Mental Health Strategic Health Care Group.*

*''(2) Not later than December 31, 2005, the Secretary shall submit to the committees referred to in paragraph (1) an interim report on outreach activities carried out by the Secretary with respect to homeless veterans. The report shall include the following:*

*''(A) The Secretary's outreach plan under subsection (a), including goals and time lines for implementation of the plan for particular facilities and service networks.*

*''(B) A description of the implementation and operation of the outreach program under subsection (e).*

*''(C) A description of the implementation and operation of the demonstration program under section 2023 of this title.*

*''(3) Not later than July 1, 2007, the Secretary shall submit to the committees referred to in paragraph (1) a final report on outreach activities carried out by the Secretary with respect to homeless veterans. The report shall include the following:*

*''(A) An evaluation of the effectiveness of the outreach plan under subsection (a).*

*''(B) An evaluation of the effectiveness of the outreach program under subsection (e).*

*''(C) An evaluation of the effectiveness of the demonstration program under section 2023 of this title.*

*''(D) Recommendations, if any, regarding an extension or modification of such outreach plan, such outreach program, and such demonstration program.*

***''§ 2023. Demonstration program of referral and counseling for veterans transitioning from certain institutions who are at risk for homelessness***

*''(a) PROGRAM AUTHORITY.—The Secretary and the Secretary of Labor (hereinafter in this section referred to as the 'Secretaries') shall carry out a demonstration program for the purpose of determining the costs and benefits of providing referral and counseling services to eligible veterans with respect to benefits and services available to such veterans under this title and under State law.*

*''(b) LOCATION OF DEMONSTRATION PROGRAM.—The demonstration program shall be carried out in at least six locations. One location shall be a penal institution under the jurisdiction of the Bureau of Prisons.*

*''(c) SCOPE OF PROGRAM.—(1) To the extent practicable, the demonstration program shall provide both referral and counseling services,*

*and in the case of counseling services, shall include counseling with respect to job training and placement (including job readiness), housing, health care, and other benefits to assist the eligible veteran in the transition from institutional living.*

*''(2)(A) To the extent that referral or counseling services are provided at a location under the program, referral services shall be provided in person during such period of time that the Secretaries may specify that precedes the date of release or discharge of the eligible veteran, and counseling services shall be furnished after such date.*

*''(B) The Secretaries may, as part of the program, furnish to officials of penal institutions outreach information with respect to referral and counseling services for presentation to veterans in the custody of such officials during the 18-month period that precedes such date of release or discharge.*

*''(3) The Secretaries may enter into contracts to carry out the referral and counseling services required under the program with entities or organizations that meet such requirements as the Secretaries may establish.*

*''(4) In developing the program, the Secretaries shall consult with officials of the Bureau of Prisons, officials of penal institutions of States and political subdivisions of States, and such other officials as the Secretaries determine appropriate.*

*''(d) DURATION.—The authority of the Secretaries to provide referral and counseling services under the demonstration program shall cease on the date that is four years after the date of the commencement of the program.*

*''(e) DEFINITION.—In this section, the term 'eligible veteran' means a veteran who—*

*''(1) is a resident of a penal institution or an institution that provides long-term care for mental illness; and*

*''(2) is at risk for homelessness absent referral and counseling services provided under the demonstration program (as determined under guidelines established by the Secretaries).*

*''SUBCHAPTER V—HOUSING ASSISTANCE*

***''§2042. Supported housing for veterans participating in compensated work therapies***

*''The Secretary may authorize homeless veterans in the compensated work therapy program to be provided housing through the therapeutic residence program under section 2032 of this title or through grant and per diem providers under subchapter II of this chapter.*

***''§2043. Domiciliary care programs***

*''(a) AUTHORITY.—The Secretary may establish up to 10 programs under section 1710(b) of this title (in addition to any program that is established as of the date of the enactment of this section) to provide domiciliary services under such section to homeless veterans.*

*''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $5,000,000 for each of fiscal years 2003 and 2004 to establish the programs referred to in subsection (a).*

*''SUBCHAPTER VII—OTHER PROVISIONS*

***''§2061. Grant program for homeless veterans with special needs***

*''(a) ESTABLISHMENT.—The Secretary shall carry out a program to make grants to health care facilities of the Department and to grant and per diem providers in order to encourage development by those facilities and providers of programs for homeless veterans with special needs.*

*''(b) HOMELESS VETERANS WITH SPECIAL NEEDS.—For purposes of this section, homeless veterans with special needs include homeless veterans who are—*

*''(1) women, including women who have care of minor dependents;*

*''(2) frail elderly;*

*''(3) terminally ill; or*

*''(4) chronically mentally ill.*

*''(c) FUNDING.—(1) From amounts appropriated to the Department for 'Medical Care' for each of fiscal years 2003, 2004, and 2005, $5,000,000 shall be available for each such fiscal year for the purposes of the program under this section.*

*''(2) The Secretary shall ensure that funds for grants under this section are designated for the first three years of operation of the program under this section as a special purpose program for which funds are not allocated through the Veterans Equitable Resource Allocation system.*

***''§2062. Dental care***

*''(a) IN GENERAL.—For purposes of section 1712(a)(1)(H) of this title, outpatient dental services and treatment of a dental condition or disability of a veteran described in subsection (b) shall be considered to be medically necessary, subject to subsection (c), if—*

*''(1) the dental services and treatment are necessary for the veteran to successfully gain or regain employment;*

*''(2) the dental services and treatment are necessary to alleviate pain; or*

*''(3) the dental services and treatment are necessary for treatment of moderate, severe, or severe and complicated gingival and periodontal pathology.*

*''(b) ELIGIBLE VETERANS.—Subsection (a) applies to a veteran—*

*''(1) who is enrolled for care under section 1705(a) of this title; and*

*''(2) who, for a period of 60 consecutive days, is receiving care (directly or by contract) in any of the following settings:*

*''(A) A domiciliary under section 1710 of this title.*

*''(B) A therapeutic residence under section 2032 of this title.*

*''(C) Community residential care coordinated by the Secretary under section 1730 of this title.*

*''(D) A setting for which the Secretary provides funds for a grant and per diem provider.*

*''(3) For purposes of paragraph (2), in determining whether a veteran has received treatment for a period of 60 consecutive days, the Secretary may disregard breaks in the continuity of treatment for which the veteran is not responsible.*

*''(c) LIMITATION.—Dental benefits provided by reason of this section shall be a one-time course of dental care provided in the same manner as the dental benefits provided to a newly discharged veteran.*

***''§2063. Employment assistance***

*''The Secretary may authorize homeless veterans receiving care through vocational rehabilitation programs to participate in the compensated work therapy program under section 1718 of this title.*

***''§2064. Technical assistance grants for nonprofit community-based groups***

*''(a) GRANT PROGRAM.—The Secretary shall carry out a program to make grants to entities or organizations with expertise in preparing grant applications. Under the program, the entities or organizations receiving grants shall provide technical assistance to nonprofit community-based groups with experience in providing assistance to homeless veterans in order to assist such groups in applying for grants under this chapter and other grants relating to addressing problems of homeless veterans.*

*''(b) FUNDING.—There is authorized to be appropriated $750,000 for each of fiscal years 2002 through 2005 to carry out the program under this section.*

***''§2065. Annual report on assistance to homeless veterans***

*''(a) ANNUAL REPORT.—Not later than April 15 of each year, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the activities of the Department during the calendar year preceding the report under programs of the Department under this chapter and other programs of the Department for the provision of assistance to homeless veterans.*

*''(b) GENERAL CONTENTS OF REPORT.—Each report under subsection (a) shall include the following:*

*''(1) The number of homeless veterans provided assistance under the programs referred to in subsection (a).*

*''(2) The cost to the Department of providing such assistance under those programs.*

*''(3) The Secretary's evaluation of the effectiveness of the programs of the Department in providing assistance to homeless veterans, including—*

*''(A) residential work-therapy programs;*

*''(B) programs combining outreach, community-based residential treatment, and case-management; and*

*''(C) contract care programs for alcohol and drug-dependence or use disabilities).*

*''(4) The Secretary's evaluation of the effectiveness of programs established by recipients of grants under section 2011 of this title and a description of the experience of those recipients in applying for and receiving grants from the Secretary of Housing and Urban Development to serve primarily homeless persons who are veterans.*

*''(5) Any other information on those programs and on the provision of such assistance that the Secretary considers appropriate.*

*''(c) HEALTH CARE CONTENTS OF REPORT.—Each report under subsection (a) shall include, with respect to programs of the Department addressing health care needs of homeless veterans, the following:*

*''(1) Information about expenditures, costs, and workload under the program of the Department known as the Health Care for Homeless Veterans program (HCHV).*

*''(2) Information about the veterans contacted through that program.*

*''(3) Information about program treatment outcomes under that program.*

*''(4) Information about supported housing programs.*

*''(5) Information about the Department's grant and per diem provider program under subchapter II of this chapter.*

*''(6) The findings and conclusions of the assessments of the medical needs of homeless veterans conducted under section 2034(b) of this title.*

*''(7) Other information the Secretary considers relevant in assessing those programs.*

*''(d) BENEFITS CONTENT OF REPORT.—Each report under subsection (a) shall include, with respect to programs and activities of the Veterans Benefits Administration in processing of claims for benefits of homeless veterans during the preceding year, the following:*

*''(1) Information on costs, expenditures, and workload of Veterans Benefits Administration claims evaluators in processing claims for benefits of homeless veterans.*

*''(2) Information on the filing of claims for benefits by homeless veterans.*

*''(3) Information on efforts undertaken to expedite the processing of claims for benefits of homeless veterans.*

*''(4) Other information that the Secretary considers relevant in assessing the programs and activities.*

***''§2066. Advisory Committee on Homeless Veterans***

*''(a) ESTABLISHMENT.—(1) There is established in the Department the Advisory Committee on Homeless Veterans (hereinafter in this section referred to as the 'Committee').*

*''(2) The Committee shall consist of not more than 15 members appointed by the Secretary from among the following:*

*''(A) Veterans service organizations.*

*''(B) Advocates of homeless veterans and other homeless individuals.*

*''(C) Community-based providers of services to homeless individuals.*

''(D) Previously homeless veterans.

''(E) State veterans affairs officials.

''(F) Experts in the treatment of individuals with mental illness.

''(G) Experts in the treatment of substance use disorders.

''(H) Experts in the development of permanent housing alternatives for lower income populations.

''(I) Experts in vocational rehabilitation.

''(J) Such other organizations or groups as the Secretary considers appropriate.

''(3) The Committee shall include, as ex officio members, the following:

''(A) The Secretary of Labor (or a representative of the Secretary selected after consultation with the Assistant Secretary of Labor for Veterans' Employment).

''(B) The Secretary of Defense (or a representative of the Secretary).

''(C) The Secretary of Health and Human Services (or a representative of the Secretary).

''(D) The Secretary of Housing and Urban Development (or a representative of the Secretary).

''(4)(A) The Secretary shall determine the terms of service and allowances of the members of the Committee, except that a term of service may not exceed three years. The Secretary may reappoint any member for additional terms of service.

''(B) Members of the Committee shall serve without pay. Members may receive travel expenses, including per diem in lieu of subsistence for travel in connection with their duties as members of the Committee.

''(b) DUTIES.—(1) The Secretary shall consult with and seek the advice of the Committee on a regular basis with respect to the provision by the Department of benefits and services to homeless veterans.

''(2) In providing advice to the Secretary under this subsection, the Committee shall—

''(A) assemble and review information relating to the needs of homeless veterans;

''(B) provide an on-going assessment of the effectiveness of the policies, organizational structures, and services of the Department in assisting homeless veterans; and

''(C) provide on-going advice on the most appropriate means of providing assistance to homeless veterans.

''(3) The Committee shall—

''(A) review the continuum of services provided by the Department directly or by contract in order to define cross-cutting issues and to improve coordination of all services with the Department that are involved in addressing the special needs of homeless veterans;

''(B) identify (through the annual assessments under section 2034 of this title and other available resources) gaps in programs of the Department in serving homeless veterans, including identification of geographic areas with unmet needs, and provide recommendations to address those gaps;

''(C) identify gaps in existing information systems on homeless veterans, both within and outside the Department, and provide recommendations about redressing problems in data collection;

''(D) identify barriers under existing laws and policies to effective coordination by the Department with other Federal agencies and with State and local agencies addressing homeless populations;

''(E) identify opportunities for increased liaison by the Department with nongovernmental organizations and individual groups providing services to homeless populations;

''(F) with appropriate officials of the Department designated by the Secretary, participate with the Interagency Council on the Homeless under title II of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11311 et seq.);

''(G) recommend appropriate funding levels for specialized programs for homeless veterans provided or funded by the Department;

''(H) recommend appropriate placement options for veterans who, because of advanced age, frailty, or severe mental illness, may not be appropriate candidates for vocational rehabilitation or independent living; and

''(I) perform such other functions as the Secretary may direct.

''(c) REPORTS.—(1) Not later than March 31 of each year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that relate to homeless veterans. Each such report shall include—

''(A) an assessment of the needs of homeless veterans;

''(B) a review of the programs and activities of the Department designed to meet such needs;

''(C) a review of the activities of the Committee; and

''(D) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.

''(2) Not later than 90 days after the receipt of a report under paragraph (1), the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and House of Representatives a copy of the report, together with any comments and recommendations concerning the report that the Secretary considers appropriate.

''(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

''(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to that section.

''(d) TERMINATION.—The Committee shall cease to exist December 31, 2006.''.

(2) The tables of chapters before part I and at the beginning of part II are each amended by inserting after the item relating to chapter 19 the following new item:

''20. Benefits for Homeless Veterans ..... 2001''.

(b) HEALTH CARE.—(1) Subchapter VII of chapter 17 is transferred to chapter 20 (as added by subsection (a)), inserted after section 2023 (as so added), and redesignated as subchapter IV, and sections 1771, 1772, 1773, and 1774 therein are redesignated as sections 2031, 2032, 2033, and 2034, respectively.

(2) Subsection (a)(3) of section 2031, as so transferred and redesignated, is amended by striking ''section 1772 of this title'' and inserting ''section 2032 of this title''.

(c) HOUSING ASSISTANCE.—Section 3735 is transferred to chapter 20 (as added by subsection (a)), inserted after the heading for subchapter V, and redesignated as section 2041.

(d) MULTIFAMILY TRANSITIONAL HOUSING.—(1) Subchapter VI of chapter 37 (other than section 3771) is transferred to chapter 20 (as added by subsection (a)) and inserted after section 2043 (as so added), and sections 3772, 3773, 3774, and 3775 therein are redesignated as sections 2051, 2052, 2053, and 2054, respectively.

(2) Such subchapter is amended—

(A) in the heading, by striking ''FOR HOMELESS VETERANS'';

(B) in subsection (d)(1) of section 2051, as so transferred and redesignated, by striking ''section 3773 of this title'' and inserting ''section 2052 of this title''; and

(C) in subsection (a) of section 2052, as so transferred and redesignated, by striking ''section 3772 of this title'' and inserting ''section 2051 of this title''.

(3) Section 3771 is repealed.

(e) REPEAL OF CODIFIED PROVISIONS.—The following provisions of law are repealed:

(1) Sections 3, 4, and 12 of the Homeless Veterans Comprehensive Service Programs Act of 1992 (Public Law 102–590; 38 U.S.C. 7721 note).

(2) Section 1001 of the Veterans' Benefits Improvements Act of 1994 (Public Law 103–446; 38 U.S.C. 7721 note).

(3) Section 4111.

(4) Section 738 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11448).

(f) EXTENSION OF EXPIRING AUTHORITIES.—Subsection (b) of section 2031, as redesignated by subsection (b)(1), and subsection (d) of section 2033, as so redesignated, are amended by striking ''December 31, 2001'' and inserting ''December 31, 2006''.

(g) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 17 is amended by striking the item relating to subchapter VII and the items relating to sections 1771, 1772, 1773, and 1774.

(2) The table of sections at the beginning of chapter 37 is amended—

(A) by striking the item relating to section 3735; and

(B) by striking the item relating to subchapter VI and the items relating to sections 3771, 3772, 3773, 3774, and 3775.

(3) The table of sections at the beginning of chapter 41 is amended by striking the item relating to section 4111.

**SEC. 6. EVALUATION CENTERS FOR HOMELESS VETERANS PROGRAMS.**

(a) EVALUATION CENTERS.—The Secretary of Veterans Affairs shall support the continuation within the Department of Veterans Affairs of at least one center for evaluation to monitor the structure, process, and outcome of programs of the Department of Veterans Affairs that address homeless veterans.

(b) ANNUAL PROGRAM ASSESSMENT.—Section 2034(b), as transferred and redesignated by section 5(b)(1), is amended—

(1) by inserting ''annual'' in paragraph (1) after ''to make an''; and

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

''(6) The Secretary shall review each annual assessment under this subsection and shall consolidate the findings and conclusions of each such assessment into the next annual report submitted to Congress under section 2065 of this title.''.

**SEC. 7. STUDY OF OUTCOME EFFECTIVENESS OF GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.**

(a) STUDY.—The Secretary of Veterans Affairs shall conduct a study of the effectiveness during fiscal year 2002 through fiscal year 2004 of the grant program under section 2061 of title 38, United States Code, as added by section 5(a), in meeting the needs of homeless veterans with special needs (as specified in that section). As part of the study, the Secretary shall compare the results of programs carried out under that section, in terms of veterans' satisfaction, health status, reduction in addiction severity, housing, and encouragement of productive activity, with results for similar veterans in programs of the Department or of grant and per diem providers that are designed to meet the general needs of homeless veterans.

(b) REPORT.—Not later than March 31, 2005, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report setting forth the results of the study under subsection (a).

**SEC. 8. EXPANSION OF OTHER PROGRAMS.**

(a) ACCESS TO MENTAL HEALTH SERVICES.—Section 1706 is amended by adding at the end the following new subsection:

''(c) The Secretary shall ensure that each primary care health care facility of the Department develops and carries out a plan to provide mental health services, either through referral or direct provision of services, to veterans who require such services.''.

(b) COMPREHENSIVE HOMELESS SERVICES PROGRAM.—Subsection (b) of section 2033, as transferred and redesignated by section 5(b)(1), is amended—

(1) by striking ''not fewer'' in the first sentence and all that follows through ''services) at''; and

(2) by adding at the end the following new sentence: ''The Secretary shall carry out the program under this section in sites in at least

*each of the 20 largest metropolitan statistical areas.''.*

*(c) ACCESS TO SUBSTANCE USE DISORDER SERVICES.—Section 1720A is amended by adding at the end the following new subsection:*

*''(d)(1) The Secretary shall ensure that each medical center of the Department develops and carries out a plan to provide treatment for substance use disorders, either through referral or direct provision of services, to veterans who require such treatment.*

*''(2) Each plan under paragraph (1) shall make available clinically proven substance abuse treatment methods, including opioid substitution therapy, to veterans with respect to whom a qualified medical professional has determined such treatment methods to be appropriate.''.*

***SEC. 9. COORDINATION OF EMPLOYMENT SERVICES.***

*(a) DISABLED VETERANS' OUTREACH PROGRAM.—Section 4103A(c) is amended by adding at the end the following new paragraph:*

*''(11) Coordination of employment services with training assistance provided to veterans by entities receiving funds under section 2021 of this title.''.*

*(b) LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.—Section 4104(b) is amended—*

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

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

*(3) by adding at the end the following new paragraph:*

*''(13) coordinate employment services with training assistance provided to veterans by entities receiving funds under section 2021 of this title.''.*

***SEC. 10. USE OF REAL PROPERTY.***

*(a) LIMITATION ON DECLARING PROPERTY EXCESS TO THE NEEDS OF THE DEPARTMENT.—Section 8122(d) is amended by inserting before the period at the end the following: ''and is not suitable for use for the provision of services to homeless veterans by the Department or by another entity under an enhanced-use lease of such property under section 8162 of this title''.*

*(b) WAIVER OF COMPETITIVE SELECTION PROCESS FOR ENHANCED-USE LEASES FOR PROPERTIES USED TO SERVE HOMELESS VETERANS.—Section 8162(b)(1) is amended—*

*(1) by inserting ''(A)'' after ''(b)(1)''; and*

*(2) by adding at the end the following:*

*''(B) In the case of a property that the Secretary determines is appropriate for use as a facility to furnish services to homeless veterans under chapter 20 of this title, the Secretary may enter into an enhanced-use lease with a provider of homeless services without regard to the selection procedures required under subparagraph (A).''.*

*(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall apply to leases entered into on or after the date of the enactment of this Act.*

***SEC. 11. MEETINGS OF INTERAGENCY COUNCIL ON HOMELESS.***

*Section 202(c) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11312(c)) is amended to read as follows:*

*''(c) MEETINGS.—The Council shall meet at the call of its Chairperson or a majority of its members, but not less often than annually.''.*

***SEC. 12. RENTAL ASSISTANCE VOUCHERS FOR HUD VETERANS AFFAIRS SUPPORTED HOUSING PROGRAM.***

*Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended by adding at the end the following new paragraph:*

*''(19) RENTAL VOUCHERS FOR VETERANS AFFAIRS SUPPORTED HOUSING PROGRAM.—*

*''(A) SET ASIDE.—Subject to subparagraph (C), the Secretary shall set aside, from amounts made available for rental assistance under this subsection, the amounts specified in subparagraph (B) for use only for providing such assistance through a supported housing program administered in conjunction with the Department of Veterans Affairs. Such program shall provide rental assistance on behalf of homeless veterans who have chronic mental illnesses or chronic substance use disorders, shall require agreement of the veteran to continued treatment for such mental illness or substance use disorder as a condition of receipt of such rental assistance, and shall ensure such treatment and appropriate case management for each veteran receiving such rental assistance.*

*''(B) AMOUNT.—The amount specified in this subparagraph is—*

*''(i) for fiscal year 2003, the amount necessary to provide 500 vouchers for rental assistance under this subsection;*

*''(ii) for fiscal year 2004, the amount necessary to provide 1,000 vouchers for rental assistance under this subsection;*

*''(iii) for fiscal year 2005, the amount necessary to provide 1,500 vouchers for rental assistance under this subsection; and*

*''(iv) for fiscal year 2006, the amount necessary to provide 2,000 vouchers for rental assistance under this subsection.*

*''(C) FUNDING THROUGH INCREMENTAL ASSISTANCE.—In any fiscal year, to the extent that this paragraph requires the Secretary to set aside rental assistance amounts for use under this paragraph in an amount that exceeds the amount set aside in the preceding fiscal year, such requirement shall be effective only to such extent or in such amounts as are or have been provided in appropriation Acts for such fiscal year for incremental rental assistance under this subsection.''.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, earlier this year at a hearing on homeless veterans, our committee heard some very compelling testimony from several veterans who themselves had been homeless, including Stuart Collick, a 39-year-old veteran from New Jersey. Stuart had joined the all-volunteer Army at the age of 23. He could think of no higher calling than serving his country, and serve he did. He had combat experience in Grenada, and later distinguished himself as an infantryman in the Persian Gulf War.

He holds the Army Service Ribbon with three Oak Leaf Clusters, the Southwest Asia Service Ribbon; three Bronze Star medals; three Good Conduct medals, and the Combat Infantryman's Badge, among other official recognition. He served with distinction, and he did his duty.

But combat leaves indelible marks and can leave scars that sometimes fail to heal. Mr. Collick left the Army in 1992, a disillusioned man, and he began drinking, then he turned to hard drug use. Within 5 years of discharge, he had lost his job, his family and his home, and was on the streets. His life, like many homeless, addicted veterans, was in total chaos.

Last year, Stuart Collick found the VA Homeless Assistance Program of New Jersey. With VA help, and a growing faith in God, he turned his life around, finding new ways to cope and to overcome. He found a job and his own apartment. He developed new friendships, and reestablished relationships with his family. Today, he is working as a carpenter and foreman on the VA's Veterans Construction Team at Lyons, New Jersey, helping to build a commercial greenhouse and teaching other homeless veterans how to build something positive. Today, Stuart is a role model, an inspiration to his fellow veterans in early recovery and drawing strength from his own experiences in the Army and his life.

Unfortunately, for each Stuart Collick, there are thousands of other homeless veterans living on America's streets. In fact, the Department of Veterans Affairs estimates there are 225,000 homeless veterans on any given night. Other organizations believe that the number is closer to 300,000. Either number is far too high and a national scandal.

Madam Speaker, this historic legislation before the House today, H.R. 2716, is designed to provide assistance to homeless men and women, with a national goal of ending chronic homelessness among veterans within 10 years.

When I introduced the homeless assistance legislation earlier this year, it had four overarching themes: Prevention; innovation; accountability and funding programs that work. After months of effort on the part of the Committee on Veterans Affairs and our staff in both bodies, I am proud to report that our final compromise legislation reflects these principles.

Madam Speaker, it is difficult to pinpoint any one cause of homelessness among our veterans. We know, however, that direct exposure to combat is often associated with later readjustment problems. We know that a majority of homeless veterans today suffer from mental illnesses, including posttraumatic stress disorder, illegal substance abuse often complicates their situation as well.

As indicated in a recent Washington Post article, ''The woeful failure to provide appropriate treatment and ongoing follow-up care has sent many individuals spinning through an endless revolving door of hospital admission and readmissions, jails and public shelters. America's jails and prisons are now surrogate psychiatric hospitals.''

Madam Speaker, what a sad commentary that this is our approach to dealing with this vexing problem, and it need not be. Madam Speaker, a provision in H.R. 2716 authorizes an innovative demonstration program to learn whether early intervention can prevent homelessness among institutionalized veterans. The program would be carried out at 6 demonstration sites, including jails and prisons. The purpose of this program is to provide incarcerated veterans with referral and counseling about job training, housing, health care, and other needs to assist the veteran in the transition from institutional living back to normal life.

Madam Speaker, the consensus legislation now before the House adds funds to programs that have demonstrated effectiveness in addressing chronic homelessness among veterans. One such program coordinates the resources of several responsible Federal agencies in dealing with homelessness. Our agreement adopts the House provision which would authorize 2,000 additional HUD section 8 low-income housing vouchers for homeless veterans in need of permanent housing. These veterans must be enrolled in VA health care and priority will be given to veterans under care for mental illness or substance-use disorders.

Another program with demonstrated effectiveness is the VA's domiciliary program, currently operating in 35 locations. Our bill will authorize $10 million for 10 new ''VA Domiciliary for Homeless Veterans'' programs. These programs, like the successful one at the VA in Lyons, New Jersey, have proven highly effective. They are not the entire solution, but they appear to obtain very good results, and I believe we need to have more of them.

The bill improves and expands VA's homeless grant program, which works with community-based and nonprofit providers to target services for homeless veterans. Current participants are already contributing substantially to the fulfillment of this bill's objective: To reduce homelessness and provide for the specialty needs of homeless veterans. The bill authorizes $285 million over 4 years for this program. It also provides a new mechanism for setting the per diem payment so that it can be adjusted on a regular basis without red tape.

The Department of Labor's Homeless Veteran Reintegration Program has a proven track record of helping veterans rejoin the labor force. H.R. 2716 extends and increases the authorization level to $250 million over 5 years for this effective program.

Employment is an important key to helping homeless veterans rejoin American society, but employment is not possible unless a homeless veteran has access to quality health and dental care, and other supportive services. The compromise expands access to these services in an innovative way.

These are just a few of the highlights of the comprehensive bill, the ''Homeless Veterans' Comprehensive Assistance Act of 2001.'' It will provide new assistance to homeless veterans, lift them up to a sustainable level and prevent them from returning to a state of homelessness, and help them become self-sufficient individuals, accountable for their own actions. This bill also holds accountable grant and contract recipients to perform their promised services in exchange for government investments, and promotes a greater opportunity for departments to work together to provide the best possible outcomes. It also sponsors prevention of homelessness in high-risk groups within the veteran population. And, it provides more authority and funds for programs that have proven themselves successful in reducing homelessness.

I would like to commend a number of people, the gentleman from Illinois (Mr. EVANS) who has been a tireless worker working on behalf of homeless veterans. We have worked very cooperatively on this legislation. He has been a friend and ally in its crafting, along with staff on both sides of the aisle, Pat Ryan, who is our committee staff counsel as well as our committee's chief of staff. I would like to thank so many people who contributed to this legislation and those who inspire like Jerry Colbert.

Madam Speaker, my wife and I were greatly moved by the National Memorial Day concert produced by Jerry Colbert here at the Capitol and the emphasis it placed on homelessness. This is a good bill, and deserves the support of every Member of this body.

Madam Speaker, I reserve the balance of my time.

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

(Mr. EVANS asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. EVANS. Madam Speaker, I rise in strong support of H.R. 2716. I commend and thank the gentleman from New Jersey (Mr. SMITH) for his effective leadership on this legislation. I thank the many other Members who have supported this legislation, and also salute the staff who contributed to this bill before us today. I appreciate the work of the Committee staff, and in particular, the work of Susan Edgerton and Sandra McClellan of my staff for their contributions to this measure.

This bill will greatly benefit our homeless veterans, and it is a bipartisan measure in the best tradition of this committee. The legislation contains provisions which I originally proposed in H.R. 936, and also contains provisions authored by the gentleman from New Jersey (Mr. SMITH). The bipartisan legislation now on the floor is worthy of the strong support of every Member of this body.

H.R. 2716 recognizes and addresses the needs of a special group of veterans, our Nation's homeless veterans. The preponderance of the evidence is that the male population of veterans suggests a compelling need for legislation that specifically addresses the needs of this extremely complex and vulnerable population.

The legislation before the House today will greatly benefit our homeless veterans. It maintains the focus of my original bill which emphasizes mental health and substance use disorder treatment as essential building blocks in the effort to restore veterans' functionality and independence.

There are simply not enough vital substance abuse and mental health programs today to help veterans onto the path of sobriety and increased functionality. Additional resources are needed to help more homeless veterans and this legislation provides needed added resources.

Madam Speaker, I urge the passage of this legislation, and include for the RECORD a summary explanation of this legislation.

HOMELESS VETERANS COMPREHENSIVE ASSISTANCE ACT OF 2001—H.R. 2716, AS AMENDED

Title: To amend title 38, United States Code, to revise, improve, and consolidate provisions of law providing benefits and services for homeless veterans, and for other purposes.

H.R. 2716, as amended would:

1. Provide that this bill may be cited as the ''Homeless Veterans Comprehensive Assistance Act of 2001''.

2. Establish a national goal to end chronic homelessness among veterans and encourage all governmental and private agencies to work together to achieve this goal.

3. Provide a ''Sense of the Congress'' regarding the needs of homeless veterans and the responsibility of federal agencies in meeting these needs.

4. Consolidate and improve laws relating to homeless veterans into a new chapter of title 38, United States Code. Include provisions to increase per diem payments for the care of homeless veterans by community providers up to the rates paid to state home domiciliaries, authorize appropriations for the Homeless Veterans' Reintegration Program, coordinate outreach services among agencies dealing with homeless individuals, and undertake an outreach demonstration program within VA. Other provisions would authorize establishment of a grant program for homeless veterans with special needs, a limited dental care benefit for veterans using VA homeless programs, technical assistance grants to nonprofit community based groups, and establish an Advisory Committee on Homeless Veterans.

5. Establish evaluation centers for programs that serve homeless veterans and require reports of annual program assessments to be submitted to Congress.

6. Require a study of outcome effectiveness of a new grant program for homeless veterans with special needs.

7. Require VA to develop a plan to provide mental health services at all VA primary care sites; expand the comprehensive homeless service center program; and require a plan to provide substance use disorder treatment, including opioid substitution therapy at every VA medical center.

8. Require disabled veterans' outreach program specialists and local veterans' employment representatives to coordinate employment services with entities receiving financial assistance under homeless veterans' reintegration programs.

9. Establish priorities for homeless programs when VA considers disposing of real property or entering into enhanced-use lease arrangements.

10. Require an annual meeting of the Interagency Council on Homeless.

11. Set aside rental assistance vouchers for HUD VA-Supported Housing Program.

*Effective Date:* Date of enactment.

*Cost:* The Congressional Budget Office estimates the cost of H.R. 2716, as amended, would authorize funding or modify provisions governing discretionary spending in additional outlays of about $90 million in 2002 and about $945 million over the 2002–2006 period, assuming appropriation of the necessary amounts. Because the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Madam Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Madam Speaker, I rise today in support of this legislation, and I commend the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) for their support of this important bill. I also thank Heather French Henry, who has worked tirelessly to bring the plight of homeless veterans to the attention of our Nation.

This bipartisan bill sets a new national standard to end chronic homelessness for veterans in 10 years.

□ 1600

It has been estimated that 345,000 veterans will benefit from this legislation with assistance in housing, health care, mental health services, job training, dental care and so on and so forth.

As a Vietnam veteran, I know firsthand the importance of helping military personnel who are returning from a war zone. They have to deal with the issue of reintroducing themselves to society. For many, the emotional strains of war are more than they can bear. Many veterans have found themselves unable to cope with the expectations of returning to civilian life. They have problems on the job, they have problems with their family, and they get into a downward spiral that ultimately ends up with homelessness. Under the provisions of this legislation, government agencies and private agencies will provide these veterans with the support they need. It will provide them with per diem payments, greater access to outreach programs, mental health services, dental services, and so on and so forth.

Ending chronic homelessness will not be an easy task, but this is a piece of legislation that will bring us much closer to that important goal.

Madam Speaker, our veterans were there when we needed them. Now it is our turn. We should be there when they need us.

Mr. EVANS. Madam Speaker, I yield 4 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Madam Speaker, I rise in support of H.R. 2716, the Homeless Veterans Comprehensive Assistance Act of 2001. I want to thank the chairman of the full committee, the gentleman from New Jersey; and our ranking member, the gentleman from Illinois, for responding in a bipartisan fashion to the needs of our Nation's homeless veterans. I fully support the bill's goal of ending chronic homelessness among our Nation's veterans within a decade.

I am pleased to see that the bill requires dedicated employees at Veterans Administration regional offices to serve large numbers of our homeless veterans. It is difficult enough for veterans who are not coping with the hardships of homelessness to navigate through the VA bureaucracy. Our homeless veterans often need special assistance. This bill will provide it.

Madam Speaker, I would like to direct my remarks today to the great need of some of our most severely disabled and mentally ill homeless veterans. This bill contains a number of provisions to address the special needs of chronically mentally ill homeless veterans. It encourages the VA to make grants targeted to the chronically mentally ill. It requires access to mental health services and substance abuse treatment at VA health care facilities. These veterans clearly need more intensive services in order to achieve stable housing and maximum independence, even if employability is not a realistic goal.

As a Vietnam veteran myself, I know that during that time a number of individuals were accepted into military service who would not have been accepted for service under normal criteria. Some of these veterans were further traumatized by their military experience and have suffered ever since with severe mental health and substance abuse problems. Those veterans who became homeless as a result of these problems deserve our support.

To ensure that mentally ill veterans do not become homeless, I support expansion of programs to provide mental health services to our veterans. As the number of community-based outpatient clinics has increased, I continue to hear of inadequate access to mental health care and substance abuse treatment services. Veterans who are seriously mentally ill need access to health care and to treatment just as those who have other serious illnesses. Ensuring a plan for mental health treatment available through each VA primary care clinic will provide the access needed by our veterans.

Madam Speaker, I am proud to support this effort to address the longstanding problem of chronic homelessness among those who have served our Nation proudly. I urge all Members to support this bill, H.R. 2716.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Just let me close, Mr. Speaker, by again thanking the gentleman from Illinois (Mr. EVANS) for his partnership in working on this legislation. I also appreciate the work of our colleagues in the Senate, Chairman ROCKEFELLER and Ranking Member SPECTER, who toiled in good faith with us on behalf of finding consensus on this legislation that satisfies the needs and really does address the problem to truly make a difference. I want to recognize the staffs who contributed so much to these efforts, including our chief of staff and general counsel Pat Ryan, Kingston Smith, Michael Durishin, Susan Edgerton, John Bradley, Peter Dirkenson, Bill Brew, Bill Tuerk, Alexandra Sardegna, Bill Cahill, Kimberly Cowins, Perry Lange, Debbie Smith, Summer Larson, Jeannie McNally, as well as counsels in both bodies, Bob Cover, Pierre Poisson and Charlie Armstrong, as well as several others who worked together to accomplish a truly remarkable bill that in the future will be seen as a tremendous contribution to solving a perplexing national problem for veterans. I commend all our Members on both sides of the aisle, and in both Houses, for their support in moving this legislation as well.

On behalf of homeless veterans, Mr. Speaker, who need these services, I want to particularly honor Stuart Collick, Walter McConnell, Angela Gipson and other formerly homeless veterans of my own State who serve as inspirations and role models, and for all of those who aid them in their ongoing efforts to solve this problem, one veteran at a time, trying to rescue one life at a time.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation.

The SPEAKER pro tempore (Mr. OTTER). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

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

Mr. EVANS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I am pleased that the Senate has acted quickly to pass this important piece of legislation to assist homeless veterans. I would like to thank our distinguished chairman and ranking member of the Committee on Veterans' Affairs for crafting this bipartisan legislation that targets the specialized needs of an often neglected population within the veterans community, the homeless, which have very little access to services.

The VA issued a report last year on homeless veterans. It found that during 1999 there were an estimated 350,000 homeless veterans, an increase of 34 percent above the 1998 estimate. Things are getting worse instead of better. Many of our homeless veterans suffer from posttraumatic stress disorder and other mental illnesses in addition to drug addiction. Unfortunately, the VA has cut the number of inpatient beds in half.

We heard forceful testimony in committee that the lack of inpatient beds has adversely affected the quality of care for veterans who suffer from substance abuse, many of whom are homeless. The VA admitted during a hearing that they have not met 1996 capacity requirements for substance abuse.

So while I am happy that H.R. 2716 authorizes more resources for homeless programs and promotes greater accountability and oversight for these programs, I have concerns with some of

the VA policies which may hinder implementation. In particular, the VA's move from inpatient hospital settings to community-based clinics may have unintentionally turned homeless veterans away from treatment. Therefore, I hope that this legislation will enable the VA to better serve this population through aggressive outreach efforts and to render much needed services as quickly as possible.

The events of the recent past have reminded us that our Nation's peace and security must be protected at any cost. Those men and women who answer the call to defend our democracy when it is under attack should be assured that we will take care of them when they are in crisis.

Mr. Speaker, I want to reemphasize the importance of these programs for our homeless veterans, and I want to encourage the importance of making sure that we have caseworkers out there that reach out to these veterans. Too many times, these veterans, as we well know, suffer from mental health problems. They are not the type to come in for an appointment. We have to make sure that we reach out to them and make sure that we provide that access to that service. When we look at a lot of these veterans, these are the same ones that might be suffering from substance abuse as a way of trying to correct their problems with mental health and trying to protect themselves.

In closing, let me just say, Mr. Speaker, I urge that my colleagues support H.R. 2716.

Mr. FORBES. Mr. Speaker, last week, we commemorated the 60th anniversary of the attack on Pearl Harbor. That single event changed the history of the world, and altered the paths of all Americans. No one was more affected, however, than the World War II veterans who picked up arms in response to that attack. Ceremonies all across the nation honored them for their sacrifices last Friday, including one in which I was proud to participate on the U.S.S. *Enterprise*.

There can be no greater exhibition of gratitude, however, than passage of legislation that improves the lives of those veterans and expands upon the benefits that they have richly earned. For months now, several bills passed by the House to help our veterans have awaited action by the other chamber. Today, I am pleased to join my colleagues in finally passing some of them and sending them to the President for his signature into law.

The first bill sets a high, but I think attainable goal, of ending chronic homelessness among veterans. Far too many of the brave men and women who fought to provide us with freedom spend their days and nights on the streets and in shelters. They returned from the battlefield but were unable to make the transition back to their civilian lives. Given the great sacrifices they have made on our behalf, we should be able to make a real effort to help them find their place in our society where they can feel welcome and comfortable. As many as 300,000 veterans sleep on the streets on any given night. The $1 billion authorized by this legislation over the next five years will go far to help them find peace and shelter.

The second bill provides a 2.6 percent cost-of-living adjustment for veterans disability compensation. For 100 percent disabled veterans, this translates into an average of $738 each year. These men and women sacrificed their ability to do many routine tasks, including work, when they put on the uniform and were wounded. This legislation merely helps them keep pace with inflation, so that they can pay their bills and live their lives. It is a modest increase compared to what they have given.

The final bill consolidates several bills considered by the House that increase education, housing, burial, and disability benefits for veterans by $3.1 billion over the next five years. Specifically, the bill increases the popular and successful Montgomery GI Bill college education benefit by 51 percent over current levels, increases the veterans home loan guaranty by nearly $10,000, and increases grants for disabled veterans' implements. Furthermore this bill expands the list of illnesses for which veterans can qualify for disability compensation and will repeal the 30-year presumptive period for respiratory cancers associated with exposure to Agent Orange and other herbicides.

Together, these bills are a fitting way to thank our veterans and to extend a promise to the millions of American soldiers, sailors, airmen, and Marines that are now serving in uniform. Without these men and women, the world would be far less secure and the future would be bleak. I am proud to be a part of the effort to show our thanks.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 2716, the Homeless Veterans Assistance Act of 2001. I urge my colleagues to join in supporting this timely, appropriate legislation.

This legislation authorizes, in addition to the current existing program, 500 Department of Housing and Urban Development low-income housing vouchers per year for the next four years. Along with this, the bill also requires the Veterans Health Administration to increase the number of caseworkers so that all veterans who receive such a housing voucher will be seen by a case manager.

The legislation also requires the VA to ensure the accuracy of its reporting system on: the demand for services by homeless veterans, the level of understanding among grant recipients of their responsibility to serve homeless veterans, and the development of an evaluation system to analyze the progress of veterans enrolled in the program, and on the overall effectiveness of the various homeless programs. The Secretary is also given the authority to rescind or recover homeless grant funds from those programs that fail to meet their established guidelines for using such money with relation to offering services to homeless veterans.

In terms of specific funding, the bill provides $60 million for FY 2002 for the Department of Veterans Affairs Homeless Grant and Per Diem Program, and raises this amount to $75 million for FYs 2003–2005. Moreover, it also directs the VA Secretary to establish 10 new domiciliary for homeless veterans programs, and authorizes $5 million per year for this purpose beginning in 2003.

Finally, the legislation strengthens and expands job training and counseling services offered through the Department of Labor's Homeless Veterans Reintegration Program. Additional services are authorized through the creation of a demonstration project in six locations for veterans in institutional confinement, particularly those with substances abuse problems or mental illnesses. These services are designed to facilitate the successful reintegration of the veteran into productive society.

The issue of homeless veterans is one of our government's more significant failures with regards to military and social policy. Every night thousands of veterans sleep on the streets or inside shelters. Additionally, many of these individuals have criminal records, substance abuse problems, and are often mentally ill.

Simply put, this is inexcusable. These veterans answered their country's call to service in their prime years. We as a nation have an obligation to these men and women to ensure that they at least have a roof over their head, and whatever assistance they may require to deal with the demons of mental illness or substance abuse.

This bill takes a significant step towards that goal. Accordingly, I urge my colleagues to lend it their wholehearted support.

Mr. MATHESON. Mr. Speaker, I appreciate the opportunity to speak today concerning H.R. 2716, the Homeless Veterans Assistance Act. In this time of war, we have many of our men and women in uniform fighting for the security of the free world in Afghanistan. As a cosponsor of this legislation, I am proud that Congress has remembered its responsibility to those who fought before—in the Gulf War, Vietnam, Korea, World War II, and the myriad other conflicts our nation has faced.

This legislation attempts to resolve a problem that has long plagued veterans: homelessness. While our nation is fortunate to have many businesses that welcome veterans with open arms, some veterans return from service without being able to reintegrate into society easily. Many of these men and women end up on the streets, without a home. It is terrible that these valiant soldiers could fight for their country, protect freedom and liberty, and then return home to nothing.

This legislation calls on the United States to eliminate chronic homelessness among our nation's veterans within ten years—a very admirable goal. It authorizes 2,000 Housing and Urban Development low-income housing vouchers to be disseminated to homeless veterans. It establishes programs to provide counseling services to certain veterans, offer technical assistance to non-profit organizations working to alleviate veteran homelessness, improve veteran dental services, and requires Homeless Veterans Comprehensive Service Program centers in the 20 largest U.S. cities.

I am grateful, Mr. Speaker, for the work that my colleagues have done to see this legislation move forward. I am even more grateful for the dedication and sacrifice that our veterans have given to preserve our freedom. Mr. Speaker, I support this legislation and ask my colleagues to join me in voting in favor of H.R. 2716.

Ms. CARSON of Indiana. Mr. Speaker, I would like to thank Chairman SMITH for his hard work in making sure this measure was considered by the Senate so it could become law in this session of Congress. I also want to thank Chairman STEARNS and Ranking Member FILNER of the Health Subcommittee for their hard work on this legislation.

The Stuart Collick-Heather French Henry Homeless Veterans Assistance Act establishes as a national goal an end to chronic

homelessness among veterans and encourages all governmental and private agencies to work together to achieve this goal.

It is the responsibility of the federal government to see to the needs of homeless veterans and the responsibility of federal agencies in meeting those needs. This bill does this by authorizing 10 new Domiciliary for Homeless Veterans programs; $285 million over four years for the Homeless Grant and Per Diem program; $250 million over five years for the Labor Department's Homeless Veterans Reintegration Program to expedite the reintegration of homeless veterans into the labor force; and it earmarks $10 million over three years for medical care for homeless veterans with special needs, including older veterans, women, substance abusers and those with post-traumatic-stress disorder.

I believe so strongly in this issue that I donated personal property to the cause. The Hoosier Veterans Assistance Foundation has worked hard to make my dream a reality. The house assists homeless veterans by supplying transitional housing as well as needed supportive services. We must work together. I have been touched by the number of people who are asking to help since they saw the story on the news.

I am pleased that this measure is being considered this session and urge its passage.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in support of the Senate amendments to the House passed Homeless Veterans Assistance Act and Veterans Benefits Act. These amendments will provide greater care for our nation's veterans and will help America keep its promise to protect the men and women that have done so much to protect America.

I supported the Homeless Veterans Assistance Act when it passed the House of Representatives, and now, I support the Senate-passed version because it does much more. This bill will provide new programs, and will modify existing programs, to furnish a multitude of services for homeless veterans. These services include outreach, rehabilitation, vocational counseling and training, and transitional housing assistance to homeless veterans. In other words, this bill seeks to fight the causes of veterans' homelessness at their root.

Mr. Speaker, as many as 80,000 of our country's 3 million homeless are in the city of Chicago, Many of these are veterans. There are few things as tragic as the sight of the homeless set against the background of a society with so much wealth and prosperity. We have the responsibility to do more. This bill is a modest step in the right direction. Providing veterans with the best possible benefits and rewarding them for their tremendous service to our country is important to me. I believe we must ensure that veterans' programs are sufficiently funded. Providing the means for disenfranchised veterans to renew their lives is the very least we can do.

I also supported the Veterans Benefits Act when it passed the House because it provides a cost of living adjustment for the rates of veterans' disability compensation, additional compensation for dependents, the clothing allowance for certain disabled adult children, and dependency and indemnity compensation for surviving spouses and children. This legislation seeks to ensure that our veterans and their families are not- left behind in the struggle to move forward in these pressuring economic times.

I believe that veterans who served our country deserve the fairest treatment available and that our national priorities must recognize the contributions of all military personnel. This Congress should remain committed to our veterans and work to ensure that they are provided the best possible service. I urge my colleagues to vote in favor of the Senate amendments to the Homeless Veterans Assistance Act and the Veterans Benefits Act.

Mr. FILNER. Mr. Speaker, I rise in support of H.R. 2716, the Homeless Veterans Comprehensive Assistance Act of 2001. This homeless bill retains the best components of two individuals bills, introduced by Ranking Member EVANS and Chairman SMITH. I was an original co-sponsor of H.R. 936, the Heather French Henry Homeless Veterans Assistance Act introduced by Ranking Member EVANS and later in the Senate as S. 736 by Senator PAUL WELLSTONE, because I believed it would enhance effective programs serving homeless veterans, such as community based ''grant and per diem'' care, the homeless veterans reintegration program, and the comprehensive homeless veterans centers. In particular, the bill emphasizes the VA's mental health and substance abuse programs—programs that help veterans achieve the stability they need in order to move toward rebuilding productive lives.

I also believe H.R. 936 would address gaps in VA's care continuum that have been identified by homeless veterans their advocates, such as dental care and outreach to prevent veterans at risk for homelessness. It allows innovative new grant programs to address the needs of veterans whose needs may not be addressed by mainstream programs—programs for terminally ill veterans, veterans with ''dual diagnosis'', that is mental illness and substance abuse disorders, frail elderly veterans, and women.

In Committee hearings, Members from both sides of the aisle identified both the medical necessity and the social importance of a dental benefit in helping veterans regain their footing in society. I believe dental care is an important, but underemphasized part of the VA health care system. This is a small, but critical step we can take toward making this service available to additional veterans.

I also appreciate elements of Chairman SMITH's bill, the Homeless Veterans' Assistance Act. I particularly appreciated his bill's emphasis on finding permanent supported housing options for homeless veterans.

Together, the composite legislation will allow VA to consolidate and coordinate programs for homeless veterans both within the Department, within other federal agencies, and in the non-profit sector that furnish services to our homeless veterans. I believe this comprehensive homeless legislation will make a real difference in the lives of America's homeless veterans.

The final bill retains the stated goal of H.R. 936: to end chronic homelessness among veterans within a decade. I believe the comprehensive bill before us puts the Department of Veterans Affairs on the right path for making this happen. I urge my colleagues to support this measure.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in strong support of H.R. 2716. I am proud to be a cosponsor of this measure and I would like to thank all members and staff who worked to help bring this excellent piece of legislation before the House for passage. I strongly believe that H.R. 2716 will truly benefit our nation's homeless veterans.

I would also like to express my regret and disappointment over some of the partisan politics that have surrounded this legislation. For far too long, too many of the men and women who have served in our nation's military have been homeless. It is a sad fact that an estimated 225,000 veterans throughout the United States live on the streets. Delaying action on this bill over partisan politics only hurt the veteran's living on the streets.

Nevertheless, I am pleased that the bill is finally ready for passage and I strongly support H.R. 2716, which is a critical step in addressing the shameful situation of homeless veterans in our country.

Among several other provisions included in this bill, H.R. 2716 authorizes 2,000 additional HUD Section 8 low-income housing vouchers over four years for homeless veterans, establishes a grant program for homeless veterans with special needs, and establishes a limited dental provision for veterans using VA homeless programs.

In addition, H.R. 2716 establishes evaluation centers for programs that serve homeless populations and requires annual program assessments to be submitted to Congress.

These are just a few of the many critical provisions in H.R. 2716 that will help eliminate the problem of chronic homelessness among veterans. I ask my colleagues to join me in support of this important legislation for the men and women who have sacrificed so much in defense of liberty and democracy.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2716.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

## VETERANS BENEFITS ACT OF 2001

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2540) to amend title 38, United States Code, to make various improvements to veterans benefits programs under laws administered by the Secretary of Veterans Affairs, and for other purposes.

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

***SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.***

*(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Compensation Rate Amendments of 2001''.*

*(b) REFERENCES TO TITLE 38, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.*

***SEC. 2. DISABILITY COMPENSATION.***

*(a) INCREASE IN RATES.—Section 1114 is amended—*

*(1) by striking ''$98'' in subsection (a) and inserting ''$103'';*

*(2) by striking ''$188'' in subsection (b) and inserting ''$199'';*

*(3) by striking ''$288'' in subsection (c) and inserting ''$306'';*

*(4) by striking ''$413'' in subsection (d) and inserting ''$439'';*

*(5) by striking ''$589'' in subsection (e) and inserting ''$625'';*

*(6) by striking ''$743'' in subsection (f) and inserting ''$790'';*

*(7) by striking ''$937'' in subsection (g) and inserting ''$995'';*

*(8) by striking ''$1,087'' in subsection (h) and inserting ''$1,155'';*

*(9) by striking ''$1,224'' in subsection (i) and inserting ''$1,299'';*

*(10) by striking ''$2,036'' in subsection (j) and inserting ''$2,163'';*

*(11) in subsection (k)—*

*(A) by striking ''$76'' both places it appears and inserting ''$80''; and*

*(B) by striking ''$2,533'' and ''$3,553'' and inserting ''$2,691'' and ''$3,775'', respectively;*

*(12) by striking ''$2,533'' in subsection (l) and inserting ''$2,691'';*

*(13) by striking ''$2,794'' in subsection (m) and inserting ''$2,969'';*

*(14) by striking ''$3,179'' in subsection (n) and inserting ''$3,378'';*

*(15) by striking ''$3,553'' each place it appears in subsections (o) and (p) and inserting ''$3,775'';*

*(16) by striking ''$1,525'' and ''$2,271'' in subsection (r) and inserting ''$1,621'' and ''$2,413'', respectively; and*

*(17) by striking ''$2,280'' in subsection (s) and inserting ''$2,422''.*

*(b) SPECIAL RULE.—The Secretary of Veterans Affairs may authorize administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.*

***SEC. 3. ADDITIONAL COMPENSATION FOR DEPENDENTS.***

*Section 1115(1) is amended—*

*(1) by striking ''$117'' in clause (A) and inserting ''$124'';*

*(2) by striking ''$201'' and ''$61'' in clause (B) and inserting ''$213'' and ''$64'', respectively;*

*(3) by striking ''$80'' and ''$61'' in clause (C) and inserting ''$84'' and ''$64'', respectively;*

*(4) by striking ''$95'' in clause (D) and inserting ''$100'';*

*(5) by striking ''$222'' in clause (E) and inserting ''$234''; and*

*(6) by striking ''$186'' in clause (F) and inserting ''$196''.*

***SEC. 4. CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.***

*Section 1162 is amended by striking ''$546'' and inserting ''$580''.*

***SEC. 5. DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.***

*(a) NEW LAW RATES.—Section 1311(a) is amended—*

*(1) by striking ''$881'' in paragraph (1) and inserting ''$935''; and*

*(2) by striking ''$191'' in paragraph (2) and inserting ''$202''.*

*(b) OLD LAW RATES.—The table in section 1311(a)(3) is amended to read as follows:*

| *Pay grade and monthly rate* | |
|---|---|
| *E–1* | *$935* |
| *E–2* | *935* |
| *E–3* | *935* |
| *E–4* | *935* |
| *E–5* | *935* |
| *E–6* | *935* |
| *E–7* | *967* |
| *E–8* | *1,021* |
| *E–9* | *1,066* [1] |
| *W–1* | *988* |
| *W–2* | *1,028* |
| *W–3* | *1,058* |
| *W–4* | *$1,119* |
| *O–1* | *988* |
| *O–2* | *1,021* |
| *O–3* | *1,092* |
| *O–4* | *1,155* |
| *O–5* | *1,272* |
| *O–6* | *1,433* |
| *O–7* | *1,549* |
| *O–8* | *1,699* |
| *O–9* | *1,818* |
| *O–10* | *1,994* [2] |

*''[1]If the veteran served as Sergeant Major of the Army, Senior Enlisted Advisor of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $1,149.*

*''[2]If the veteran served as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $2,139.''.*

*(c) ADDITIONAL DIC FOR CHILDREN.—Section 1311(b) is amended by striking ''$222'' and inserting ''$234''.*

*(d) AID AND ATTENDANCE ALLOWANCE.—Section 1311(c) is amended by striking ''$222'' and inserting ''$234''.*

*(e) HOUSEBOUND RATE.—Section 1311(d) is amended by striking ''$107'' and inserting ''$112''.*

***SEC. 6. DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.***

*(a) DIC FOR ORPHAN CHILDREN.—Section 1313(a) is amended—*

*(1) by striking ''$373'' in paragraph (1) and inserting ''$397'';*

*(2) by striking ''$538'' in paragraph (2) and inserting ''$571'';*

*(3) by striking ''$699'' in paragraph (3) and inserting ''$742''; and*

*(4) by striking ''$699'' and ''$136'' in paragraph (4) and inserting ''$742'' and ''$143'', respectively.*

*(b) SUPPLEMENTAL DIC FOR DISABLED ADULT CHILDREN.—Section 1314 is amended—*

*(1) by striking ''$222'' in subsection (a) and inserting ''$234'';*

*(2) by striking ''$373'' in subsection (b) and inserting ''$397''; and*

*(3) by striking ''$188'' in subsection (c) and inserting ''$199''.*

***SEC. 7. EFFECTIVE DATE.***

*The amendments made by this Act shall take effect on December 1, 2001.*

Amend the title so as to read: ''An Act to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2540, the Veterans Compensation Rate Amendments of 2001, is a clean bill providing a cost-of-living adjustment to disabled veterans and surviving spouses. Most of the changes to other benefit authorities that were part of the bill when it passed the House will be taken up as part of the compromise agreement to H.R. 1291.

Upon enactment of this vital legislation, all veterans or qualified survivors of veterans who receive disability compensation payment will receive a 2.6 percent cost-of-living adjustment beginning on December 1 of this year. This increase, which matches the Social Security COLA, will raise payments to disabled veterans by more than $400 million in the first year. In all, compensation payments will be increased by more than $2.5 billion over the next 5 years. For more than 170,000 veterans who are permanently and totally disabled, the average annual increase is $738.

Mr. Speaker, I want to thank every Member who contributed to this bill. I especially want to thank the gentleman from Idaho (Mr. SIMPSON), who is the chairman of our Subcommittee on Benefits, and the gentleman from Texas (Mr. REYES), who is the ranking member, for their excellent work on H.R. 2540.

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

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

Mr. Speaker, I rise in strong support of H.R. 2540, as amended. I again want to thank the gentleman from New Jersey for his leadership on this important legislation and for his continuing efforts on behalf of our Nation's veterans. I also want to thank the leaders of our Subcommittee on Benefits, the gentleman from Idaho and the gentleman from Texas, as well as the other members of this subcommittee, for their support of this important legislation. This measure deserves the support of every Member of this House.

The importance of this bill cannot be overstated. It protects the purchasing power of disability benefits which our Nation's service-connected veterans have earned by virtue of their military service and provides similar protection for the recipients of DIC payment for compensation.

Under H.R. 2540, effective December 1 of this year, a cost-of-living adjustment will be provided for service-connected disability compensation and DIC benefits. The adjustment, 2.6 percent, will be the same as that provided to Social Security recipients. I call on every Member of this body to join the chairman of this committee in supporting this legislation.

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

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

Mr. EVANS. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Speaker, as an original cosponsor and strong supporter of H.R. 2540, the Veterans Compensation Rate Amendments of 2001, I am pleased

that we are moving forward to assure a cost-of-living increase for our Nation's disabled veterans and their families. Our Nation's veterans, their surviving spouses and dependents expect that their benefits will be increased to reflect changes in the cost of living. The effective date of this legislation, Mr. Speaker, is December 1, 2001, with receipt of the increase in benefits in 2002.

Mr. Speaker, I would like to acknowledge the cooperation of the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS), as well as our Subcommittee on Benefits chairman, the gentleman from Idaho (Mr. SIMPSON), for bringing this important legislation before the House today.

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H.R. 2540 is a good bill. I urge all Members to support it and to support our Nation's veterans and their families by providing them the necessary increases to their deserved benefits. These men and women place their lives on the line in the defense of our country and the national ideals of freedom and democracy. They deserve adequate benefits for their service. They deserve the kind of compensation that we can all be proud of.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I am pleased that H.R. 2540 is before us, the Veterans Benefit Act, and that the President will soon have the opportunity to sign it into law.

I would like to thank the chairman of the committee, the gentleman from New Jersey (Mr. SMITH) for his efforts on this particular piece of legislation, and also my distinguished colleague, the gentleman from Illinois (Mr. EVANS), the ranking member, for this bill.

The legislation before us would provide a cost of living adjustment to those receiving disability compensation benefits for the year 2002. As a member of the committee, I am proud to join this bipartisan effort to improve the quality and delivery of veterans benefits programs. The veterans should not be left wondering if the Federal Government is going to fulfill their promises. I have heard too many stories from veterans in my district who do not receive sufficient benefits to meet their living expenses.

H.R. 2540 would provide a cost of living increase for those who have received service-connected disability benefits, as well as their survivors. Veterans work around the clock for us. They deserve no less in return. For many of our veterans, the physical and psychological wounds of war do not go away.

Today, men and women have answered the new call to action, carrying the banner of freedom into Afghanistan in search of those responsible for the horrifying attacks of September 11. When they return home, these brave sons and daughters need to know that we will be there for them should they suffer from debilitating conditions as a result of their military service.

Mr. Speaker, I urge my colleagues to support this bill and vote for H.R. 2540.

Mr. BUYER. Mr. Speaker, today we will consider several bills that were favorably reported by the Committee on Veterans Affairs, with my support, which will provide veterans with much needed assistance.

The first bill, H.R. 2540, would provide veterans with a cost-of-living adjustment (COLA) for veterans with a service-connected disability and for survivors of certain service-connected disabled veterans. This year's COLA is 2.6 percent and is effective December 1, 2001. I can't think of any group that is more deserving of this increase in their benefits than those who have answered the call to defend our country's freedoms.

I want to thank our Chairman CHRIS SMITH, for his bold leadership in bringing the Homeless Veterans Comprehensive Assistance Act to this point. H.R. 2716, addresses many of the issues that homeless veterans are forced to confront on a daily basis such as how to obtain health care, housing, employment training and other benefits. This bill goes a long way to ensuring that our nation's homeless veterans will receive the assistance they need to turn their lives around by providing the necessary resources. It is shameful that one-third of our nation's homeless are Vietnam-era veterans. Veterans should not be forced to sleep on our streets or be warehoused in our nation's jails. That is why I am pleased to support passage of this important initiative.

One of the most important benefits that we offer people who choose to serve their country is that in return we will provide them with education benefits. H.R. 1291, the Veterans Education and Benefits Expansion Act of 2001, makes several important improvements to our current programs. Passage of this legislation will increase the $650 monthly benefit to $800 per month effective January of 2002. In October 1 of 2002 that amount will increase to $900 per month, and effective October 1 of 2003, the monthly benefit will be $985. This should help those individuals who could not keep pace with the escalating cost of higher education. Again, I want to applaud our Chairman, Mr. SMITH, for his outstanding work in making this one of the Committee's top priorities.

H.R. 1291 also contains several other provisions including an expansion of the definition of illnesses for Gulf War veterans; offering additional assistance to disabled veterans by increasing specially adapted housing allowance for severally disabled veterans from $43,000 to $48,000 per year; increasing burial and funeral expenses for a service-connected veteran from $1,500 to $2,000; increasing the allowance for burial plots for eligible veterans to $300; and prohibits payments of veterans' benefits to fugitive felons.

I urge my colleagues to support our veterans and vote for these three bills.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 2540, the Veterans Benefits Act of 2001. I urge my colleagues to join in supporting this important legislation.

Mr. Speaker, the House typically passes a general veterans benefits bill each year. H.R. 2450 represents this year's benefits legislation, providing several important improvements to existing programs.

First, this bill provides for the annual cost-of-living adjustment to the rates of disability compensation for those veterans with service connected disabilities. This new rate, reflecting an increase of 2.6 percent, will go into effect on December 1, 2001.

Congress has approved an annual cost-of-living adjustment to our veterans and survivors since 1976.

Second, this legislation adds type II diabetes to the list of diseases presumed to be service-connected in Vietnam veterans exposed to herbicide agents. It also greatly extends the definition of undiagnosed illnesses for Persian Gulf war veterans, and authorizes the Secretary of Veterans Affairs to protect the grant of service connection of Gulf war veterans who participate in VA sponsored medical research projects. It further extends the presumptive period for providing compensation to Persian Gulf veterans with undiagnosed illnesses to December 31, 2003.

Mr. Speaker, many of our veterans from the Vietnam and Gulf wars, went years suffering from undiagnosed ailments while receiving neither recognition nor treatment from the veterans health care system.

During the past ten years, the Congress made significant strides in recognizing the special circumstances surrounding the post service experiences of these veterans. This bill is an extension of this process, and for that reason, I urge its adoption by the House.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today in support of the Veterans health bill. Before coming to Congress, I spent 30 years as a nurse on Long Island, New York. And even now, I know that there isn't a better career in the world than nursing or better training for being a Member of Congress. The only difference is now I have a lot more patients.

That's why I am particularly saddened when we talk about the nursing shortage—especially in our VA hospitals. Our veterans give their lives for our country and therefore deserve the best health care in the world. Unfortunately, like the rest of health care in this country, VA hospitals are experiencing a nursing shortage.

As a nurse, I know the key to solving our nation's nursing shortage is recruiting and retaining nurses. And the best way to attract new students and keep good nurses is through education. Helping nursing students pay for their education or helping them to finish an advanced degree goes a long way in attracting those who want to help people to the nursing profession. That's why I am proud of this bill, it does just that. Through the Employee Incentive Scholarships and Education Debt Reduction Programs nursing students and nurses can choose to work for a VA hospital and receive financial assistance for their education.

In addition, this bill requires the VA to develop a nationwide policy on staffing standards to ensure that veterans are provided with safe and high quality care, taking into consideration the numbers and skill mix required of staff in specific health care settings. We promised our Vets we would take care of them—let's keep that promise by improving their health care.

We need to end the nursing shortage crisis across this country, but tonight I am honored to fight for our VA nurses as the first step.

I urge all my colleagues to vote in favor of the Veteran's health bill.

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in strong support of H.R. 2540, the

Veterans' Compensation Rate Amendments of 2001.

I would first like to thank my colleagues on both sides of the aisle, and their staffs, who worked to bring this bill before the House for final passage.

This legislation provides an important annual cost-of-living adjustment for disabled veterans, as well as surviving spouses of veteran's who receive dependency and indemnity compensation. Under H.R. 2540, the compensation rate is raised by 2.6 percent, the same percentage as the increase provided to Social Security recipients.

As the cost living continues to rise, it is important that the well-deserved benefits received by veterans and their families are not diminished as a result of inflationary costs.

I urge my colleagues to join me in support of this legislation and ensure that the benefits for the men and women who served our nation keep up with the ever-increasing cost of living.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today in support of the Veterans Benefits Act of 2001, specifically a provision in the legislation that ensures all veterans will be eligible for a government-furnished grave marker.

I would like to thank the Chairman for his hard work and commitment to our Nation's veterans and I appreciate the willingness of the Chairman and the committee to include my veterans marker provision in the conference report. I would also like to thank the Chairman for accommodating my request in the Joint Explanatory Statement to encourage the Secretary of Veterans Affairs to consider pre-existing requests for markers.

This legislation is essential to our veterans' futures, ensuring that their acts of heroism will be recognized beyond their lifetimes. This legislation remedies a glaring discrepancy in the law, ensuring that every veteran, regardless of whether their grave is privately marked, will be eligible for a government grave marker upon their death.

Every single veteran deserves to be permanently recognized for their contribution to our nation. Every veterans family deserves solace in knowing their loved one will continue to receive the recognition they deserve.

Mr. Speaker, I extend the heartfelt thanks from the veterans in my district.

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

The SPEAKER pro tempore (Mr. OTTER). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2540.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

## PROVIDING FOR APPOINTMENT OF PATRICIA Q. STONESIFER AS CITIZEN REGENT OF BOARD OF REGENTS OF SMITHSONIAN INSTITUTION

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and pass to the Senate joint resolution (S.J. Res. 26) providing for the appointment of Patricia Q. Stonesifer as a citizen regent of the Board of Regents of the Smithsonian Institution.

The Clerk read as follows:

S.J. RES. 26

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in accordance with section 5581 of the Revised Statutes of the United States (20 U.S.C. 43), the vacancy on the Board of Regents of the Smithsonian Institution, in the class other than Members of Congress, occurring by reason of the expiration of the term of Dr. Homer Neal of Michigan on December 7, 2001, is filled by the appointment of Patricia Q. Stonesifer of Washington. The appointment is for a term of 6 years and shall take effect on December 8, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentleman from Florida (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. EHLERS).

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

Mr. Speaker, Senate Joint Resolution 26 provides for the appointment of Patricia Stonesifer to serve on the Smithsonian Institution's Board of Regents. This board governs the Smithsonian Institution and includes the Chief Justice of the United States Supreme Court and the Vice President of the United States. It also is comprised of three Members each from the U.S. House and Senate and nine citizens who are nominated by the Board and approved jointly in a resolution of Congress.

Patricia Stonesifer currently serves as cochair and President of the Bill and Melinda Gates Foundation. She works to achieve that foundation's mission of improving access to advances in global health and education for all people as we move into the 21st century. Her other philanthropic work includes serving on the Board of the Vaccine Fund, which was started in 1999 to address the need for vaccines among the world's poorest countries.

Prior to her being appointed President and Cochair of the Gates Foundation, she held a Senior Vice President position at Microsoft and ran her own management and consulting firm.

I believe her diverse background and strong management experience make her an excellent candidate for appointment to the Smithsonian Institution's Board of Regents, and I urge my colleagues to support Senate Joint Resolution 26.

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

Mr. DAVIS of Florida. Mr. Speaker, I yield myself such time as I may consume.

At the risk of repeating some of the comments that the gentleman from Michigan (Mr. EHLERS) has stated, let me also join him to say I am delighted at this appointment.

Ms. Patricia Stonesifer has distinguished herself in a variety of fields. She brings a combination of skills to the Smithsonian Institute. As has been previously alluded to her, in her capacity as Cochair and President of the Gates Foundation, she focused on improving global health throughout the world. She has also served on the Board of the Vaccine Fund, established in 1999, to address the dire need to combat preventible disease in the world's poorest countries.

As the gentleman mentioned, she brings considerable expertise in the private sector, which, combined with her philanthropic work, will make her a very welcome addition to this board.

Mr. HOYER. Mr. Speaker, Ms. Patricia Stonesifer will make a wonderful addition to the Smithsonian Institution's Board of Regents. Ms. Stonesifer has distinguished herself in numerous philanthropic, business, and public activities during her career, and I urge every Member to support her appointment.

Ms. Stonesifer now serves as the co-chair and president of the Bill and Melinda Gates Foundation. At the Gates Foundation, she focuses on global health and education issues, reflecting her personal commitment to improving living conditions for peoples everywhere.

Ms. Stonesifer also serves on the boards of the Vaccine Fund, established 2 years ago to combat preventable disease in the world's poorest countries, and that of the African Comprehensive HIV/AIDS Partnership, an organization working to fight the spread of AIDS in Botswana. She has served as a member of the American Delegation to the United Nations General Assembly's special session on AIDS.

In her business career, Ms. Stonesifer has both served as a senior vice president at Microsoft, and operated her own consulting firm, so she knows business large and small. She serves on the boards of two publicly held corporations, the King County (Wash.) YWCA, and the Seattle Foundation.

Mr. Speaker, there is no doubt that Patricia Stonesifer will bring the right mix of philanthropic and business experience to the Smithsonian Institution. I urge the House to support her appointment.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and pass the Senate joint resolution, S.J. Res. 26.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate joint resolution was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on Senate Joint Resolution 26.

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

There was no objection.

## HONORING THE UNITED STATES CAPITOL POLICE FOR THEIR COMMITMENT TO SECURITY AT THE CAPITOL

Mr. EHLERS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 309) honoring the United States Capitol Police for their commitment to security at the Capitol.

The Clerk read as follows:

H. RES. 309

Whereas the Capitol is an important symbol of freedom and democracy across the United States and throughout the world, and those who safeguard the Capitol safeguard that freedom and democracy;

Whereas millions of people visit the Capitol each year to observe and learn the workings of the democratic process;

Whereas the United States Capitol Police force was created by Congress in 1828 to provide security for the Capitol;

Whereas today the United States Capitol Police provide protection and support services throughout an array of congressional buildings, parks, and thoroughfares;

Whereas the United States Capitol Police provide security for Members of Congress, their staffs, other government employees, and many others who live near, work on, and visit Capitol Hill;

Whereas the United States Capitol Police have successfully managed and coordinated major demonstrations, joint sessions of Congress, State of the Union Addresses, State funerals, and inaugurations;

Whereas the United States Capitol Police have bravely faced numerous emergencies, including three bombings and two shootings, one of which, in 1998, tragically took the lives of Private First Class Jacob ''J.J.'' Chestnut and Detective John Michael Gibson;

Whereas the terrorist attacks of September 11, 2001, have created a uniquely difficult environment for the United States Capitol Police;

Whereas the United States Capitol Police responded to this challenge quickly and courageously, including by facilitating the evacuation of all of the buildings under their purview, as well as the perimeter thereof; and

Whereas the United States Capitol Police have instituted longer shifts, requiring that officers work substantial overtime each week to ensure the continued protection of the Capitol: Now, therefore, be it

*Resolved*, That the House of Representatives honors and thanks the United States Capitol Police for their outstanding work and dedication during a period of heightened security that began on September 11, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. EHLERS) and the gentleman from Florida (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. EHLERS).

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

Mr. Speaker, I rise here today with my colleague, the gentleman from Florida (Mr. DAVIS), for consideration of H. Res. 309, a resolution honoring the United States Capitol Police for their commitment to the security of the Capitol, the public and the employees and Members of Congress. Their unwavering dedication to protect and serve shall not go unnoticed.

Congress created the United States Capitol Police force in 1828 to provide security for the Capitol. Since inception of the Capitol Police, their officers have courageously and successfully protected the Capitol, and the people and buildings that surround this symbol of freedom and democracy. The U.S. Capitol, which is simultaneously a national shrine, a tourist attraction and a working office building, imposes challenging security requirements.

Since the September 11 tragedy, the Capitol Police have been placed under a tremendous strain to implement the increasing number of important security enhancements that have been instituted. Working 6 or 7 days straight with 12 hour shifts, the United States Capitol Police deserve a great ''thank you.''

In addition, when the House of Representatives relocated to the General Accounting Office, the Capitol Police protected us there as well. We know this was not an easy task, and we truly appreciate their service.

Mr. Speaker, their valor has not come easily. The United States Capitol Police have faced several emergencies, three bombings and two shootings, one of which took the lives of Private First Class Jacob ''JJ'' Chestnut and Detective John Michael Gibson. I want to extend our appreciation of their commitment to protect and serve this institution.

Last year more than 2 million tourists visited the Capitol complex, which is comprised of 19 buildings. At the same time, the Capitol hosted more than 1,200 American and foreign dignitaries and 1,000 special events and was the site of nearly 500 scheduled demonstrations. In addition to lawmakers and their staffs, a sizable number of journalists, lobbyists and service personnel also work within the Capitol complex.

Achieving a secure environment for the Capitol complex, while still maintaining an atmosphere of openness, has become increasingly challenging in recent years. Both the potential threats to the Capitol and the number of people entering the area every day have grown dramatically. The men and women of the United States Capitol Police risk their lives every day for the safeguarding of the Capitol.

Again, our thanks go out to you, our officers, our protectors and our friends.

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

Mr. DAVIS of Florida. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE), the sponsor of the resolution.

Ms. LEE. Mr. Speaker, I rise today in strong support of H. Res. 309, legislation which I introduced to honor the United States Capitol Police. I would like to thank our lead Republican cosponsor, the gentleman from Illinois (Mr. SHIMKUS), the gentleman from Ohio (Chairman NEY) and the ranking member, the gentleman from Maryland (Mr. HOYER), and also the leadership in both parties, for bringing this important resolution to the House floor today.

The terrorist attacks of September 11 have created a uniquely difficult environment for the Capitol Police. New security measures have been implemented, requiring the police to work longer hours, sometimes 12 hours and longer a day, oftentimes 6 days a week.

The Capitol Police have had to go even further above and beyond the call of duty to protect Members of Congress, staff and many of our visitors. The Capitol Police have responded to the new security challenges on Capitol Hill, including the attacks on September 11 and the anthrax attacks, quickly and courageously. They have continued their fine tradition of serving the Capitol Hill community.

Mr. Speaker, I am very proud to have the opportunity to thank our Capitol Police for the tremendous job that they do every day, and especially since September 11. They truly are heroes, and we salute them today.

Mr. EHLERS. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, I thank the gentleman from Michigan for yielding me time.

Mr. Speaker, I rise in support of this resolution. I would like to commend the sponsor of the legislation, the gentlewoman from California (Ms. LEE) who just spoke, and thank her for her work on this.

This legislation honors the Capitol Police, who we all know and work with on a daily basis, for their outstanding work and dedication during the period of heightened security needs on the day of September 11, 2001, and thereafter. It really should not take a national emergency for us to thank those who serve and protect us on a day-to-day basis, but it is an important act to do so today.

The Capitol is an important symbol of freedom and democracy, across this country and throughout the world, and those who safeguard the Capitol safeguard that freedom and democracy. Thousands of people visit the Capitol each day to observe and learn the workings of a democratic process.

The horrific events of September 11 have created a difficult environment to work in, prompting extra alertness and some strain among Members, Staff and visitors. The Capitol Police Force has responded to this challenge quickly and courageously, especially during the evacuation of the Capitol complex during the attacks of September 11.

Many people like to boast about how many hours they work during the day, and we as elected officials and politicians put in a lot of hours during our day, sometimes 12 to 18 hours. I would challenge any people to try doing that for an extended period of time. It is personally wearing and draining. Our folks here in the Capitol Police have had to do 12 to 18 hour days, 6 to 7 days a week, for weeks on end, before we finally got some relief through the

bringing in of the National Guard folks.

One of the great benefits of being a Member of Congress is the chance to have access to the Capitol at all times. Many times we are working at some pretty weird hours. We have all been here at 3 a.m. in the morning, 6 a.m., 9 p.m., 2 p.m., 10 p.m., up until midnight, working. Among the granite walls and marble statues and the ghosts of the past history of this country stands a living memorial to freedom and democracy. Our first responders to our symbol of freedom are our Capitol Police.

I would like to take this opportunity to personally thank the Capitol Police Force for their hard work in protecting the Capitol complex, staff, Members and visitors.

Mr. DAVIS of Florida. Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

□ 1630

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

I appreciate the work of the gentleman from Ohio (Mr. NEY), the chairman of the committee, and the gentleman from Maryland (Mr. HOYER), the ranking member who sponsored this bill, and I appreciate the way in which they are meeting the challenges that security poses within the Congress as well.

I rise in strong support of this resolution. It was passed in the Senate on October 9. It is especially appropriate for the House to consider it today, December 11, 3 months after the attack, particularly given the service that the Capitol Police have rendered to the Nation and to the Congress since then. The House certainly must not adjourn without honoring the Capitol Police for dedication and professionalism above what any of us could have asked. Indeed, the Capitol Police give ''rising to the occasion'' new meaning.

It would be difficult for the Capitol Police to improve upon the reputation that they have earned over the years, but somehow they have managed to do just that since September 11.

I know them perhaps as well as any Member because I live with them 7 days a week. I see them when I do my race walk on the weekends when the Senate and the House are deserted, and I see them on the streets of Capitol Hill, which they patrol. I sponsored Public Law 102–397, the Capitol Police Jurisdiction Reform Act, which expanded their jurisdiction for the first time. We have a long relationship and friendship with the Capitol Police and their union.

I am pleased that D.C.'s own National Guard has relieved the Capitol Police of the back-breaking, 12-hour days they have had to put in. I regret that the National Guard has had to do this, but I am pleased that the funding for additional personnel and police is now assured the Capitol Police.

I do want to set the record straight on an erroneous impression in a December 7 Washington Times column that indicated that I had criticized the Capitol Police for closing tours of the Capitol; also, that I had been pleased to have 24-hour protection of the Capitol Police. I am pleased to say I have never had and never have needed 24-hour protection; but if so, I know who would have been pleased to give it: the fine Capitol Police. The tours are controlled not by the Capitol Police, but by the Capitol Police Board.

I wrote a letter to the three members of the board, by name the Architect of the Capitol, and the two Sergeants at Arms. My letter was directed to them and to them alone. Indeed, I am grateful to the board that they have decided that there is a way to open this Capitol to tours and to keep it safe at the same time. I always knew the cops knew how to do that.

For the record, I want to submit my letter to the three board members into the RECORD and my letter to the Washington Times correcting them for the RECORD. I have nothing but praise and the highest regard for the Capitol Police. The Nation will know that is how the entire House and Senate regard them when this resolution justifiably passes today. I thank my colleagues for their work on this bill.

NORTON ASKS REVERSAL OF CAPITOL POLICE BOARD BY ELECTED OFFICIALS IF TOURS REMAIN CLOSED

WASHINGTON, DC.—Following the closing of tours of the Capitol as D.C. school children were about to be the first in line, Congresswoman Eleanor Holmes Norton today released a letter to the three-man Capitol Police Board that made the decision. She asked the two Sergeants-at-Arms of the Congress and the Architect of the Capitol to reconsider their decision and put them on notice that otherwise, she would appeal to House leaders and, if necessary, introduce a resolution. The Norton letter follows:

DECEMBER 5, 2001.

Hon. ALFONSO LEHARDT,
*Senate Sergeant-at-Arms, Capitol,*
*Washington, DC.*
Hon. WILSON LIVINGOOD,
*House Sergeant-at-Arms, Capitol,*
*Washington, DC.*
Mr. ALAN HANTMAN,
*Architect of the Capitol, Capitol,*
*Washington, DC.*

DEAR SIRS: I am deeply disappointed that you have decided once again to close tours of the Capitol, this time precipitously just before tours were to begin again after many weeks. I write now to ask you to reconsider this decision within the next week by finding ways to keep the Capitol safe while normal activities proceed and to inform you that if you are unable to do so, I intend to appeal your decision to the leadership of the Senate and the House, and, if necessary, to introduce an appropriate resolution.

Letters to the Editor
*The Washington Times,*
*Washington, DC.*

TO THE EDITOR: John McCaslin's December 7, Cops Can't Win column had to be trying hard to get the entire Capitol Police issue as wrong as he did on both of the points he made. (1) I never criticized the Capitol Police for closing Capitol tours. My letter of December 5, attached to a release from my office, was addressed to only the three officials who made the decision, the Capitol Police Board consisting of the Sergeants-At-Arms of the House and Senate and the Architect of the Capitol. (2) I have never requested, never had, and hope never to need the excellent services of the Capitol Police for 24-hour security.

I have taken a special interest in the work of the Capitol Police ever since coming to Congress and have a very special affection for these men and women. With the strong support of the Capitol Police and their union, I wrote PL 102–397, the Capitol Police Jurisdiction Reform Act, which expanded their jurisdiction for the first time to include more than a few blocks around the Capitol.

These officers not only protect me as a member of Congress; they protect city neighborhoods. The Capitol Police deserve the nation's highest respect. They certainly have mine.

Sincerely,

ELEANOR HOLMES NORTON

Mr. DAVIS of Florida. Mr. Speaker, I yield myself such time as I may consume to commend the gentleman from Michigan (Mr. EHLERS) for presenting the bill and the gentlewoman from California (Ms. LEE) and the gentleman from Illinois (Mr. SHIMKUS) on bringing this bill before our body. I would like to just add my personal 2 cents here.

The professionalism of the Capitol Police is above any that any of us I think have ever seen in State and local law enforcement throughout the country. Normally their job, until September 11, has involved balancing the tremendous public access to this building, and the people that work in it, against security. It requires a remarkable level of patience, charm, and very watchful eyes. But since September 11, what I particularly want to commend the Capitol Police for is the tremendous level of flawless security they provide this facility that has given each of us the peace of mind that our constituents have expected us to have to do our very best work. So I would like to join my colleagues in urging adoption of the resolution.

Mr. HOYER. Mr. Speaker, the operative clause of this resolution says simply that ''the House of Representatives honors and thanks the United States Capitol Police for their outstanding work and dedication during a period of heightened security that began on September 11, 2001.'' I trust that all members will support this honor for the men and women of the U.S. Capitol Police. They have certainly earned it. They continue to earn it at this hour, mere steps from this spot and all around Capitol Hill.

Congress established the Capitol Police during the administration of John Quincy Adams. Ponder how different the world was then, and how different the job of providing security for the Capitol would have been then.

In the last 173 years, the world has changed immeasurably, and so has the work of the Capitol Police.

In modern times, the police have had to cope with emergencies, bombings and shootings, including the tragic 1998 murders of officer J.J. Chestnut and Detective John Gibson, that remain so painfully fresh in our memories.

After that tragic event, Congress properly heightened Capitol security, adopting a posture that requires considerable additional manpower. Recent events have obviously underscored the need for more officers and greater security. Fortunately, additional resources are in the pipeline.

Congress has appropriated money to fund all the additional officers the Capitol police can hire and train during 2002, and supplemental funds have been provided to address needs identified since September 11.

Today, the Capitol police face evolving threats from those who, for whatever reason, wish our country harm.

What was unthinkable only a few weeks ago, has been done. We must remain vigilant and prepared as we work to rid the world of the scourge of terrorism.

We will continue to rely on the Capitol police as the first line of defense for the people's house and all who work and visit here.

The men and women of the Capitol police meet their challenges with courage and a level of professionalism not exceeded anywhere.

Since the dastardly attacks of September 11, Capitol police officers have worked long hours under adverse conditions. These men and women clearly represent the best that America has to offer.

I want to express my personal thanks for a job well done.

Men and women of the District of Columbia National Guard now ably assist our Capitol police. Congress likewise owes the guardsmen and women thanks for their assistance, and for giving our police much-needed relief.

Mr. Speaker, I urge adoption of the resolution. The police clearly deserve the honor. I applaud the gentlewoman from California [Ms. LEE] for introducing it, the chairman [Mr. NEY], the gentleman from Michigan [Mr. EHLERS], and of course my friend from Florida [Mr. DAVIS] for bringing it to the floor today.

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

Mr. EHLERS. Mr. Speaker, I have no further speakers at this time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OTTER). The question is on the motion offered by the gentleman from Michigan (Mr. EHLERS) that the House suspend the rules and agree to the resolution, H.Res. 309.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of House Resolution 309, the resolution just agreed to.

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

There was no objection.

## CONVEYANCE OF PROPERTY IN TRAVERSE CITY, MICHIGAN

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3370) 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.

The Clerk read as follows:

H.R. 3370

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

**SECTION 1. CONVEYANCE OF PROPERTY IN TRAVERSE CITY, MICHIGAN.**

Section 1005(c) of the Coast Guard Authorization Act of 1996 (110 Stat. 3957) is amended by striking ''the Traverse City Area Public School District'' and inserting ''a public or private nonprofit entity for an educational or recreational purpose''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Tennessee (Mr. CLEMENT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Initially, I want to thank two fine Members that we will hear from later, the gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. STUPAK), for bringing this matter to our attention.

Mr. Speaker, H.R. 3370 is a bill that allows certain property conveyed to the Traverse City Public Schools in Traverse City, Michigan, to be used by a public or private nonprofit entity for an educational or recreational purpose.

Under the 1996 language that transferred the property to the Traverse City School District, the property reverts to the Federal Government if it is not used by the school district. The local YMCA has developed a plan to improve the property and construct a three-pool swimming facility on part of the property. The school district would then use the new fields and facility and the Coast Guard will be able to use the pool for winter training and rescue swimmers.

Without the amendments made by H.R. 3370, this worthwhile project would not be able to proceed. For this reason, I urge all of my colleagues to support this legislation.

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

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I might say to my colleagues, I know the Speaker referred to the gentleman from Ohio (Mr. LATOURETTE) as being from Tennessee, and he would have been a good Tennesseean. We would sure have accepted him. He is an outstanding Member of the House, and I am proud to be able to call him a friend.

Mr. Speaker, I rise in support of H.R. 3370, a bill to clarify the revisionary interests of the United States Government and property conveyed to the Traverse City School District.

The Coast Guard Authorization Act of 1996 provided for Coast Guard real property in Traverse City, Michigan, to be conveyed to the Traverse City School District. The school district has used the property for soccer fields for their youth. However, the revisionary clause in that act required the property to be used exclusively for educational purposes. Now the school district would like to enter into a joint venture with the YMCA for additional athletic facilities for the students and community.

Under the joint venture, the school district will provide the land, and the YMCA will provide the building. The school district will be able to use the indoor pool and other athletic facilities in the building for their school activities at no cost, and other members of the community will also be able to join the YMCA and use the facilities.

Mr. Speaker, I believe this bill will help the community of Traverse City. I would like to commend the gentleman from Michigan (Mr. STUPAK) for his efforts on their behalf. I urge my colleagues to support passage of H.R. 3370.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. STUPAK), a fine gentleman and a real fighter and street fighter in the House of Representatives.

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

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

Mr. Speaker, first let me thank the gentleman from Michigan (Mr. CAMP) for coauthoring this legislation with me and moving this bill along. He is on the floor here tonight and I am sure he will have some remarks, along with his son Andrew. Maybe we should let Andrew have his remarks on record, because at least he would be able to tell us the value of these soccer fields.

Mr. Speaker, back in 1996 we moved this land from the Coast Guard to Traverse City Area Public Schools to be used for soccer fields. It has been a great success. But as those soccer fields have been used more and more by over 3,000 students in the Traverse City area, we saw great potential in this property. By bringing the YMCA to build a new facility, which they need to do, by bringing the YMCA in, everybody will benefit even further, not only the school district, but the community as a whole, because they are going to put in three different swimming pools,

plus all the other activities that the YMCA offers. The Coast Guard will be using the pool for training, for rescue, water rescues along the Great Lakes, as they do constantly.

So it is just a great situation for everyone. The community wins, the school system wins, the Coast Guard wins, the Federal Government benefits, we all benefit. We just have to change this reverter clause so that it can be used not only for the school, but also for the YMCA and for the benefit of the community.

Mr. Speaker, I ask all of my colleagues to support and vote ''yes'' on H.R. 3370. I thank the gentleman for yielding me time. I want to thank the leadership and the gentleman from Tennessee (Mr. CLEMENT), the gentleman from Ohio (Mr. LATOURETTE), and the Committee on Transportation and Infrastructure for moving this bill so quickly on the request of myself and the gentleman from Michigan (Mr. CAMP).

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield such time as he might consume to the gentleman from Michigan (Mr. CAMP), one of the authors of this fine piece of legislation.

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

I rise with the gentleman from Michigan (Mr. STUPAK) on behalf of this legislation. This will bring big benefits to the residents of the Traverse City, Michigan, area. This makes a technical change in existing law to allow the Traverse City area school district to transfer a parcel of property to the local YMCA, as the gentleman mentioned, for recreational purposes. This is going to be a big benefit, as I mentioned, because this will allow the construction of a swimming pool, a gymnasium, tennis courts, soccer fields, and will be a real help to the sports teams and other residents and students, physical education classes.

They are also going to begin construction on a new alternative education facility that will be used by nearly 200 students. So this new school will enable Traverse City area students to attend a school that will actually have programs tailored to their needs.

The Coast Guard will be able to continue to use and practice lifesaving techniques, rescue and recovery missions in the new YMCA pool.

So I am pleased to support this bill, which was introduced by my colleague which will make a positive difference in the lives of so many residents in Michigan, especially younger residents. I appreciate the gentleman's work, and support of the members of the Michigan congressional delegation. I want to thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Ohio (Mr. LATOURETTE) for their support in bringing this bill to the floor; and also I thank our leadership, the gentleman from Texas (Mr. ARMEY), the majority leader, who allowed this bill to come on the suspension calendar.

With that, Mr. Speaker, I urge support for this bill.

Mr. CLEMENT. Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself the balance of my time just to indicate to the gentleman from Tennessee that I very much appreciate his kind remarks. He has been someone that I have looked up to in the 7 years that I have been in Congress, and I would be remiss if I did not make mention of the fact that he apparently has used his weekend wisely and he is sporting a new hairdo and is even more dapper than he was last week.

Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 3370.

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

A motion to reconsider was laid on the table.

## 21ST CENTURY MONTGOMERY GI BILL ENHANCEMENT ACT AMENDMENTS

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 310) providing for the concurrence by the House with an amendment in the amendments of the Senate to H.R. 1291.

The Clerk read as follows:

H. RES. 310

*Resolved*, That, upon the adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill H.R. 1291, with the Senate amendments thereto, and to have concurred in the Senate amendment to the title of the bill and to have concurred in the Senate amendment to the text of the bill with the following amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Veterans Education and Benefits Expansion Act of 2001''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—EDUCATIONAL ASSISTANCE PROVISIONS

Sec. 101. Increase in rates of basic educational assistance under Montgomery GI Bill.
Sec. 102. Increase in rates of survivors' and dependents' educational assistance.
Sec. 103. Restoration of certain education benefits of individuals being ordered to active duty.
Sec. 104. Accelerated payments of educational assistance under Montgomery GI Bill for education leading to employment in high technology industry.
Sec. 105. Eligibility for Montgomery GI Bill benefits of certain additional Vietnam era veterans.
Sec. 106. Increase in maximum allowable annual Senior ROTC educational assistance for eligibility for benefits under the Montgomery GI Bill.
Sec. 107. Expansion of work-study opportunities.
Sec. 108. Eligibility for survivors' and dependents' educational assistance of spouses and surviving spouses of veterans with total service-connected disabilities.
Sec. 109. Expansion of special restorative training benefit to certain disabled spouses or surviving spouses.
Sec. 110. Inclusion of certain private technology entities in definition of educational institution.
Sec. 111. Distance education.

TITLE II—COMPENSATION AND PENSION PROVISIONS

Sec. 201. Modification and extension of authorities on presumption of service-connection for herbicide-related disabilities of Vietnam veterans.
Sec. 202. Payment of compensation for Persian Gulf War veterans with certain chronic disabilities.
Sec. 203. Preservation of service connection for undiagnosed illnesses to provide for participation in research projects by Persian Gulf War veterans.
Sec. 204. Repeal of limitation on payments of benefits to incompetent institutionalized veterans.
Sec. 205. Extension of round-down requirement for compensation cost-of-living adjustments.
Sec. 206. Expansion of presumptions of permanent and total disability for veterans applying for non-service-connected pension.
Sec. 207. Eligibility of veterans 65 years of age or older for veterans' pension benefits.

TITLE III—TRANSITION AND OUTREACH PROVISIONS

Sec. 301. Authority to establish overseas veterans assistance offices to expand transition assistance.
Sec. 302. Timing of preseparation counseling.
Sec. 303. Improvement in education and training outreach services for separating servicemembers and veterans.
Sec. 304. Improvement of veterans outreach programs.

TITLE IV—HOUSING MATTERS

Sec. 401. Increase in home loan guaranty amount for construction and purchase of homes.
Sec. 402. Native American veteran housing loan pilot program.
Sec. 403. Modification of loan assumption notice requirement.
Sec. 404. Increase in assistance amount for specially adapted housing.
Sec. 405. Extension of other housing authorities.
Sec. 406. Clarifying amendment relating to eligibility of members of the Selected Reserve for housing loans.

TITLE V—OTHER MATTERS

Sec. 501. Increase in burial benefits.
Sec. 502. Government markers for marked graves at private cemeteries.
Sec. 503. Increase in amount of assistance for automobile and adaptive equipment for certain disabled veterans.

Sec. 504. Extension of limitation on pension for certain recipients of medicaid-covered nursing home care.
Sec. 505. Prohibition on provision of certain benefits with respect to persons who are fugitive felons.
Sec. 506. Limitation on payment of compensation for veterans remaining incarcerated since October 7, 1980.
Sec. 507. Elimination of requirement for providing a copy of notice of appeal to the Secretary of Veterans Affairs.
Sec. 508. Increase in fiscal year limitation on number of veterans in programs of independent living services and assistance.
Sec. 509. Technical and clerical amendments.

TITLE VI—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

Sec. 601. Facilitation of staggered terms of judges through temporary expansion of the Court.
Sec. 602. Repeal of requirement for written notice regarding acceptance of reappointment as condition to retirement from the Court.
Sec. 603. Termination of notice of disagreement as jurisdictional requirement for the Court.
Sec. 604. Registration fees.
Sec. 605. Administrative authorities.

**SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

## TITLE I—EDUCATIONAL ASSISTANCE PROVISIONS

**SEC. 101. INCREASE IN RATES OF BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.**

(a) IN GENERAL.—(1) Paragraph (1) of section 3015(a) is amended to read as follows:

''(1) for an approved program of education pursued on a full-time basis, at the monthly rate of—

''(A) for months beginning on or after January 1, 2002, $800;

''(B) for months occurring during fiscal year 2003, $900;

''(C) for months occurring during fiscal year 2004, $985; and

''(D) for months occurring during a subsequent fiscal year, the amount for months occurring during the previous fiscal year increased under subsection (h); or''.

(2) Paragraph (1) of section 3015(b) is amended to read as follows:

''(1) for an approved program of education pursued on a full-time basis, at the monthly rate of—

''(A) for months beginning on or after January 1, 2002, $650;

''(B) for months occurring during fiscal year 2003, $732;

''(C) for months occurring during fiscal year 2004, $800; and

''(D) for months occurring during a subsequent fiscal year, the amount for months occurring during the previous fiscal year increased under subsection (h); or''.

(b) CPI ADJUSTMENT.—No adjustment in rates of educational assistance shall be made under section 3015(h) of title 38, United States Code, for fiscal years 2003 and 2004.

**SEC. 102. INCREASE IN RATES OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.**

(a) SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.—Section 3532 is amended—

(1) in subsection (a)(1)—

(A) by striking ''$588'' and inserting ''$670'';

(B) by striking ''$441'' and inserting ''$503''; and

(C) by striking ''$294'' and inserting ''$335'';

(2) in subsection (a)(2), by striking ''$588'' and inserting ''$670'';

(3) in subsection (b), by striking ''$588'' and inserting ''$670''; and

(4) in subsection (c)(2)—

(A) by striking ''$475'' and inserting ''$541'';

(B) by striking ''$356'' and inserting ''$406''; and

(C) by striking ''$238'' and inserting ''$271''.

(b) CORRESPONDENCE COURSES.—Section 3534(b) is amended by striking ''$588'' and inserting ''$670''.

(c) SPECIAL RESTORATIVE TRAINING.—Section 3542(a) is amended—

(1) by striking ''$588'' and inserting ''$670''; and

(2) by striking ''$184'' each place it appears and inserting ''$210''.

(d) APPRENTICESHIP TRAINING.—Section 3687(b)(2) is amended—

(1) by striking ''$428'' and inserting ''$488'';

(2) by striking ''$320'' and inserting ''$365'';

(3) by striking ''$212'' and inserting ''$242''; and

(4) by striking ''$107'' and inserting ''$122''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as of January 1, 2002, and shall apply with respect to educational assistance allowances payable under chapter 35 and section 3687(b)(2) of title 38, United States Code, for months beginning on or after that date.

**SEC. 103. RESTORATION OF CERTAIN EDUCATION BENEFITS OF INDIVIDUALS BEING ORDERED TO ACTIVE DUTY.**

(a) IN GENERAL.—Sections 3013(f)(2)(A), 3231(a)(5)(B)(i), and 3511(a)(2)(B)(i) are each amended by striking '', in connection with the Persian Gulf War, to serve on active duty under section 672 (a), (d), or (g), 673, 673b, or 688 of title 10;'' and inserting ''to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10;''.

(b) INCREASE IN CHAPTER 35 DELIMITING PERIOD.—Section 3512 is amended by adding at the end the following new subsection:

''(h) Notwithstanding any other provision of this section, if an eligible person, during the delimiting period otherwise applicable to such person under this section, serves on active duty pursuant to an order to active duty issued under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10, such person shall be granted an extension of such delimiting period for the length of time equal to the period of such active duty plus four months.''.

(c) APPLICATION TO CHAPTER 31.—(1) Section 3105 is amended by adding at the end the following new subsection:

''(e)(1) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of a subsistence allowance and other assistance described in paragraph (2) shall not—

''(A) be charged against any entitlement of any veteran under this chapter; or

''(B) be counted toward the aggregate period for which section 3695 of this title limits an individual's receipt of allowance or assistance.

''(2) The payment of the subsistence allowance and other assistance referred to in paragraph (1) is the payment of such an allowance or assistance for the period described in paragraph (3) to a veteran for participation in a vocational rehabilitation program under this chapter if the Secretary finds that the veteran had to suspend or discontinue participation in such vocational rehabilitation program as a result of being ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10.

''(3) The period for which, by reason of this subsection, a subsistence allowance and other assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall be the period of participation in the vocational rehabilitation program for which the veteran failed to receive credit or with respect to which the veteran lost training time, as determined by the Secretary.''.

(2) Section 3103 is amended by adding at the end the following new subsection:

''(e) In any case in which the Secretary has determined that a veteran was prevented from participating in a vocational rehabilitation program under this chapter within the period of eligibility otherwise prescribed in this section as a result of being ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10, such period of eligibility shall not run for the period of such active duty service plus four months.

(d) CONFORMING AMENDMENTS.—Sections 3013(f)(2)(B) and 3231(a)(5)(B)(ii) of such title are each amended by striking '', in connection with such War,''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as of September 11, 2001.

**SEC. 104. ACCELERATED PAYMENTS OF EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL FOR EDUCATION LEADING TO EMPLOYMENT IN HIGH TECHNOLOGY INDUSTRY.**

(a) IN GENERAL.—(1) Chapter 30 is amended by inserting after section 3014 the following new section:

**''§ 3014A. Accelerated payment of basic educational assistance for education leading to employment in high technology industry**

''(a) An individual described in subsection (b) who is entitled to basic educational assistance under this subchapter may elect to receive an accelerated payment of the basic educational assistance allowance otherwise payable to the individual under section 3015 of this title.

''(b) An individual described in this subsection is an individual who is—

''(1) enrolled in an approved program of education that leads to employment in a high technology industry (as determined pursuant to regulations prescribed by the Secretary); and

''(2) charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of basic educational assistance allowance otherwise payable to the individual under section 3015 of this title.

''(c)(1) The amount of the accelerated payment of basic educational assistance made to an individual making an election under subsection (a) for a program of education shall be the lesser of—

''(A) the amount equal to 60 percent of the established charges for the program of education; or

''(B) the aggregate amount of basic educational assistance to which the individual remains entitled under this chapter at the time of the payment.

''(2) In this subsection, the term 'established charges', in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be

required to pay. Established charges shall be determined on the following basis:

''(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

''(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

''(3) The educational institution providing the program of education for which an accelerated payment of basic educational assistance allowance is elected by an individual under subsection (a) shall certify to the Secretary the amount of the established charges for the program of education.

''(d) An accelerated payment of basic educational assistance made to an individual under this section for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary receives a certification from the educational institution regarding—

''(1) the individual's enrollment in and pursuit of the program of education; and

''(2) the amount of the established charges for the program of education.

''(e)(1) Except as provided in paragraph (2), for each accelerated payment of basic educational assistance made to an individual under this section, the individual's entitlement to basic educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of basic educational assistance allowance otherwise payable to the individual under section 3015 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

''(2) If the monthly rate of basic educational assistance allowance otherwise payable to an individual under section 3015 of this title increases during the enrollment period of a program of education for which an accelerated payment of basic educational assistance is made under this section, the charge to the individual's entitlement to basic educational assistance under this chapter shall be determined by prorating the entitlement chargeable, in the matter provided for under paragraph (1), for the periods covered by the initial rate and increased rate, respectively, in accordance with regulations prescribed by the Secretary.

''(f) The Secretary may not make an accelerated payment under this section for a program of education to an individual who has received an advance payment under section 3680(d) of this title for the same enrollment period.

''(g) The Secretary shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment under this section.''.

(2) The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 3014 the following new item:

''3014A. Accelerated payment of basic educational assistance for education leading to employment in high technology industry.''.

(b) RESTATEMENT AND ENHANCEMENT OF CERTAIN ADMINISTRATIVE AUTHORITIES.—Subsection (g) of section 3680 is amended to read as follows:

''Determination of Enrollment, Pursuit, and Attendance

''(g)(1) The Secretary may, pursuant to regulations which the Secretary shall prescribe, determine and define with respect to an eligible veteran and eligible person the following:

''(A) Enrollment in a course or program of education or training.

''(B) Pursuit of a course or program of education or training.

''(C) Attendance at a course or program of education or training.

''(2) The Secretary may withhold payment of benefits to an eligible veteran or eligible person until the Secretary receives such proof as the Secretary may require of enrollment in and satisfactory pursuit of a program of education by the eligible veteran or eligible person. The Secretary shall adjust the payment withheld, when necessary, on the basis of the proof the Secretary receives.

''(3) In the case of an individual other than an individual described in paragraph (4), the Secretary may accept the individual's monthly certification of enrollment in and satisfactory pursuit of a program of education as sufficient proof of the certified matters.

''(4) In the case of an individual who has received an accelerated payment of basic educational assistance under section 3014A of this title during an enrollment period for a program of education, the Secretary may accept the individual's certification of enrollment in and satisfactory pursuit of the program of education as sufficient proof of the certified matters if the certification is submitted after the enrollment period has ended.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 2002, and shall apply with respect to enrollments in courses or programs of education or training beginning on or after that date.

**SEC. 105. ELIGIBILITY FOR MONTGOMERY GI BILL BENEFITS OF CERTAIN ADDITIONAL VIETNAM ERA VETERANS.**

(a) ACTIVE DUTY PROGRAM.—Section 3011(a)(1) is amended—

(1) by striking ''or'' at the end of subparagraph (A);

(2) by adding ''or'' at the end of subparagraph (B); and

(3) by adding at the end the following new subparagraph:

''(C) as of December 31, 1989, was eligible for educational assistance benefits under chapter 34 of this title and—

''(i) was not on active duty on October 19, 1984;

''(ii) reenlists or reenters on a period of active duty on or after October 19, 1984; and

''(iii) on or after July 1, 1985, either—

''(I) serves at least three years of continuous active duty in the Armed Forces; or

''(II) is discharged or released from active duty (aa) for a service-connected disability, for a medical condition which preexisted such service on active duty and which the Secretary determines is not service connected, for hardship, or for a physical or mental condition that was not characterized as a disability, as described in subparagraph (A)(ii)(I) of this paragraph, (bb) for the convenience of the Government, if the individual completed not less than 30 months of continuous active duty after that date, or (cc) involuntarily for the convenience of the Government as a result of a reduction in force, as determined by the Secretary of the military department concerned in accordance with regulations prescribed by the Secretary of Defense or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy;''.

(b) SELECTED RESERVE PROGRAM.—Section 3012(a)(1) is amended—

(1) by striking ''or'' at the end of subparagraph (A);

(2) by adding ''or'' at the end of subparagraph (B); and

(3) by adding at the end the following new subparagraph:

''(C) as of December 31, 1989, was eligible for educational assistance under chapter 34 of this title and—

''(i) was not on active duty on October 19, 1984;

''(ii) reenlists or reenters on a period of active duty on or after October 19, 1984; and

''(iii) on or after July 1, 1985—

''(I) serves at least two years of continuous active duty in the Armed Forces, subject to subsection (b) of this section, characterized by the Secretary concerned as honorable service; and

''(II) subject to subsection (b) of this section and beginning within one year after completion of such two years of service, serves at least four continuous years in the Selected Reserve during which the individual participates satisfactorily in training as prescribed by the Secretary concerned;''.

(c) TIME FOR USE OF ENTITLEMENT.—Section 3031 is amended—

(1) in subsection (a)—

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

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

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

''(3) in the case of an individual who becomes entitled to such assistance under section 3011(a)(1)(C) or 3012(a)(1)(C) of this title, on the date of the enactment of this paragraph.''; and

(2) in subsection (e)(1), by striking ''section 3011(a)(1)(B) or 3012(a)(1)(B)'' and inserting ''section 3011(a)(1)(B), 3011(a)(1)(C), 3012(a)(1)(B), or 3012(a)(1)(C)''.

**SEC. 106. INCREASE IN MAXIMUM ALLOWABLE ANNUAL SENIOR ROTC EDUCATIONAL ASSISTANCE FOR ELIGIBILITY FOR BENEFITS UNDER THE MONTGOMERY GI BILL.**

(a) IN GENERAL.—Sections 3011(c)(3)(B) and 3012(d)(3)(B) are each amended by striking ''$2,000'' and inserting ''$3,400''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to educational assistance allowances paid under chapter 30 of title 38, United States Code, for months beginning after the date of the enactment of this Act.

**SEC. 107. EXPANSION OF WORK-STUDY OPPORTUNITIES.**

(a) FIVE-YEAR EXPANSION OF QUALIFYING WORK-STUDY ACTIVITIES.—Subsection (a) of section 3485 is amended to read as follows:

''(a)(1) Individuals utilized under the authority of subsection (b) shall be paid an additional educational assistance allowance (hereinafter in this section referred to as 'work-study allowance'). Such allowance shall be paid in return for an individual's entering into an agreement described in paragraph (3).

''(2) Such work-study allowance shall be paid in an amount equal to the product of—

''(A) the applicable hourly minimum wage; and

''(B) the number of hours worked during the applicable period.

''(3) An agreement described in this paragraph is an agreement of an individual to perform services, during or between periods of enrollment, aggregating not more than a number of hours equal to 25 times the number of weeks in the semester or other applicable enrollment period, required in connection with a qualifying work-study activity.

''(4) For the purposes of this section, the term 'qualifying work-study activity' means any of the following:

''(A) The outreach services program under subchapter II of chapter 77 of this title as carried out under the supervision of a Department employee or, during the five-year period beginning on the date of the enactment of the Veterans Education and Benefits Expansion Act of 2001, outreach services to servicemembers and veterans furnished by employees of a State approving agency.

''(B) The preparation and processing of necessary papers and other documents at educational institutions or regional offices or facilities of the Department.

''(C) The provision of hospital and domiciliary care and medical treatment under chapter 17 of this title, including, during the five-year period beginning on the date of the enactment of the Veterans Education and Benefits Expansion Act of 2001, the provision of such care to veterans in a State home for which payment is made under section 1741 of this title.

''(D) Any other activity of the Department as the Secretary determines appropriate.

''(E) In the case of an individual who is receiving educational assistance under chapter 1606 of title 10, an activity relating to the administration of that chapter at Department of Defense, Coast Guard, or National Guard facilities.

''(F) During the five-year period beginning on the date of the enactment of the Veterans Education and Benefits Expansion Act of 2001, an activity relating to the administration of a national cemetery or a State veterans' cemetery.

''(5) An individual may elect, in a manner prescribed by the Secretary, to be paid in advance an amount equal to 40 percent of the total amount of the work-study allowance agreed to be paid under the agreement in return for the individual's agreement to perform the number of hours of work specified in the agreement (but not more than an amount equal to 50 times the applicable hourly minimum wage).

''(6) For the purposes of this subsection and subsection (e), the term 'applicable hourly minimum wages' means—

''(A) the hourly minimum wage under section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)); or

''(B) the hourly minimum wage under comparable law of the State in which the services are to be performed, if such wage is higher than the wage referred to in subparagraph (A) and the Secretary has made a determination to pay such higher wage.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to agreements entered into under section 3485 of title 38, United States Code, on or after the date of the enactment of this Act.

**SEC. 108. ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE OF SPOUSES AND SURVIVING SPOUSES OF VETERANS WITH TOTAL SERVICE-CONNECTED DISABILITIES.**

(a) DESIGNATION OF ELIGIBILITY.—Section 3501(a)(1)(D) is amended—

(1) by inserting ''(i)'' after ''(D)''; and

(2) by inserting ''(ii)'' after ''or''.

(b) RESTATEMENT AND EXPANSION OF TREATMENT OF USE OF ELIGIBILITY.—(1) Section 3511 is amended by adding at the end the following new subsection:

''(c) Any entitlement used by an eligible person as a result of eligibility under section 3501(a)(1)(A)(iii), 3501(a)(1)(C), or 3501(a)(1)(D)(i) of this title shall be deducted from any entitlement to which such person may subsequently be entitled under this chapter.''.

(2) Section 3512 is amended by striking subsection (g).

(c) DELIMITING PERIOD.—(1) Section 3511(a)(1) is amended by adding at the end the following new sentence: ''In no event may the aggregate educational assistance afforded to a spouse made eligible under both 3501(a)(1)(D)(i) and 3501(a)(1)(D)(ii) of this title exceed 45 months.''.

(2) Paragraph (1) of section 3512(b) is amended to read as follows:

''(1)(A) Except as provided in subparagraph (B), a person made eligible by subparagraph (B) or (D) of section 3501(a)(1) of this title may be afforded educational assistance under this chapter during the 10-year period beginning on the date (as determined by the Secretary) the person becomes an eligible person within the meaning of section 3501(a)(1)(B), 3501(a)(1)(D)(i), or 3501(a)(1)(D)(ii) of this title. In the case of a surviving spouse made eligible by clause (ii) of section 3501(a)(1)(D) of this title, the 10-year period may not be reduced by any earlier period during which the person was eligible for educational assistance under this chapter as a spouse made eligible by clause (i) of that section.

''(B) Notwithstanding subparagraph (A), an eligible person referred to in that subparagraph may, subject to the Secretary's approval, elect a later beginning date for the 10-year period than would otherwise be applicable to the person under that subparagraph. The beginning date so elected may be any date between the beginning date determined for the person under subparagraph (A) and whichever of the following dates applies:

''(i) The date on which the Secretary notifies the veteran from whom eligibility is derived that the veteran has a service-connected total disability permanent in nature.

''(ii) The date on which the Secretary determines that the veteran from whom eligibility is derived died of a service-connected disability.''.

(3) Section 3512(b) is further amended by striking paragraph (3).

(4) The amendments made by this subsection shall apply with respect to any determination (whether administrative or judicial) of the eligibility of a spouse or surviving spouse for educational assistance under chapter 35 of title 38, United States Code, made on or after the date of the enactment of this Act, whether pursuant to an original claim for such assistance or pursuant to a reapplication or attempt to reopen or readjudicate a claim for such assistance.

**SEC. 109. EXPANSION OF SPECIAL RESTORATIVE TRAINING BENEFIT TO CERTAIN DISABLED SPOUSES OR SURVIVING SPOUSES.**

(a) IN GENERAL.—Section 3540 is amended by striking ''section 3501(a)(1)(A) of this title'' and inserting ''subparagraphs (A), (B), and (D) of section 3501(a)(1) of this title''.

(b) CONFORMING AMENDMENTS.—(1) Section 3541(a) is amended in the matter preceding paragraph (1) by striking ''of the parent or guardian''.

(2) Section 3542(a) is amended—

(A) by striking ''the parent or guardian shall be entitled to receive on behalf of such person'' and inserting ''the eligible person shall be entitled to receive''; and

(B) by striking ''upon election by the parent or guardian of the eligible person'' and inserting ''upon election by the eligible person''.

(3) The second sentence of section 3543(a) is amended by striking ''the parent or guardian for the training provided to an eligible person'' and inserting ''for the training provided to the eligible person''.

(4) Section 3543 is amended by adding at the end the following new subsection:

''(c) In a case in which the Secretary authorizes training under section 3541(a) of this title on behalf of an eligible person, the parent or guardian shall be entitled—

''(1) to receive on behalf of the eligible person the special training allowance provided for under section 3542(a) of this title;

''(2) to elect an increase in the basic monthly allowance provided for under such section; and

''(3) to agree with the Secretary on the fair and reasonable amounts which may be charged under subsection (a).''.

**SEC. 110. INCLUSION OF CERTAIN PRIVATE TECHNOLOGY ENTITIES IN DEFINITION OF EDUCATIONAL INSTITUTION.**

(a) IN GENERAL.—Sections 3452(c) and 3501(a)(6) are each amended by adding at the end the following new sentence: ''Such term also includes any private entity (that meets such requirements as the Secretary may establish) that offers, either directly or under an agreement with another entity (that meets such requirements), a course or courses to fulfill requirements for the attainment of a license or certificate generally recognized as necessary to obtain, maintain, or advance in employment in a profession or vocation in a high technology occupation (as determined by the Secretary).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to enrollments in courses beginning on or after the date of the enactment of this Act.

**SEC. 111. DISTANCE EDUCATION.**

(a) IN GENERAL.—Subsection (a)(4) of section 3680A is amended—

(1) by inserting ''(A)'' after ''leading''; and

(2) by inserting before the period the following: '', or (B) to a certificate that reflects educational attainment offered by an institution of higher learning''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to enrollments in independent study courses beginning on or after the date of the enactment of this Act.

## TITLE II—COMPENSATION AND PENSION PROVISIONS

**SEC. 201. MODIFICATION AND EXTENSION OF AUTHORITIES ON PRESUMPTION OF SERVICE-CONNECTION FOR HERBICIDE-RELATED DISABILITIES OF VIETNAM VETERANS.**

(a) PRESUMPTIVE PERIOD FOR RESPIRATORY CANCERS.—(1)(A) Subparagraph (F) of subsection (a)(2) of section 1116 is amended by striking ''within 30 years'' and all that follows through ''May 7, 1975''.

(B) The amendment made by subparagraph (A) shall take effect January 1, 2002.

(2) The Secretary of Veterans Affairs shall enter into a contract with the National Academy of Sciences, not later than six months after the date of the enactment of this Act, for the performance of a study to include a review of all available scientific literature on the effects of exposure to an herbicide agent containing dioxin on the development of respiratory cancers in humans and whether it is possible to identify a period of time after exposure to herbicides after which a presumption of service-connection for such exposure would not be warranted. Under the contract, the National Academy of Sciences shall submit a report to the Secretary setting forth its conclusions. The report shall be submitted not later than 18 months after the contract is entered into.

(3) For a period of six months beginning on the date of the receipt of the report of the National Academy of Sciences under paragraph (2), the Secretary may, if warranted by clear scientific evidence presented in the National Academy of Sciences report, initiate a rulemaking under which the Secretary would specify a limit on the number of years after a claimant's departure from Vietnam after which respiratory cancers would not be presumed to have been associated with the claimant's exposure to herbicides while serving in Vietnam. Any such limit under such a

rule may not take effect until 120 days have passed after the publication of a final rule to impose such a limit.

(4)(A) Subject to subparagraphs (B) and (C), if the Secretary imposes such a limit under paragraph (3), that limit shall be effective only as to claims filed on or after the effective date of that limit.

(B) In the case of any veteran whose disability or death due to respiratory cancer is found by the Secretary to be service-connected under section 1116(a)(2)(F) of title 38, United States Code, as amended by paragraph (1), such disability or death shall remain service-connected for purposes of all provisions of law under such title notwithstanding the imposition, if any, of a time limit by the Secretary by rulemaking authorized under paragraph (3).

(C) Subaragraph (B) does not apply in a case in which—

(i) the original award of compensation or service connection was based on fraud; or

(ii) it is clearly shown from military records that the person concerned did not have the requisite service or character of discharge.

(b) PRESUMPTION THAT DIABETES MELLITUS (TYPE 2) IS SERVICE-CONNECTED.—Subsection (a)(2) of section 1116 is further amended by adding at the end the following new subparagraph:

''(H) Diabetes Mellitus (Type 2).''.

(c) PRESUMPTION OF EXPOSURE TO HERBICIDE AGENTS IN VIETNAM DURING VIETNAM ERA.—(1) Section 1116 is further amended—

(A) by transferring paragraph (3) of subsection (a) to the end of the section and redesignating such paragraph, as so transferred, as subsection (f);

(B) by redesignating paragraph (4) of subsection (a) as paragraph (3); and

(C) in subsection (f), as transferred and redesignated by subparagraph (A) of this paragraph—

(i) by striking ''For the purposes of this subsection, a veteran'' and inserting ''For purposes of establishing service connection for a disability or death resulting from exposure to a herbicide agent, including a presumption of service-connection under this section, a veteran''; and

(ii) by striking ''and has a disease referred to in paragraph (1)(B) of this subsection''.

(2)(A) The heading of that section is amended to read as follows:

**''§ 1116. Presumptions of service connection for diseases associated with exposure to certain herbicide agents; presumption of exposure for veterans who served in the Republic of Vietnam''.**

(B) The item relating to that section in the table of sections at the beginning of chapter 11 is amended to read as follows:

''1116. Presumptions of service connection for diseases associated with exposure to certain herbicide agents; presumption of exposure for veterans who served in the Republic of Vietnam.''.

(d) EXTENSION OF AUTHORITY TO PRESUME SERVICE-CONNECTION FOR ADDITIONAL DISEASES.—(1) Subsection (e) of such section is amended by striking ''10 years'' and all that follows through ''Agent Orange Act of 1991'' and inserting ''on September 30, 2015''.

(2) Section 3(i) of the Agent Orange Act of 1991 (38 U.S.C. 1116 note) is amended by striking ''10 years'' and all that follows and inserting ''on October 1, 2014.''.

**SEC. 202. PAYMENT OF COMPENSATION FOR PERSIAN GULF WAR VETERANS WITH CERTAIN CHRONIC DISABILITIES.**

(a) ILLNESSES THAT CANNOT BE CLEARLY DEFINED.—(1) Subsection (a) of section 1117 is amended to read as follows:

''(a)(1) The Secretary may pay compensation under this subchapter to a Persian Gulf veteran with a qualifying chronic disability that became manifest—

''(A) during service on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War; or

''(B) to a degree of 10 percent or more during the presumptive period prescribed under subsection (b).

''(2) For purposes of this subsection, the term 'qualifying chronic disability' means a chronic disability resulting from any of the following (or any combination of any of the following):

''(A) An undiagnosed illness.

''(B) A medically unexplained chronic multisymptom illness (such as chronic fatigue syndrome, fibromyalgia, and irritable bowel syndrome) that is defined by a cluster of signs or symptoms.

''(C) Any diagnosed illness that the Secretary determines in regulations prescribed under subsection (d) warrants a presumption of service-connection.''.

(2) Subsection (c)(1) of such section is amended—

(A) in the matter preceding subparagraph (A), by striking ''for an undiagnosed illness (or combination of undiagnosed illnesses)''; and

(B) in subparagraph (A), by striking ''for such illness (or combination of illnesses)''.

(b) SIGNS OR SYMPTOMS THAT MAY INDICATE UNDIAGNOSED ILLNESSES.—(1) Such section is further amended by adding at the end the following new subsection:

''(g) For purposes of this section, signs or symptoms that may be a manifestation of an undiagnosed illness or a chronic multisymptom illness include the following:

''(1) Fatigue.

''(2) Unexplained rashes or other dermatological signs or symptoms.

''(3) Headache.

''(4) Muscle pain.

''(5) Joint pain.

''(6) Neurological signs and symptoms.

''(7) Neuropsychological signs or symptoms.

''(8) Signs or symptoms involving the upper or lower respiratory system.

''(9) Sleep disturbances.

''(10) Gastrointestinal signs or symptoms.

''(11) Cardiovascular signs or symptoms.

''(12) Abnormal weight loss.

''(13) Menstrual disorders.''.

(2) Section 1118(a) is amended by adding at the end the following new paragraph:

''(4) For purposes of this section, signs or symptoms that may be a manifestation of an undiagnosed illness include the signs and symptoms listed in section 1117(g) of this title.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on March 1, 2002.

(d) CLARIFICATION OF AUTHORITY TO PRESUME SERVICE-CONNECTION FOR ADDITIONAL DISEASES.—(1) Sections 1117(c)(2) and 1118(e) are each amended by striking ''10 years'' and all that follows through ''of 1998'' and inserting ''on September 30, 2011''.

(2) Section 1603(j) of the Persian Gulf War Veterans Act of 1998 (38 U.S.C. 1117 note) is amended by striking ''10 years'' and all that follows and inserting ''on October 1, 2010.''.

**SEC. 203. PRESERVATION OF SERVICE CONNECTION FOR UNDIAGNOSED ILLNESSES TO PROVIDE FOR PARTICIPATION IN RESEARCH PROJECTS BY PERSIAN GULF WAR VETERANS.**

(a) AUTHORITY FOR SECRETARY TO PROVIDE FOR PARTICIPATION WITHOUT LOSS OF BENEFITS.—Section 1117 is amended by adding after subsection (g), as added by section 202(b), the following new subsection:

''(h)(1) If the Secretary determines with respect to a medical research project sponsored by the Department that it is necessary for the conduct of the project that Persian Gulf veterans in receipt of compensation under this section or section 1118 of this title participate in the project without the possibility of loss of service connection under either such section, the Secretary shall provide that service connection granted under either such section for disability of a veteran who participated in the research project may not be terminated. Except as provided in paragraph (2), nothwithstanding any other provision of law any grant of service-connection protected under this subsection shall remain service-connected for purposes of all provisions of law under this title.

''(2) Paragraph (1) does not apply in a case in which—

''(A) the original award of compensation or service connection was based on fraud; or

''(B) it is clearly shown from military records that the person concerned did not have the requisite service or character of discharge.

''(3) The Secretary shall publish in the Federal Register a list of medical research projects sponsored by the Department for which service connection granted under this section or section 1118 of this title may not be terminated pursuant to paragraph (1).''.

(b) EFFECTIVE DATE.—The authority provided by subsection (h) of section 1117 of title 38, United States Code, as added by subsection (a), may be used by the Secretary of Veterans Affairs with respect to any medical research project of the Department of Veterans Affairs, whether commenced before, on, or after the date of the enactment of this Act.

**SEC. 204. REPEAL OF LIMITATION ON PAYMENTS OF BENEFITS TO INCOMPETENT INSTITUTIONALIZED VETERANS.**

(a) REPEAL.—Section 5503 is amended—

(1) by striking subsections (b) and (c); and

(2) by redesignating subsections (d), (e), and (f) as subsections (b), (c), and (d), respectively.

(b) CONFORMING AMENDMENTS.—(1) Section 1114(r) is amended by striking ''section 5503(e)'' and inserting ''section 5503(c)''.

(2) Section 5112 is amended by striking subsection (c).

**SEC. 205. EXTENSION OF ROUND-DOWN REQUIREMENT FOR COMPENSATION COST-OF-LIVING ADJUSTMENTS.**

Sections 1104(a) and 1303(a) are amended by striking ''2002'' and inserting ''2011''.

**SEC. 206. EXPANSION OF PRESUMPTIONS OF PERMANENT AND TOTAL DISABILITY FOR VETERANS APPLYING FOR NON-SERVICE-CONNECTED PENSION.**

(a) IN GENERAL.—Section 1502(a) is amended by striking ''such a person'' and all that follows through the end of the subsection and inserting the following: ''such person is any of the following:

''(1) A patient in a nursing home for long-term care because of disability.

''(2) Disabled, as determined by the Commissioner of Social Security for purposes of any benefits administered by the Commissioner.

''(3) Unemployable as a result of disability reasonably certain to continue throughout the life of the person.

''(4) Suffering from—

''(A) any disability which is sufficient to render it impossible for the average person to follow a substantially gainful occupation, but only if it is reasonably certain that such disability will continue throughout the life of the person; or

''(B) any disease or disorder determined by the Secretary to be of such a nature or extent as to justify a determination that persons suffering therefrom are permanently and totally disabled.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of September 17, 2001.

**SEC. 207. ELIGIBILITY OF VETERANS 65 YEARS OF AGE OR OLDER FOR VETERANS' PENSION BENEFITS.**

(a) IN GENERAL.—(1) Subchapter II of chapter 15 is amended by inserting after section 1512 the following new section:

**"§ 1513. Veterans 65 years of age and older**

''(a) The Secretary shall pay to each veteran of a period of war who is 65 years of age or older and who meets the service requirements of section 1521 of this title (as prescribed in subsection (j) of that section) pension at the rates prescribed by 1521 of this title and under the conditions (other than the permanent and total disability requirement) applicable to pension paid under that section.

''(b) If a veteran is eligible for pension under both this section and section 1521 of this title, pension shall be paid to the veteran only under section 1521 of this title.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1512 the following new item:

''1513. Veterans 65 years of age and older.''.

(b) CONFORMING AMENDMENTS.—(1) Section 1521(f)(1) is amended by inserting ''or the age and service requirements prescribed in section 1513 of this title,'' after ''of this section,''.

(2) Section 1522(a) is amended by inserting ''1513 or'' after ''under section''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of September 17, 2001.

## TITLE III—TRANSITION AND OUTREACH PROVISIONS

**SEC. 301. AUTHORITY TO ESTABLISH OVERSEAS VETERANS ASSISTANCE OFFICES TO EXPAND TRANSITION ASSISTANCE.**

Section 7723(a) is amended by inserting after the first sentence the following new sentence: ''The Secretary may maintain such offices on such military installations located elsewhere as the Secretary, after consultation with the Secretary of Defense, determines to be necessary to carry out such purposes.''.

**SEC. 302. TIMING OF PRESEPARATION COUNSELING.**

(a) IN GENERAL.—(1) The first sentence of section 1142(a)(1) of title 10, United States Code, is amended to read as follows: ''Within the time periods specified in paragraph (3), the Secretary concerned shall (except as provided in paragraph (4)) provide for individual preseparation counseling of each member of the armed forces whose discharge or release from active duty is anticipated as of a specific date.''.

(2) Such section is further amended by adding at the end the following new paragraphs:

''(3)(A) In the case of an anticipated retirement, preseparation counseling shall commence as soon as possible during the 24-month period preceding the anticipated retirement date. In the case of a separation other than a retirement, preseparation counseling shall commence as soon as possible during the 12-month period preceding the anticipated date. Except as provided in subparagraph (B), in no event shall preseparation counseling commence later than 90 days before the date of discharge or release.

''(B) In the event that a retirement or other separation is unanticipated until there are 90 or fewer days before the anticipated retirement or separation date, preseparation counseling shall begin as soon as possible within the remaining period of service.

''(4)(A) Subject to subparagraph (B), the Secretary concerned shall not provide preseparation counseling to a member who is being discharged or released before the completion of that member's first 180 days of active duty.

''(B) Subparagraph (A) shall not apply in the case of a member who is being retired or separated for disability.''.

(b) CONFORMING AMENDMENT.—The second sentence of section 1144(a)(1) of title 10, United States Code, is amended by striking ''during the 180-day period'' and all that follows and inserting ''within the time periods provided under paragraph (3) of section 1142(a) of this title, except that the Secretary concerned shall not provide preseparation counseling to a member described in paragraph (4)(A) of such section.''.

**SEC. 303. IMPROVEMENT IN EDUCATION AND TRAINING OUTREACH SERVICES FOR SEPARATING SERVICEMEMBERS AND VETERANS.**

(a) PROVIDING OUTREACH THROUGH STATE APPROVING AGENCIES.—Section 3672(d) is amended by inserting ''and State approving agencies'' before ''shall actively promote the development of programs of training on the job''.

(b) ADDITIONAL DUTY.—Such section is further amended—

(1) by inserting ''(1)'' after ''(d)''; and

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

''(2) In conjunction with outreach services provided by the Secretary under chapter 77 of this title for education and training benefits, each State approving agency shall conduct outreach programs and provide outreach services to eligible persons and veterans about education and training benefits available under applicable Federal and State law.''.

**SEC. 304. IMPROVEMENT OF VETERANS OUTREACH PROGRAMS.**

Section 7722(c) is amended—

(1) by inserting ''(1)'' after ''(c)''; and

(2) by adding at the end the following:

''(2) Whenever a veteran or dependent first applies for any benefit under laws administered by the Secretary (including a request for burial or related benefits or an application for life insurance proceeds), the Secretary shall provide to the veteran or dependent information concerning benefits and health care services under programs administered by the Secretary. Such information shall be provided not later than three months after the date of such application.''.

## TITLE IV—HOUSING MATTERS

**SEC. 401. INCREASE IN HOME LOAN GUARANTY AMOUNT FOR CONSTRUCTION AND PURCHASE OF HOMES.**

Section 3703(a)(1) is amended by striking ''$50,750'' each place it appears in subparagraphs (A)(i)(IV) and (B) and inserting ''$60,000''.

**SEC. 402. NATIVE AMERICAN VETERAN HOUSING LOAN PILOT PROGRAM.**

(a) EXTENSION OF PILOT PROGRAM.—Section 3761(c) is amended by striking ''December 31, 2001'' and inserting ''December 31, 2005''.

(b) AUTHORIZATION OF THE USE OF CERTAIN FEDERAL MEMORANDUMS OF UNDERSTANDING.—Section 3762(a)(1) is amended—

(1) by inserting ''(A)'' after ''(1)'';

(2) by striking ''and'' after the semicolon and inserting ''or''; and

(3) by adding at the end the following:

''(B) the tribal organization that has jurisdiction over the veteran has entered into a memorandum of understanding with any department or agency of the United States with respect to direct housing loans to Native Americans that the Secretary determines substantially complies with the requirements of subsection (b); and''.

(c) EXTENSION OF ANNUAL REPORT.—Section 3762(j) is amended by striking ''2002'' and inserting ''2006''.

**SEC. 403. MODIFICATION OF LOAN ASSUMPTION NOTICE REQUIREMENT.**

Section 3714(d) is amended to read as follows:

''(d) With respect to a loan guaranteed, insured, or made under this chapter, the Secretary shall provide, by regulation, that at least one instrument evidencing either the loan or the mortgage or deed of trust therefor, shall conspicuously contain, in such form as the Secretary shall specify, a notice in substantially the following form: 'This loan is not assumable without the approval of the Department of Veterans Affairs or its authorized agent'.''.

**SEC. 404. INCREASE IN ASSISTANCE AMOUNT FOR SPECIALLY ADAPTED HOUSING.**

Section 2102 is amended—

(1) in the matter preceding paragraph (1) of subsection (a), by striking ''$43,000'' and inserting ''$48,000''; and

(2) in subsection (b)(2), by striking ''$8,250'' and inserting ''$9,250''.

**SEC. 405. EXTENSION OF OTHER HOUSING AUTHORITIES.**

(a) HOUSING LOANS FOR MEMBERS OF THE SELECTED RESERVE.—Section 3702(a)(2)(E) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2009''.

(b) ENHANCED LOAN ASSET SALE AUTHORITY.—Section 3720(h)(2) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2011''.

(c) HOME LOAN FEE AUTHORITIES.—The table in section 3729(b)(2) is amended by striking ''October 1, 2008'' each place it appears and inserting ''October 1, 2011''.

(d) PROCEDURES APPLICABLE TO LIQUIDATION SALES ON DEFAULTED HOME LOANS GUARANTEED BY THE DEPARTMENT OF VETERANS AFFAIRS.—Section 3732(c)(11) is amended by striking ''October 1, 2008'' and inserting ''October 1, 2011''.

**SEC. 406. CLARIFYING AMENDMENT RELATING TO ELIGIBILITY OF MEMBERS OF THE SELECTED RESERVE FOR HOUSING LOANS.**

Section 3729(b)(4)(B) is amended by inserting before the period the following: ''who is eligible under section 3702(a)(2)(E) of this title''.

## TITLE V—OTHER MATTERS

**SEC. 501. INCREASE IN BURIAL BENEFITS.**

(a) BURIAL AND FUNERAL EXPENSES.—(1) Clause (1) of section 2307 is amended by striking ''$1,500'' and inserting ''$2,000''.

(2) The amendment made by paragraph (1) shall apply to deaths occurring on or after September 11, 2001.

(b) PLOT ALLOWANCE.—(1) Section 2303(b) is amended by striking ''$150'' each place it appears and inserting ''$300''.

(2) The amendments made by paragraph (1) shall apply to deaths occurring on or after December 1, 2001.

**SEC. 502. GOVERNMENT MARKERS FOR MARKED GRAVES AT PRIVATE CEMETERIES.**

(a) GOVERNMENT MARKER BENEFIT.—Section 2306 of title 38, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

''(d)(1) The Secretary shall furnish, when requested, an appropriate Government marker at the expense of the United States for the grave of an individual described in paragraph (2) or (5) of subsection (a) who is buried in a private cemetery, notwithstanding that the grave is marked by a headstone or marker furnished at private expense. Such a marker may be furnished only if the individual making the request for the Government marker certifies to the Secretary that the marker will be placed on the grave for which the marker is requested.

''(2) Any marker furnished under this subsection shall be delivered by the Secretary directly to the cemetery where the grave is located.

''(3) The authority to furnish a marker under this subsection expires on December 31, 2006.

''(4) Not later than February 1, 2006, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the use of the authority under this subsection. The report shall include the following:

''(A) The rate of use of the benefit under this subsection, shown by fiscal year.

''(B) An assessment as to the extent to which markers furnished under this subsection are being delivered to cemeteries and placed on grave sites consistent with the provisions of this subsection.

''(C) The Secretary's recommendation for extension or repeal of the expiration date specified in paragraph (3).''.

(b) DESIGN OF MARKER.—Subsection (c) of such section is amended by striking ''subsection (a) or (b)'' and inserting ''subsection (a), (b), or (d)''.

(c) CROSS REFERENCE CORRECTION.—Subsection (a)(5) of such section is amended by striking ''chapter 67'' and inserting ''chapter 1223''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to markers for the graves of individuals dying on or after the date of the enactment of this Act.

**SEC. 503. INCREASE IN AMOUNT OF ASSISTANCE FOR AUTOMOBILE AND ADAPTIVE EQUIPMENT FOR CERTAIN DISABLED VETERANS.**

Section 3902(a) is amended by striking ''$8,000'' and inserting ''$9,000''.

**SEC. 504. EXTENSION OF LIMITATION ON PENSION FOR CERTAIN RECIPIENTS OF MEDICAID-COVERED NURSING HOME CARE.**

Paragraph (7) of subsection (d) of section 5503, as redesignated by section 204(a), is amended by striking ''September 30, 2008'' and inserting ''September 30, 2011''.

**SEC. 505. PROHIBITION ON PROVISION OF CERTAIN BENEFITS WITH RESPECT TO PERSONS WHO ARE FUGITIVE FELONS.**

(a) PROHIBITION.—(1) Chapter 53 is amended by inserting after section 5313A the following new section:

**''§ 5313B. Prohibition on providing certain benefits with respect to persons who are fugitive felons**

''(a) A veteran who is otherwise eligible for a benefit specified in subsection (c) may not be paid or otherwise provided such benefit for any period during which such veteran is a fugitive felon. A dependent of a veteran who is otherwise eligible for a benefit specified in subsection (c) may not be paid or otherwise provided such benefit for any period during which such veteran or such dependent is a fugitive felon.

''(b) For purposes of this section:

''(1) The term 'fugitive felon' means a person who is a fugitive by reason of—

''(A) fleeing to avoid prosecution, or custody or confinement after conviction, for an offense, or an attempt to commit an offense, which is a felony under the laws of the place from which the person flees; or

''(B) violating a condition of probation or parole imposed for commission of a felony under Federal or State law.

''(2) The term 'felony' includes a high misdemeanor under the laws of a State which characterizes as high misdemeanors offenses that would be felony offenses under Federal law.

''(3) The term 'dependent' means a spouse, surviving spouse, child, or dependent parent of a veteran.

''(c) A benefit specified in this subsection is a benefit under any of the following:

''(1) Chapter 11 of this title.

''(2) Chapter 13 of this title.

''(3) Chapter 15 of this title.

''(4) Chapter 17 of this title.

''(5) Chapter 19 of this title.

''(6) Chapter 30, 31, 32, 34, or 35 of this title.

''(7) Chapter 37 of this title.

''(d)(1) The Secretary shall furnish to any Federal, State, or local law enforcement official, upon the written request of such official, the most current address maintained by the Secretary of a person who is eligible for a benefit specified in subsection (c) if such official—

''(A) provides to the Secretary such information as the Secretary may require to fully identify the person;

''(B) identifies the person as being a fugitive felon; and

''(C) certifies to the Secretary that apprehending such person is within the official duties of such official.

''(2) The Secretary shall enter into memoranda of understanding with Federal law enforcement agencies, and may enter into agreements with State and local law enforcement agencies, for purposes of furnishing information to such agencies under paragraph (1).''.

(2) The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 5313A the following new item:

''5313B. Prohibition on providing certain benefits with respect to persons who are fugitive felons.''.

(b) SENSE OF CONGRESS ON ENTRY INTO MEMORANDA OF UNDERSTANDING AND AGREEMENTS.—It is the sense of Congress that the memoranda of understanding and agreements referred to in section 5313B(d)(2) of title 38, United States Code (as added by subsection (a)), should be entered into as soon as practicable after the date of the enactment of this Act, but not later than six months after that date.

**SEC. 506. LIMITATION ON PAYMENT OF COMPENSATION FOR VETERANS REMAINING INCARCERATED SINCE OCTOBER 7, 1980.**

(a) LIMITATION.—Section 5313 of title 38, United States Code, other than subsection (d) of that section, shall apply with respect to the payment of compensation to or with respect to any veteran described in subsection (b).

(b) COVERED VETERANS.—A veteran described in this subsection is a veteran who is entitled to compensation and who—

(1) on October 7, 1980, was incarcerated in a Federal, State, or local penal institution for a felony committed before that date; and

(2) remains so incarcerated for conviction of that felony as of the date of the enactment of this Act.

(c) EFFECTIVE DATE.—This section shall apply with respect to the payment of compensation for months beginning on or after the end of the 90-day period beginning on the date of the enactment of this Act.

(d) COMPENSATION DEFINED.—For purposes of this section, the term ''compensation'' has the meaning given that term in section 5313 of title 38, United States Code.

**SEC. 507. ELIMINATION OF REQUIREMENT FOR PROVIDING A COPY OF NOTICE OF APPEAL TO THE SECRETARY OF VETERANS AFFAIRS.**

(a) REPEAL.—Section 7266 is amended by striking subsection (b).

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking ''(1)'' after ''(a)'';

(2) by redesignating paragraph (2) as subsection (b);

(3) by redesignating paragraph (3) as subsection (c) and redesignating subparagraphs (A) and (B) thereof as paragraphs (1) and (2); and

(4) by redesignating paragraph (4) as subsection (d) and by striking ''paragraph (3)(B)'' therein and inserting ''subsection (c)(2)''.

**SEC. 508. INCREASE IN FISCAL YEAR LIMITATION ON NUMBER OF VETERANS IN PROGRAMS OF INDEPENDENT LIVING SERVICES AND ASSISTANCE.**

(a) INCREASE IN LIMITATION.—Section 3120(e) is amended by striking ''five hundred'' and inserting ''2,500''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of September 30, 2001.

**SEC. 509. TECHNICAL AND CLERICAL AMENDMENTS.**

(a) REPEAL OF EXPIRED PROVISION.—(1) Section 712 is repealed.

(2) The table of sections at the beginning of chapter 7 is amended by striking the item relating to section 712.

(b) CORRECTION OF WORD OMISSION.—Section 1710B(c)(2)(B) is amended by inserting ''on'' before ''November 30, 1999''.

(c) REPEAL OF ERRONEOUS CROSS REFERENCE.—Section 1729B(b) is amended—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

(d) CORRECTION OF CROSS REFERENCE.—Section 3695(a)(5) is amended by striking ''1610'' and inserting ''1611''.

(e) STYLISTIC CORRECTION.—Section 1001(a)(2) of the Veterans' Benefits Improvements Act of 1994 (Public Law 103–446; 38 U.S.C. 7721 note) is amended by striking ''and'' at the end of subparagraph (C).

(f) CORRECTION OF PREVIOUS AMENDMENT.—Effective November 30, 1999, and as if included therein as originally enacted, section 204(e)(3) of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 113 Stat. 1563) is amended by striking ''and inserting 'a';'' and inserting ''the first place it appears and inserting 'an';''.

## TITLE VI—UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

**SEC. 601. FACILITATION OF STAGGERED TERMS OF JUDGES THROUGH TEMPORARY EXPANSION OF THE COURT.**

(a) IN GENERAL.—Section 7253 is amended by adding at the end the following new subsection:

''(h) TEMPORARY EXPANSION OF COURT.—(1) During the period from January 1, 2002, through August 15, 2005, the authorized number of judges of the Court specified in subsection (a) is increased by two.

''(2)(A) Of the two additional judges authorized by this subsection—

''(i) only one may be appointed pursuant to a nomination made in 2002; and

''(ii) only one may be appointed pursuant to a nomination made in 2003.

''(B If a judge is not appointed under this subsection pursuant to a nomination made in 2002, a judge may be appointed under this subsection pursuant to a nomination made in 2004. If a judge is not appointed under this subsection pursuant to a nomination made in 2003, a judge may be appointed under this subsection pursuant to a nomination made in 2004. In either case, such an appointment may be made only pursuant to a nomination made before October 1, 2004.

''(3) The term of office and the eligibility for retirement of a judge appointed under this subsection, other than a judge described in paragraph (4), are governed by the provisions of section 1012 of the Court of Appeals for Veterans Claims Amendments of 1999 (title X of Public Law 106–117; 113 Stat. 1590; 38 U.S.C. 7296 note) if the judge is one of the first two judges appointed to the Court after November 30, 1999.

''(4) A judge of the Court as of the date of the enactment of this subsection who was

appointed to the Court before January 1, 1991, may accept appointment as a judge of the Court under this subsection notwithstanding that the term of office of the judge on the Court has not yet expired under this section. The term of office of an incumbent judge who receives an appointment as described in the preceding sentence shall be 15 years, which includes any period remaining in the unexpired term of the judge. Any service following an appointment under this subsection shall be treated as though served as part of the original term of office of that judge on the Court.

''(5) Notwithstanding paragraph (1), an appointment may not be made to the Court if the appointment would result in there being more than seven judges on the Court who were appointed after January 1, 1997. For the purposes of this paragraph, a judge serving in recall status under section 7257 of this title shall be disregarded in counting the number of judges appointed to the Court after such date.''.

(b) STYLISTIC AMENDMENTS.—That section is further amended—

(1) in subsection (b), by inserting ''APPOINTMENT.—'' before ''The judges'';

(2) in subsection (c), by inserting ''TERM OF OFFICE.—'' before ''The term'';

(3) in subsection (f), by striking ''(f)(1)'' and inserting ''(f) REMOVAL.—(1)''; and

(4) in subsection (g), by striking ''(g)(1)'' and inserting ''(g) RULES.—(1)''.

**SEC. 602. REPEAL OF REQUIREMENT FOR WRITTEN NOTICE REGARDING ACCEPTANCE OF REAPPOINTMENT AS CONDITION TO RETIREMENT FROM THE COURT.**

Section 7296(b)(2) is amended by striking the second sentence.

**SEC. 603. TERMINATION OF NOTICE OF DISAGREEMENT AS JURISDICTIONAL REQUIREMENT FOR THE COURT.**

(a) TERMINATION.—Section 402 of the Veterans' Judicial Review Act (division A of Public Law 100–687; 102 Stat. 4122; 38 U.S.C. 7251 note) is repealed.

(b) ATTORNEY FEES.—Section 403 of the Veterans' Judicial Review Act (102 Stat. 4122; 38 U.S.C. 5904 note) is repealed.

(c) CONSTRUCTION.—The repeal in subsection (a) may not be construed to confer upon the United States Court of Appeals for Veterans Claims jurisdiction over any appeal or other matter not within the jurisdiction of the Court as provided in section 7266(a) of title 38, United States Code.

(d) APPLICABILITY.—The repeals made by subsections (a) and (b) shall apply to any appeal filed with the United States Court of Appeals for Veterans Claims—

(1) on or after the date of the enactment of this Act; or

(2) before the date of the enactment of this Act but in which a final decision has not been made under section 7291 of title 38, United States Code, as of that date.

**SEC. 604. REGISTRATION FEES.**

(a) FEES FOR COURT-SPONSORED ACTIVITIES.—Subsection (a) of section 7285 is amended by adding at the end the following new sentence: ''The Court may also impose a registration fee on persons (other than judges of the Court) participating at judicial conferences convened pursuant to section 7286 of this title or in any other court-sponsored activity.''.

(b) USE OF FEES.—Subsection (b) of such section is amended by striking ''for the purposes of (1)'' and all that follows through the period and inserting ''for the following purposes:

''(1) Conducting investigations and proceedings, including employing independent counsel, to pursue disciplinary matters.

''(2) Defraying the expenses of—

''(A) judicial conferences convened pursuant to section 7286 of this title; and

''(B) other activities and programs of the Court that are intended to support and foster communication and relationships between the Court and persons practicing before the Court or the study, understanding, public commemoration, or improvement of veterans law or of the work of the Court.''.

(c) CLERICAL AMENDMENTS.—(1) The heading for such section is amended to read as follows:

**''§ 7285. Practice and registration fees''.**

(2) The item relating to such section in the table of sections at the beginning of chapter 72 is amended to read as follows:

''7285. Practice and registration fees.''.

**SEC. 605. ADMINISTRATIVE AUTHORITIES.**

(a) IN GENERAL.—Subchapter III of chapter 72 is amended by inserting after section 7286 the following new section:

**''§ 7287. Administration**

''Notwithstanding any other provision of law, the Court of Appeals for Veterans Claims may exercise, for purposes of management, administration, and expenditure of funds of the Court, the authorities provided for such purposes by any provision of law (including any limitation with respect to such provision of law) applicable to a court of the United States (as that term is defined in section 451 of title 28), except to the extent that such provision of law is inconsistent with a provision of this chapter.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 7286 the following new item:

''7287. Administration.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as chairman of the Committee on Veterans' Affairs, I am very proud and happy to bring to the floor H.R. 1291, as amended, the Veterans Education and Benefits Expansion Act of 2001.

□ 1645

Mr. Speaker, this bill is derived from measures which the House approved overwhelmingly earlier this year: H.R. 801, the Veterans Opportunities Act of 2001; H.R. 1291, the 21st Century Montgomery G.I. Bill Enhancement Act; H.R. 2540, the Veterans Benefits Act of 2001. It also includes a number of provisions contained in S. 1088, the Benefits Veterans Improvement Act of 2001.

Mr. Speaker, I want to thank the ranking member, the gentleman from Illinois (Mr. EVANS); former chairman of the Subcommittee on Benefits, the gentleman from Arizona (Mr. HAYWORTH); the ranking member, the gentleman from Texas (Mr. REYES); and the current subcommittee chairman, the gentleman from Idaho (Mr. SIMPSON), for working with me in crafting these bills.

Little did we know last spring what terrorists would do to America on September 11. Although our resolve was already firm, the events of September 11 have heightened the Nation's concern that we provide adequate benefits for those who serve in our Nation's Armed Forces. I am proud that we have been able to respond so positively to their concerns.

We had two goals in mind, Mr. Speaker, when we were preparing these bills. The first goal was to continue our Nation's commitment to those veterans who have already been in harm's way in past wars and conflicts.

Second, we wanted to create a level playing field for the generation of veterans who protect our freedoms now and into the future.

Our bipartisan legislation carried out these two broad goals in three primary ways: first, through improvements in the Montgomery G.I. bill and other VA education programs, so as to position our returning service members for long-term, sustained employment; second, through improvements in VA programs for disabled veterans and their widows and orphans, so as to honor our commitment to them; and third, by building on former Under Secretary Joe Thompson's initiatives to reach out to America's sons and daughters before, rather than after, they leave the military to ease their transition to civilian life.

Mr. Speaker, with respect to veterans education, I am pleased that the compromise agreement contains no less than 11 provisions to improve the Montgomery G.I. bill and other VA education programs. Under current law, a full-time veteran-student receives $672 monthly under the Montgomery G.I. bill, from which the veteran-student pays the tuitions, books, supplies, fees, and subsistence, including housing, food, and transportation.

H.R. 1291, as amended, would increase the $672 monthly amount to $800 per month effective this January; to $900, effective October 1 of 2002; and to $985 per month effective October 1, 2003. Mr. Speaker, this represents a 52 percent increase in the monthly benefit, phased in over 3 years.

According to data furnished by the College Board this spring, the monthly G.I. bill benefit would have had to rise to $1,025 per month for a veteran-student to attend a 4-year student as a commuter student at an average cost of $9,229 per year. This figure includes tuition, fees, and living expenses.

Veteran students are highly engaging and resourceful individuals, but the $1,025 per month figure has been shown to be woefully inadequate and that the Montgomery G.I. bill just simply did not cover those costs. That is what we are trying to rectify with this legislation.

Frankly, we should not be surprised, Mr. Speaker, that only about half of the eligible veterans for the Montgomery G.I. bill have used it since 1985, one of the main reasons being the lack of funding in the actual benefit provided.

The bill also builds on the wisdom and foresight of former chairman

Sonny Montgomery, who, back in 1980, understood the linkage between the success of an all-volunteer force and a sound educational incentive to recruit high-quality individuals. Serving one's country literally has taken on a new meaning since September 11. Now more than ever we need a new G.I. bill that does reflect the selflessness of our service members who are putting their lives on the line to ferret out and to eliminate terrorism. This bill goes a long way to closing the gap between school costs and benefits.

The compromise agreement also contains nine provisions that make improvements in VA programs benefiting disabled veterans and their dependents and keeps our commitments to veterans who suffer from chronic illnesses subsequent to their service during the Persian Gulf War.

Effective April 1, 2002, the bill revises the definition of ''undiagnosed illnesses'' for Persian Gulf War veterans to include fibromyalgia, chronic fatigue syndrome and chronic multisyndrome illnesses, and other illnesses that cannot be clearly defined.

I thank the gentleman from Illinois (Mr. EVANS), the gentleman from Florida (Mr. BILIRAKIS), the gentleman from Indiana (Mr. BUYER), the gentleman from Nevada (Mr. GIBBONS), and the gentleman from Illinois (Mr. MANZULLO) for their leadership on this particular provision.

This bill keeps America's promise to disabled veterans by increasing specially adapted housing allowances for severely disabled veterans from $43,000 to $48,000 per year; increases the automobile and adaptive equipment grant for severely disabled veterans from $8,000 to $9,000; increases the payments for burial and funeral expenses for service-connected veterans from $1,500 to $2,000; and increases the burial plot allowance for eligible veterans from $150 to $300.

Lastly, the measure makes the second improvement in as many years for spouses of children of 100 percent service-connected disabled veterans or their survivors of veterans who die from their service-connected disability. The monthly education benefit would increase from $588 per month to $670 per month.

Lastly, following the recommendations of the congressional Veterans Claim Adjudication Commission and the congressional Commission on Service Members and Veterans Transition Assistance, the bill gives the VA greater authority to reach out to those service members defending our freedom around the world before they leave the military.

The VA will now have the authority to create regional offices overseas, thus creating a vision for a world-class worldwide organization. And the Departments of Defense, Veterans Affairs, and Labor will be able to make transition counseling available to first-time service members as early as 12 months before separation and 24 months prior to separation for retirees.

Mr. Speaker, I include for the RECORD the Explanatory Statement on the House Amendment.

EXPLANATORY STATEMENT ON HOUSE AMENDMENT TO SENATE AMENDMENTS TO H.R. 1291

The House amendment to the Senate amendments to H.R. 1291 reflect a compromise agreement that the House and Senate Committees on Veterans' Affairs have reached on H.R. 801, H.R. 1291, H.R. 2540, H.R. 3240, and S. 1088. H.R. 801 passed the House on March 27, 2001. H.R. 1291 passed the House on June 19, 2001. H.R. 2540 passed the House on July 31, 2001. H.R. 3240 passed the House on November 13, 2001. The Senate considered S. 1088 (hereinafter known as the ''Senate bill'') on December 7, 2001. This measure was incorporated in H.R. 1291 as an amendment and passed the Senate by unanimous consent on December 7, 2001.

The House and Senate Committees on Veterans' Affairs have prepared the following explanation of H.R. 1291, as amended, (hereinafter referred to as the ''Compromise Agreement''). Differences between the provisions contained in the Compromise Agreement and the related provisions of H.R. 801, H.R. 1291, H.R. 2540, H.R. 3240, and S. 1088 are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

TITLE I—EDUCATIONAL ASSISTANCE PROVISIONS

INCREASES IN RATES OF BASIC EDUCATIONAL ASSISTANCE UNDER THE MONTGOMERY GI BILL

*Current Law*

Section 3011 of title 38, United States Code, establishes basic educational assistance entitlement under the All-Volunteer Force Educational Assistance Program, commonly referred to as the Montgomery GI Bill or MGIB—Active Duty program. Section 3015 establishes the base amount of such educational assistance at the monthly rate of $528 for a 3–year period of service and $429 for a 2–year period of service. These amounts increased to $650 per month and $528 per month, respectively, on November 1, 2000. With the addition of a cost-of-living adjustment (COLA) on October 1, 2001, the rates are $672 and $546, respectively.

*House Bill*

Section 2(a)(1) of H.R. 1291 would amend section 3015(a)(1) to increase the amount of educational benefits under the Montgomery GI Bill for an approved program of education on a full-time basis from the current monthly rate of $650 ($672 with COLA) for an obligated period of active duty of 3 or more years to $800 effective October 1, 2001, $950 effective October 1, 2002, and $1,100 effective October 1, 2003.

Section 2(a)(2) of H.R. 1291 would amend section 3015(b)(1) of title 38, United States Code, to increase the amount of educational benefits for an obligated period of active duty of 2 years from the current monthly rate of $528 ($546 with COLA) to $650 effective October 1, 2001, $772 effective October 1, 2002, and $894 effective October 1, 2003.

Section 2(b) of H.R. 1291 would suspend the statutory annual adjustment in MGIB rates based on the Consumer Price Index beginning in fiscal year 2002 and reinstate that adjustment beginning in fiscal year 2005.

*Senate Bill*

Section 101 of the Senate bill would increase the amount of educational benefits under the Montgomery GI Bill for veterans whose original service obligation was 3 or more years to $700 in fiscal year 2002, $800 in fiscal year 2003, and $950 in fiscal year 2004. For veterans whose original service obligation was 2 years, the monthly educational benefit would be increased to $569 in fiscal year 2002, $650 in fiscal year 2003, and $772 in fiscal year 2004.

*Compromise Agreement*

Section 101 of the compromise agreement would increase the amount of educational benefits under the Montgomery GI Bill for an obligated period of active duty of 3 or more years to $800 effective January 1, 2002; $900 effective October 1, 2002; and $985 effective October 1, 2003. For service obligation of 2 years, increases are to $650 effective January 1, 2002; $732 effective October 1, 2002; and $800 effective October 1, 2003. The COLA is suspended for Fiscal Years 2003 and 2004.

INCREASE IN RATES OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

*Current Law*

Chapter 35 of title 38, United States Code, provides educational assistance to spouses and dependent children of veterans who are totally disabled or who die as a result of a service-connected condition. Eligible persons are paid at a monthly rate of $588, $441, and $294, respectively, for full, three-quarter, and half-time studies. The cost-of-living adjustment (COLA) furnished on October 1, 2001, increased these rates to $608, $456, and $304, respectively.

*House Bill*

The House bills contain no comparable provision.

*Senate Bill*

Section 106 of the Senate bill would increase the monthly amount of education benefits provided under chapter 35 of title 38, United States Code, for full-time students from $588 ($608 with the COLA) to $690, from $441 ($456 of COLA) to $517 for three-quarter time students, and from $294 ($306 with the COLA) to $345 for half-time students (rates in current law after cost-of-living adjustment). These increases would take effect October 1, 2001.

*Compromise Agreement*

Section 102 of the compromise agreement would follow the language of the Senate bill, except that it would increase the monthly amount of education benefits provided to full-time students in traditional education programs, training in business or industry, correspondence courses or special restorative training from $608 to $670 on January 1, 2002. The compromise agreement would also include increases for on-job training, apprenticeship, and farm cooperative programs.

RESTORATION OF CERTAIN EDUCATION BENEFITS OF INDIVIDUALS BEING ORDERED TO ACTIVE DUTY

*Current Law*

Sections 3013(f)(2), 3231(a)(5), and 3511(a)(2)(B)(i) of title 38, United States Code, provide that no educational allowance paid to servicemembers, reservists, or eligible dependents shall be counted against the total length or amount of their education entitlement if the pursuit of an educational objective was interrupted as a result of being ordered to serve in connection with the Persian Gulf War.

*House Bill*

H.R. 3240 would restore entitlement under the Montgomery GI Bill (MGIB), Veterans' Educational Assistance Program (VEAP), and Survivors' and Dependents' Educational Assistance program (DEA) for any servicemembers, reservists, or DEA recipients called to active duty during Operation Enduring Freedom and at any time in the future.

*Senate Bill*

Section 105 of the Senate bill would restore entitlement under the MGIB, VEAP, and

Survivor's and DEA programs for any servicemembers, reservists, or DEA recipients called to active duty in connection with the National Emergency declared by the Presidential Proclamation dated September 14, 2001.

*Compromise Bill*

Section 103 of the compromise agreement follows the House language and adds entitlement restoration for persons pursuing education or training under chapter 31 of title 38, United States Code. Further, the period during which the person may use his or her educational benefits under chapters 31 or 35 would be the period equal to the length of active service for which the person is recalled, plus four months.

ACCELERATED PAYMENTS OF EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL FOR EDUCATION LEADING TO EMPLOYMENT IN HIGH TECHNOLOGY INDUSTRY

*Current Law*

Section 3014 of title 38, United States Code, provides that the basic educational benefit available under the Montgomery GI Bill be disbursed in up to 36 monthly installments. Benefits are provided for each month in which the MGIB participant is certified to be participating in a course of study. If requested by a veteran, section 3680(d)(2) of title 38, United States Code, allows for an advance payment of educational assistance in an amount equivalent to the allowance for the month, or fraction thereof, in which pursuit of an education program will commence, plus the allowance for the succeeding month. This payment structure is geared primarily toward the pursuit of traditional two- and four-year degrees.

*House Bill*

The House bills contain no comparable provision.

*Senate Bill*

Section 103 of the Senate bill would further expand the Montgomery GI Bill benefit to accommodate a compressed schedule of courses leading to employment in a high technology industry by authorizing accelerated payment covering up to 60% of the cost of a high technology course, provided the cost of such course exceeds 200% of the monthly MGIB rate. This lump sum would be deducted from the veteran's remaining MGIB entitlement.

*Compromise Agreement*

Section 104 of the compromise agreement follows the Senate language, effective October 1, 2002.

ELIGIBILITY FOR MONTGOMERY GI BILL BENEFITS OF CERTAIN ADDITIONAL VIETNAM-ERA VETERANS

*Current Law*

Section 3011 of title 38, United States Code, provides that a Vietnam-era veteran may convert his or her Vietnam-era GI Bill benefit to the Montgomery GI Bill educational benefit, if the veteran had eligibility for Vietnam-era GI Bill benefits as of December 31, 1989, was on active duty on October 19, 1984, and served 3 continuous years after June 30, 1985.

*House Bill*

The House bills contain no comparable provision.

*Senate Bill*

Section 104 of the Senate bill would enable Vietnam-era veterans to convert their Vietnam-era GI Bill benefits to Montgomery GI Bill benefits if the veteran had eligibility for the Vietnam-era GI Bill benefits as of December 31, 1989, was not on active duty on October 19, 1984, and served 3 continuous years in the Armed Forces on or after July 1, 1985.

*Compromise Agreement*

Section 105 of the compromise agreement follows the Senate language.

INCREASE IN MAXIMUM ALLOWABLE ANNUAL ROTC AWARD FOR ELIGIBILITY FOR BENEFITS UNDER THE MONTGOMERY GI BILL

*Current Law*

Sections 3011(c)(3)(B) and 3012(d)(3)(B) of title 38, United States Code, provide that $2,000 is the maximum annual amount of a partial scholarship that a participant in the Senior Reserve Officers' Training Corps (SROTC) may receive and still be eligible for basic educational assistance entitlement for service on active duty under the Montgomery GI Bill educational assistance program.

*House Bill*

Section 101 of H.R. 801 would increase from $2,000 to $3,400 per year the amount a student under SROTC may receive in scholarship assistance and still retain eligibility for the Montgomery GI Bill—Active Duty under chapter 30, of title 38, United States Code.

*Senate Bill*

The Senate bill contains no comparable provision.

*Compromise Agreement*

Section 106 of the compromise agreement follows the House language.

EXPANSION OF WORK-STUDY OPPORTUNITIES

*Current Law*

Section 3485(a)(1) of title 38, United States Code, establishes work-study policies for veteran-students and eligible dependents. In general, VA work-study students may prepare or process VA paperwork at schools or VA facilities, provide care at VA hospitals and domiciliaries, or work at Department of Defense facilities in certain circumstances.

*House Bill*

Section 102 of H.R. 801 would expand work-study opportunities for veteran-students and eligible dependents to include: outreach services furnished by State Approving Agencies to servicemembers and veterans; activities for veteran-students and/or dependents (who have declared an academic major) within the department of an academic discipline that complements and reinforces the program of education pursued by the veteran-student; and the provision of chapter 17 of title 38, United States Code, domiciliary care and nursing home and hospital care to veterans, including state veterans homes.

*Senate Bill*

The Senate bill contains no comparable provision.

*Compromise Agreement*

Section 107 of the compromise agreement follows the House language but excludes work-study opportunities within the department of the veteran-student's academic discipline, and adds additional work-study opportunities through national and state veterans cemeteries.

ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE BENEFITS OF SPOUSES AND SURVIVING SPOUSES OF VETERANS WITH TOTAL SERVICE-CONNECTED DISABILITIES

*Current Law*

Spouses of veterans who die of service-connected conditions, who are rated as totally and permanently disabled, or who die while rated as totally and permanently disabled, are eligible for Survivors' and Dependents' Educational Assistance (DEA) benefits. Prior to *Ozer* v. *Principi*, a 2001 decision by the U.S. Court of Appeals for Veterans Claims, 14 Vet. App. 257 (2001), VA applied a 10-year delimiting period during which spouses were eligible to use their DEA benefits. VA had been following regulations stating that the 10-year delimiting period began when eligibility is first established. However, the statute which authorized the DEA regulations prescribed that a spouse may not receive educational assistance beyond 10 years after the last occurrence of three eligibility criteria, one of which is the veteran's death. In its *Ozer* decision, the Court invalidated the VA regulation, reasoning that the delimiting period established by VA was in conflict with the authorizing statute.

*House Bill*

The House bills contain no comparable provision.

*Senate Bill*

Section 107 of the Senate bill would reinstate a 10-year delimiting period in which spouses may, upon first becoming eligible, use DEA benefits. Spouses made eligible for DEA under more than one of the eligibility criteria would have two separate 10–year delimiting periods in which to use their DEA benefits, but in no case would their aggregate entitlement exceed 45 months.

*Compromise Agreement*

Section 108 of the compromise agreement follows the Senate language.

EXPANSION OF SPECIAL RESTORATIVE TRAINING BENEFIT TO CERTAIN DISABLED SPOUSES OR SURVIVING SPOUSES

*Current Law*

Section 3541 of title 38, United States Code, provides that eligible children entitled to assistance under the Survivors' and Dependents' Educational Assistance program of chapter 35 may receive special restorative training to overcome or lessen the effects of a physical or mental disability and enable them to undertake a program of education.

*House Bill*

Section 104 of H.R. 801 would expand the special restorative training benefit provided under the chapter 35 program to include certain disabled spouses or surviving spouses.

*Senate Bill*

The Senate bill contains no comparable provision.

*Compromise Agreement*

Section 109 of the compromise agreement follows the House language.

INCLUSION OF CERTAIN PRIVATE TECHNOLOGY ENTITIES IN THE DEFINITION OF EDUCATIONAL INSTITUTION

*Current Law*

Section 3452(c) of title 38, United States Code, defines ''educational institution'' as any public or private elementary school, secondary school, vocational school, correspondence school, business school, junior college, teachers' college, college, normal school, professional school, university, scientific or technical institution furnishing education for adults. Section 3501(a)(6) of title 38, United States Code, uses a substantively identical definition with the addition of any other institution if it furnishes education at the secondary school level or above.

*House Bill*

Section 103 of H.R. 801 would expand the definition of an educational institution to include any private entity that offers, either directly or under an agreement with another entity, a course or courses to fulfill a requirement for the attainment of a license or certificate generally recognized as necessary to obtain, maintain, or advance in employment in a profession or vocation in a technological occupation, as determined by the Secretary.

*Senate Bill*

Section 105 of the Senate bill contains a substantively identical provision.

*Compromise Agreement*

Section 110 of the compromise agreement follows the Senate language.

DISTANCE EDUCATION

*Current Law*

Section 3680A(a)(4) of title 38, United States Code, limits the enrollment of an eligible veteran to an accredited independent study program (including open circuit television) leading to a standard college degree.

*House Bill*

Section 105 of H.R. 801 would permit eligible veterans to receive VA education benefits while pursuing non college-degree courses that are offered through independent study by institutions of higher learning.

*Senate bill*

The Senate bill contains no comparable provision.

*Compromise Agreement*

Section 111 of the compromise agreement follows the House language.

TITLE II—COMPENSATION AND PENSION PROVISIONS

MODIFICATION AND EXTENSION OF AUTHORITIES ON PRESUMPTION OF SERVICE-CONNECTION FOR HERBICIDE-RELATED DISABILITIES OF VIETNAM-ERA VETERANS

*Current Law*

Under section 1116(a)(2)(F) of title 38, the presumption of service-connection with respect to respiratory cancers is limited to those cancers manifesting within 30 years of a servicemember's last active-duty date in Vietnam.

The CAVC decision in *McCartt* v. *West*, 12 Vet. App. 164 (1999) held that the Department of Veterans Affairs (VA) can only presume exposure to Agent Orange if the Vietnam veteran has one of the diseases listed as related to such exposure in 38 U.S.C. §1116(a) or 38 C.F.R. §3.309(e). VA practice prior to this decision had been to presume exposure for anyone who had served in Vietnam during the statutorily defined period of war unless there was affirmative evidence to the contrary.

Section 1116 authorizes the Secretary of Veterans' Affairs to establish, through regulation, a presumption of service-connection for diseases associated with exposure to Agent Orange. The Secretary is further authorized to contract with the National Academy of Sciences for the purposes of studying the effects of dioxin, and is required to base the establishment of a presumption of service-connection on NAS findings. This authority commenced in 1993 and will expire at the end of Fiscal Year 2003.

*House Bill*

Section 201 of H.R. 2540 codifies VA's July 9, 2001, regulation providing benefits for Vietnam veterans with Type 2 diabetes.

*Senate Bill*

Section 201 of the Senate bill would remove the 30-year limitation on the manifestation of respiratory cancer. This section would also change the result of the CAVC decision in *McCartt* by requiring VA to presume exposure to Agent Orange for all persons serving in Vietnam during the statutorily defined period of that conflict.

Section 201 would extend the Secretary's authority to determine a presumption of service-connection for additional diseases, based on future NAS Reports, through 2011. VA's authority to contract with the NAS to review scientific evidence on the effects of dioxin or herbicide exposure would be extended through 2011.

*Compromise Agreement*

Section 201(a)(1) of the compromise agreement follows the Senate language, but modifies the effective date for subsection (a) of the Senate bill to January 1, 2002. Section 201(a)(2) of the compromise directs the Secretary to enter into a contract with the National Academy of Sciences specifically to review available scientific literature on exposure to herbicides and dioxin and the development of respiratory cancers. Section 201(a)(3) allows the Secretary to consider whether an upper limit on manifestation of respiratory cancers can be supported, and to impose such a limit by regulation if warranted, by available scientific evidence. Section 201(4) protects a grant of service-connection made under this section for purposes of all benefits administered by the Secretary; section 201(b) of the compromise agreement provides a statutory presumption of service-connection of Diabetes Type 2 for veterans exposed to Agent Orange and follows the House language; section 201(c) of the compromise agreement presumes that veterans who served in the Republic of Vietnam during the time period when herbicides were used were exposed to herbicides and follows the Senate language; and section 201(d) of the compromise agreement extends the Secretary's authority to contract with NAS through October 1, 2014, and extends the Secretary's authority to determine a presumption of service-connection through September 30, 2015.

PAYMENT OF COMPENSATION FOR PERSIAN GULF WAR VETERANS WITH CERTAIN CHRONIC DISABILITIES

*Current Law*

Public Law 103–446 gave the Secretary the authority to compensate a Gulf War veteran who suffers from disabilities that cannot be diagnosed or clearly defined, when other causes cannot be identified. Section 1117 of title 38, United States Code, sets forth parameters for compensating disabilities occurring in Gulf War veterans.

*House Bill*

Section 202 of H.R. 2540 would expand, effective April 1, 2002, the definition of ''undiagnosed illness'' for Gulf War veterans to include fibromyalgia, chronic fatigue syndrome, and chronic multisymptom illness, as well as other illnesses that cannot be clearly defined. Signs and symptoms listed in the House bill that are associated with an undiagnosed illness include headache, muscle pain, joint pain, neurologic signs or symptoms, neuropsychological signs or symptoms, signs or symptoms involving the respiratory system (upper or lower), sleep disturbances, gastrointestinal signs or symptoms, cardiovascular signs or symptoms, abnormal weight loss, and/or menstrual disorders.

*Senate Bill*

Section 202(b) of the Senate bill would expand the definition of ''undiagnosed illness'' by adding poorly defined chronic multisymptom illnesses of unknown etiology, regardless of diagnosis, characterized by two or more of the symptoms already listed in VA regulations. This section would also extend the presumptive period for service connection for Gulf War veterans by 10 years.

*Compromise Agreement*

Section 202 of the compromise agreement authorizes the Secretary effective March 1, 2002, to pay compensation to any eligible Gulf War veteran chronically disabled by an ''undiagnosed illness,'' a ''medically unexplained chronic multisymptom illness defined by a cluster of signs or symptoms,'' or ''any diagnosed illness that the Secretary determines in regulations prescribed under subsection (d) warrants a presumption of service-connection'' (or any combination of these). The term ''undiagnosed illnesses'' has been interpreted by VA to preclude from eligibility for benefits under section 1117 or 1118 of title 38, United States Code, any veteran who has received a diagnosis, even if that diagnosis is merely a descriptive label for a collection of unexplained symptoms. This provision's addition of ''medically unexplained chronic multisymptom illness defined by a cluster of signs or symptoms'' to the list of compensable conditions fully implements the intent of Public Law 103–446. Public Law 103–446 authorized the Secretary to compensate certain Gulf War veterans disabled by symptoms that could not be connected conclusively to specific wartime exposures otherwise not compensable under other existing statutory bases.

In selecting this language, it is the intent of the Committees to ensure eligibility for chronically disabled Gulf War veterans not withstanding a diagnostic label by a clinician in the absence of conclusive pathophysiology or etiology. The compromise agreement's definition encompasses a variety of unexplained clinical conditions, characterized by overlapping symptoms and signs, that share features such as fatigue, pain, disability out of proportion to physical findings, and inconsistent demonstration of laboratory abnormalities. Aaron and Buchwald, A Review of the Evidence for Overlap Among Unexplained Clinical Conditions, 134(9) Annals of Internal Med: 868–880 (2001). Although chronic fatigue syndrome, fibromyalgia, and irritable bowel syndrome are the most common diagnoses under this definition, other conditions that may be characterized similarly include other chronic musculoskeletal pain disorders and chronic headache disorders.

By listing the first three diagnoses as examples, it is the Committees' intent to give guidance to the Secretary rather than to limit eligibility for compensation based upon other similarly described conditions that may be defined or redefined in the future. The Committees do not intend this definition to assert that the cited syndromes can be clinically or scientifically linked to Gulf War service based on current evidence, nor do they intend to include chronic multisymptom illnesses of partially understood etiology and pathophysiology such as diabetes or multiple sclerosis.

In evaluating chronic multisymptom illnesses, the Committees expect that VA will develop a schedule for rating disabilities based on severity of symptoms and the degree to which these impair a veteran's ability to obtain and retain substantially gainful employment. The ratings schedule already established by VA in section 4.88b of 38 CFR (6354) for chronic fatigue syndrome bases the degree of disability on the veteran's incapacitation rather than specific medical findings. This schedule can be used as a model for rating disabilities stemming from chronic multisymptom illnesses in general.

The compromise agreement includes a technical correction substituting a date certain of October 1, 2010, for ''10 years after the last day of the fiscal year in which the National Academy of Sciences (NAS) submits the first report'' as written under current law in section 1603(j) of the Persian Gulf War Veterans Act of 1998. This provision requires the Secretary to contract with the NAS for five biennial reports on Gulf War health issues. The compromise also amends sections 1117 and 1118 of title 38, United States Code, to clarify that the authority of the Secretary to determine that a disease warrants presumptive service-connection based on these NAS reports continuing through September 30, 2011.

PRESERVATION OF SERVICE CONNECTION FOR UNDIAGNOSED ILLNESSES TO PROVIDE FOR PARTICIPATION IN RESEARCH PROJECTS BY GULF WAR VETERANS

*Current Law*

Under current law, the Secretary does not have specific authority to protect a Persian Gulf War veteran's grant of service connection for an undiagnosed illness if, as a result of participating in a medical research study, the condition is diagnosed.

*House Bill*

Section 203 of H.R. 2540 would authorize the Secretary to protect the grant of service connection for an undiagnosed illness when a Persian Gulf War veteran participates in a VA-sponsored medical research project. The Secretary would be required to publish in the Federal Register any medical research project whose participants would be protected under this section. The Secretary's authority extends to research projects commenced before, on or after date of enactment.

*Senate Bill*

The Senate bill contains no comparable provision.

*Compromise Agreement*

Section 203 of the compromise agreement protects veterans participating in medical research projects sponsored by the Department from loss of service-connection if the Secretary determines that such protection is necessary for conduct of the medical research. The Secretary is required to publish in the Federal Register a list of medical research projects sponsored by the Department for which service-connection is protected under this section.

REPEAL OF THE LIMITATION ON PAYMENTS OF BENEFITS TO INCOMPETENT VETERANS

*Current Law*

Subsections (b) and (c) of section 5503 of title 38, United States Code, establishes that compensation and pension benefits cannot be issued to an incompetent, institutionalized veteran with no dependents whose assets exceed five times the 100-percent compensation rate. Public Law 106–419 raised the dollar amount of the cutoff from $1,500 to its present level.

*House Bill*

The House bills contain no comparable provision.

*Senate Bill*

Section 209 of the Senate bill would repeal the asset limitation on payment of benefits to incompetent institutionalized veterans who have no dependents.

*Compromise Agreement*

Section 204 of the compromise agreement follows the Senate language.

EXTENSION OF ROUND-DOWN REQUIREMENT FOR COMPENSATION COST-OF-LIVING ADJUSTMENTS

*Current Law*

Under sections 1104 and 1303 of title 38, United States Code, the Secretary has the authority to round down to the next lower whole dollar amount in the computation of cost-of-living adjustments through fiscal year 2002.

*House Bill*

The House bills contain no comparable provision.

*Senate Bill*

The Senate bill contains no comparable provision.

*Compromise Agreement*

Section 205 of the compromise agreement extends the Secretary's authority to round down to the next lower whole dollar amount the computation of cost-of-living adjustments through Fiscal Year 2011.

EXPANSION OF PRESUMPTIONS OF PERMANENT AND TOTAL DISABILITY FOR VETERANS APPLYING FOR NONSERVICE-CONNECTED PENSION

*Current Law*

Under section 1502(a) of title 38, United States Code, applicants for nonservice-connected pensions are considered to be totally and permanently disabled if they are unemployable, unable to follow a gainful occupation, or determined by the Secretary to be totally and permanently disabled. It is the Committees' understanding that VA regional office directors have been verbally instructed to implement a policy of presuming permanent and total disability for veterans who are patients in nursing homes for long-term care, or veterans determined permanently disabled by the Social Security Administration.

*House Bill*

The House bills contain no comparable provision.

*Senate Bill*

Section 203 of the Senate bill would presume that veterans who are in nursing homes for long-term care; are determined to be permanently disabled by the Social Security Administration (SSA); are at least 65 years old and have no current, recurring income from employment; or are unemployable as a result of a disability reasonably certain to continue throughout life, are permanently and totally disabled for purposes of nonservice-connected pension. This provision would be made retroactive to September 10, 2001.

*Compromise Agreement*

According to information provided to the Committees, VA has recently instructed its employees to adjudicate pension claims for veterans who are patients in long-term care facilities or who have been determined to be permanently disabled by the Social Security Administration without requiring a VA determination of disability. The Committees express their strong disapproval of the verbal manner in which the policy changes concerning evaluation of disability for patients in long-term care and those determined disabled by SSA were implemented. Verbally advising VA regional office directors to implement major policy changes without issuing either formal regulations or written guidance invites misinterpretation and confusion. The Committees strongly urge the Secretary to communicate all interpretative changes to policy in writing to appropriate officials, to make such instructions available to the public, and to comply with the notice and comment requirements of the Administrative Procedures Act for all substantive rules.

Section 206(a)(1) of the compromise agreement provides specific statutory authority for the evidentiary presumption verbally communicated to regional office directors for determining the eligibility of patients in a nursing home for long-term care to be disabled for purposes of pension benefits. The compromise agreement follows the Senate language and provides for an effective date of September 17, 2001, the date VA regional offices are believed to have implemented this policy.

Section 206(a)(2) of the compromise agreement provides that persons who have been determined disabled by the Social Security Administration (SSA) will be considered disabled for purposes of pension benefits. Since the Committees believe that a SSA disability determination is an appropriate evidentiary basis for considering a veteran disabled, the compromise agreement considers a veteran disabled if SSA has made a determination of disability. The bill provides for an effective date of September 17, 2001, the date VA regional offices are believed to have implemented this policy.

Section 206(a)(3) of the compromise agreement provides that a person shall be considered disabled if the veteran is unemployable as a result of disability reasonably certain to continue throughout the life of the person. The compromise agreement follows the Senate language.

Section 206(a)(4) restates provisions currently contained in section 1502(a)(1) and (2) of current law. The compromise agreement follows the Senate language.

ELIGIBILITY OF VETERANS 65 YEARS OF AGE OR OLDER FOR VETERANS' PENSION BENEFITS

*Current Law*

Public Law 90–77 provided that a veteran is presumed disabled for purposes of pension benefits at age 65. Public Law 101–508 revoked the Secretary's authority to presume that a veteran was disabled for purposes of pension benefits at age 65. Although the Secretary lacks statutory authority to presume disability at age 65, it is the Committees' understanding that VA regional office directors were verbally instructed to implement a policy of presuming disability for pension applicants aged 65 and older.

*House Bill*

The House bills contain no comparable provision.

*Senate Bill*

Section 203(a)(3) of the Senate bill would restore the presumption of disability for purposes of pension eligibility at age 65 for veterans who based on evidence available to the Secretary have no current recurring income from employment.

*Compromise Agreement*

According to information provided to the Committees, VA has recently instructed its employees to adjudicate pension claims for veterans who are aged 65 or older and who have no wages from employment without requiring a VA determination of disability. The Committees express their strong disapproval of the Secretary's decision to ignore the requirements of Public Law 101–508 prohibiting a presumption of disability for purposes of pension eligibility at age 65 by verbally reinstating the policy. When the Secretary believes that legislation passed by Congress and enacted into law is unwise or administratively inefficient, it is the Secretary's responsibility to propose appropriate legislation to the Congress so that the problem identified can be corrected. Verbally instructing VA regional office directors to ignore statutory requirements and to presume that veterans are disabled at age 65 without authorizing legislation violates current law. The Committees expect the Secretary to advise Congress of any statutory provisions, which in the judgment of the Secretary are detrimental to caring for our Nation's veterans, and to transmit appropriate corrective legislative proposals for consideration.

Section 207 of the compromise agreement provides that a pension will be provided to wartime veterans aged 65 and older without regard to disability. These veterans must still meet the nondisability requirements of section 1521 of title 38, United States Code, such as income and net worth. In determining that benefits will be provided at age 65 without regard to employment status, the Committees note that any veteran employed full-time and receiving at least a minimum wage would not qualify for pension based on the pension income limitations.

Nonetheless, the Committees agree that a policy of requiring proof of disability for an

aged wartime veteran with incomes below the pension benefit amount involves use of scarce agency resources without a commensurate return. The Committees have determined that aged wartime veterans should be provided a needs-based pension under conditions similar to that provided for veterans of the Indian Wars and the Spanish-American War. The compromise agreement renders a wartime veteran eligible for a needs-based pension upon attaining age 65 effective September 17, 2001, the date VA regional offices are believed to have implemented a policy of providing a presumption of disability for wartime veterans aged 65 and older.

TITLE III—TRANSITION AND OUTREACH PROVISIONS

AUTHORITY TO ESTABLISH OVERSEAS VETERANS ASSISTANCE OFFICES TO EXPAND TRANSITION ASSISTANCE

*Current Law*

Sections 7722, 7723 and 7724 of title 38, United States Code, set forth VA's responsibilities with respect to outreach services, including outreach provided to separating servicemembers and eligible dependents. These sections do not specifically provide for the establishment and maintenance of veterans' assistance offices on military installations outside of the United States, its territorial possessions, or the Commonwealth of Puerto Rico. Through a funding arrangement with the Department of Defense, VA currently assigns representatives overseas on a rotational basis in a number of locations with large military populations.

*House Bill*

Section 201(a) of H.R. 801 would amend section 7723(a) of title 38, United States Code, to give the Secretary specific discretionary authority to establish veterans' assistance offices on such military installations in other locations as the Secretary determines necessary. In doing so, the Secretary would be required to consult with the Secretary of Defense.

*Senate Bill*

The Senate bill contains no comparable provision.

*Compromise Agreement*

Section 301 of the compromise agreement follows the House language.

TIMING OF PRESEPARATION COUNSELING

*Current Law*

The Departments of Defense, Veterans Affairs, and Labor assist separating servicemembers with benefits and services to facilitate a successful transition to civilian life. Currently, section 1142(a)(1) of title 10, United States Code, requires that pre-separation counseling begin not less than 90 days prior to discharge or release.

*House Bill*

Section 202 of H.R. 801 would change the timing of preseparation counseling to begin as soon as possible during the 24-month period preceding an anticipated retirement and as soon as possible during the 12-month period preceding other separations, but in no event later than 90 days before the date of discharge or release. In the case of an unanticipated retirement or other separation with 90 days or fewer prior to separation, preseparation counseling shall begin as soon as possible within the remaining period of service. Except in the case of a servicemember who is being retired or separated for a disability, the Secretary concerned would not be permitted to provide preseparation counseling to a servicemember who is being discharged or released before the completion of that servicemember's first 180 days of active duty service.

*Senate Bill*

The Senate bill contains no comparable provision.

*Compromise Agreement*

Section 302 of the compromise agreement follows the House language.

IMPROVEMENT IN EDUCATION AND TRAINING OUTREACH SERVICES FOR SEPARATING SERVICEMEMBERS AND VETERANS

*Current Law*

Section 3672(d) of title 38, United States Code, requires that the Secretary of Veterans Affairs actively promote the development of programs for purposes of section 3677 (on the job training) and section 3687 (apprenticeship or other on-job training).

*House Bill*

Section 203 of H.R. 801 would require that State Approving Agencies (SAA), in addition to the Secretary, actively promote the development of VA programs of training on the job (including programs of apprenticeship) under chapter 36 of title 38, United States Code. Section 203 would also require SAAs, in conjunction with outreach services furnished by the Secretary for education and training benefits under chapter 77 of title 38, United States Code, to conduct outreach programs and provide outreach services to eligible persons and veterans about education and training benefits available under applicable Federal and State law.

*Senate Bill*

The Senate bill contains no comparable provision.

*Compromise Agreement*

Section 303 of the compromise agreement follows the House language.

IMPROVEMENT OF VETERANS OUTREACH PROGRAMS

*Current Law*

Section 7722(c) of title 38, United States Code requires the Secretary to distribute full information to eligible veterans and eligible dependents regarding all benefits and services to which they may be entitled under laws administered by the Department and may, to the extent feasible, distribute information on other governmental programs (including manpower and training programs) that the Secretary determines would be beneficial to veterans.

*House Bill*

Section 205 of H.R. 801 would require VA, whenever a veteran or dependent first applies for any benefit (including a request for burial or related benefits or on application for life insurance proceeds), to provide information concerning all benefits and health services under programs administered by the Secretary.

*Senate Bill*

The Senate bill contains no comparable provision.

*Compromise Agreement*

Section 304 of the compromise agreement follows the House language with a modification that the Secretary provides the information within 3 months of the veteran or dependent making an initial contact with VA.

TITLE IV—HOUSING MATTERS

INCREASE OF THE VA HOME LOAN GUARANTY AMOUNT FOR CONSTRUCTION AND PURCHASE OF HOMES

*Current Law*

Under section 3703 of title 38, United States Code, VA currently provides a guaranty of up to $50,750 on home mortgage loans issued to eligible veterans by private lenders.

*House Bill*

The House bills contain no comparable provision.

*Senate Bill*

Section 301 of the Senate bill would increase the maximum home mortgage loan guaranty amount to $63,175.

*Compromise Agreement*

Section 401 of the compromise agreement would increase the maximum home mortgage loan guaranty amount to $60,000.

NATIVE AMERICAN VETERAN HOUSING LOAN PILOT PROGRAM

*Current Law*

Section 3761 of title 38, United States Code, established a pilot program whereby the Secretary may make direct housing loans to Native American veterans to permit such veterans to purchase, construct, or improve dwellings on trust land. The pilot program expires on December 31, 2001.

Current law requires a tribe to enter into a Memorandum of Understanding (MOU) with VA before VA can make home loans to members of that tribe.

*House Bill*

Section 404(a) of H.R. 2540 would extend to December 31, 2005, VA's direct loan program for Native American veterans living on trust lands. Section 404(b) would amend section 3762(a)(1) of title 38, United States Code, to permit VA to make a direct housing loan to a member of a Native American tribe that has entered into an MOU with another federal agency if that MOU generally conforms to the requirements of VA's program.

*Senate Bill*

Section 302 of the Senate bill extends the Native American veterans housing loan program to December 31, 2005. It also extends the requirement of an annual report under section 3762(j) through 2006.

*Compromise Agreement*

Section 402 of the compromise agreement follows the House language with the addition of the reporting requirement until 2006.

MODIFICATION OF LOAN ASSUMPTION NOTICE REQUIREMENT

*Current Law*

Section 3714(d) of title 38, United States Code, requires that all VA loans and security instruments contain on the first page in letters two and one half times the size of the regular type face used in the document, a statement that the loan is not assumable without approval of VA or its authorized agent.

*House Bill*

Section 405 of H.R. 2540 would modify the requirement in section 3714(d) of title 38, United States Code, by requiring that such notice appear conspicuously on at least one instrument (such as a VA rider) under guidelines established by VA in regulations.

*Senate Bill*

The Senate bill contains no comparable provision.

*Compromise Agreement*

Section 403 of the compromise agreement follows the House language.

INCREASE IN ASSISTANCE AMOUNT FOR SPECIALLY ADAPTED HOUSING

*Current Law*

The Secretary is authorized in chapter 21 of title 38, United States Code, to assist eligible veterans in acquiring suitable housing and adaptations with special fixtures made necessary by the nature of the veteran's service-connected disability, and with the necessary land. The assistance authorized for a severely disabled veteran shall not exceed $43,000. The amount authorized for less severely disabled veterans shall not exceed $8,250.

*House Bill*

Section 305 of H.R. 801 would increase the grant for specially adapted housing for severely disabled veterans to $48,000 and for less severely disabled veterans to $9,250.

*Senate Bill*

The Senate bill contains no comparable provision.

*Compromise Agreement*

Section 404 of the compromise agreement follows the House language.

EXTENSION OF OTHER HOUSING AUTHORITIES

*Current Law*

Subsection 3702(a)(2)(E) of title 38, United States Code, authorizes VA to provide housing loan guaranties to members of the Selected Reserve through

September 30, 2007; subsection 3720(h)(2) authorizes VA to issue guaranties of timely principal and interest payments on trust-issued securities backed by vendee loans through December 31, 2008; subsection 3729(b)(2) authorizes VA to charge a loan fee for VA home loan guaranties through October 1, 2008; and subsection 3732(c)(11) of title 38, United States Code, authorizes VA to apply specified procedures for liquidation sales to defaulted home loans guaranteed by VA through October 1, 2008.

*House Bill*

The House bills contain no comparable provision.

*Senate Bill*

Section 303(a) of the Senate bill extends VA's authority to provide housing loan guaranties to members of the Selected Reserve through September 30, 2011; section 303(b) extends VA's loan asset sale authority through December 31, 2011; section 303(c) extends the VA's authority to charge a loan fee for VA home loan guaranties through October 1, 2011; and section 303(d) extends VA's authority to apply procedures for liquidation sales to defaulted home loans guaranteed by VA through October 1, 2011.

*Compromise Agreement*

Section 405(a) of the compromise agreement extends the housing loan guaranties to members of the Selected Reserve through September 30, 2009; sections 405(b) through (d) of the compromise agreement follows the Senate language.

TITLE V—OTHER MATTERS

INCREASE IN BURIAL BENEFITS

*Current Law*

Under section 2307 of title 38, United States Code, the Secretary, upon request of the survivors of a veteran, shall pay the burial and funeral expenses incurred in connection with the death of a veteran. In the case of a veteran who dies as the result of a service-connected disability, the amount would not exceed the greater of (1) $1,500, or (2) the amount authorized to be paid under section 8134(a) of title 5, United States Code, in the case of a federal employee whose death occurs as the result of an injury sustained in the performance of duty. In the case of nonservice-connected deaths, section 2302 of title 38, United States Code provides for a payment in the amount of $300 for veterans in receipt of compensation or pension. Section 2303(b) of title 38, United States Code, also authorizes the Secretary to pay a $150 plot allowance for eligible veterans buried in a state or private cemetery.

*House Bill*

Section 301(a) of H.R. 801 would increase the burial and funeral allowance payable for service-connected deaths from $1,500 to $2,000, and for nonservice connected deaths from $300 to $500. Section 301(b) would increase the burial plot allowance from $150 to $300. Section 301(c) would require that such amounts payable under sections 2302 (funeral expenses), 2303 (plot allowance), and 2307 (death from service-connected disability) would be indexed to cost-of-living increases in benefits paid under the Social Security Act, title 42, United States Code.

*Senate Bill*

Section 401 of the Senate bill would increase the burial benefits for service-connected deaths from $1,500 to $2,000.

*Compromise Agreement*

Section 501 of the compromise bill would increase burial benefits for service-connected deaths from $1,500 to $2,000 effective September 11, 2001, and increase the plot allowance from $150 to $300 effective December 1, 2001.

GOVERNMENT MARKERS FOR MARKED GRAVES AT PRIVATE CEMETERIES

*Current Law*

Section 2306 of title 38 limits the provision of headstones and grave markers by VA to the unmarked graves of veterans, or to commemorate the grave of an eligible person whose remains are unavailable. A veteran's family is permitted to obtain a private marker later. However, if a veteran's family obtains a private marker first, the VA may not furnish a headstone or grave marker.

*House Bill*

The House bills contain no comparable provision.

*Senate Bill*

Section 402 of S. 1088 would allow the Secretary of VA to furnish bronze markers for already privately marked graves. This section would permit the marker to be located in an appropriate place to be determined by the cemetery concerned, within the grounds of the cemetery. Eligibility for grave markers would apply to deaths occurring after the date of enactment of this provision and deaths occurring before its enactment, but after November 1, 1990, so long as the request for the marker is made within 4 years after the enactment date.

*Compromise Agreement*

Section 502 of the compromise agreement creates a five-year program requiring the Secretary to furnish a bronze marker to those families that request a government marker for the marked grave of a veteran at a private cemetery. The Secretary is required to furnish the marker directly to the cemetery and the family is required to place the marker on the veteran's gravesite. Not later then February 1, 2006, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the use of this five-year authority to include: the rate and cost of the use of the benefit by fiscal year; an assessment if the extent to which markers are being delivered to cemeteries and placed on gravesites; and the Secretary's recommendation for extension or repeal of the December 31, 2006, expiration date. The Committees note that the Secretary should implement this provision in a flexible manner in light of requests for grave markers pre-dating this provision.

INCREASE IN AMOUNT OF ASSISTANCE FOR AUTOMOBILE AND ADAPTIVE EQUIPMENT FOR CERTAIN DISABLED VETERANS

*Current Law*

Under section 3902(a) of title 38, United States Code, the Secretary may pay up to $8,000 (including all state, local, and other taxes) to an eligible disabled servicemember or veteran to purchase an automobile.

*House Bill*

Section 304 of H.R. 801 would increase the amount of assistance for automobile grants from $8,000 to $9,000.

*Senate Bill*

The Senate bill contains no comparable provision.

*Compromise Agreement*

Section 503 of the compromise agreement follows the House language.

EXTENSION OF LIMITATION ON PENSION FOR CERTAIN RECIPIENTS OF MEDICAID-COVERED NURSING HOME CARE

*Current Law*

Under section 5503(f) of title 38, United States Code, VA pension paid to certain veterans receiving Medicaid-covered nursing home care is reduced to $90 per month. VA's authority to reduce the pension amount expires on September 30, 2008.

*House Bill*

The House bills contain no comparable provision.

*Senate Bill*

Section 210 of the Senate bill would extend through September 30, 2011, the $90 per month cap on VA pensions paid to certain veterans receiving Medicaid-covered nursing home care.

*Compromise Agreement*

Section 504 of the compromise agreement follows the Senate language.

PROHIBITION OF VETERANS RECEIVING BENEFITS WHILE FUGITIVE FELONS

*Current Law*

Public Law 104–193 bars fugitive felons from receiving Supplemental Security Insurance from the Social Security Administration and food stamps from the Department of Agriculture. Currently, there is no law barring veterans who are fugitive felons from receiving VA benefits.

*House Bill*

The House bills contain no comparable provision.

*Senate Bill*

Section 207 of the Senate bill would prohibit veterans and eligible dependents from receiving veterans benefits while a ''fugitive,'' which is defined under this section as fleeing to avoid prosecution, or custody or confinement after conviction, for an offense, or an attempt to commit an offense, which is a felony under the laws of the place from which the veteran flees.

*Compromise Agreement*

Section 505 of the compromise agreement substantially follows the Senate language.

LIMITATION ON PAYMENT OF COMPENSATION FOR VETERANS REMAINING INCARCERATED SINCE OCTOBER 7, 1980

*Current Law*

Under section 5313(d) of title 38, United States Code, compensation paid to any veteran incarcerated after October 7, 1980, is reduced to a level equal to the compensation rate for a 10 percent disability with the balance allowed to be apportioned to the veteran's dependants, if any.

*House Bill*

The House bills contain no comparable provision.

*Senate Bill*

Section 208 of the Senate bill would apply the restrictions listed in section 5313(d) of title 38, United States Code, to veterans incarcerated before October 7, 1980. This provision would not affect any payments made prior to the enactment of this legislation.

*Compromise Agreement*

Section 506 of the compromise agreement follows the Senate language. It is the Committees' hope that VA will receive all necessary cooperation from the state and federal prison systems in implementing this provision, such as the timely compiling of data of incarcerated veterans affected by this change in law.

ELIMINATION OF REQUIREMENT FOR PROVIDING A COPY OF NOTICE OF APPEAL TO THE SECRETARY OF VETERANS AFFAIRS

*Current Law*

Section 7266(b) of title 38, United States Code, requires an individual appealing a decision of the Board of Veterans' Appeals to furnish the Secretary of Veterans Affairs with a copy of his or her notice of appeal to the U.S. Court of Appeals for Veterans Claims.

*House Bill*

Section 406 of H.R. 2540 repeals section 7266(b) of title 38, United States Code.

*Senate Bill*

The Senate bill contains no comparable provision.

*Compromise Agreement*

Section 507 of the compromise agreement follows the House language.

INCREASE IN FISCAL YEAR LIMITATION ON THE NUMBER OF VETERANS IN PROGRAMS OF INDEPENDENT LIVING SERVICES AND ASSISTANCE

*Current Law*

Under section 3120 of title 38, United States Code, VA's Vocational Rehabilitation and Employment Service maintains an independent living program designed to assist service-disabled veterans, who are too disabled to retrain for employment, in achieving and maintaining defined independent living outcomes. Subsection 3120(e) of this title limits participation in this program to no more than 500 veteran participants per fiscal year. Despite this limitation, VA has been providing services to approximately 2,400 veterans per year.

*House Bill*

The House bills contain no comparable provision.

*Senate Bill*

Section 501 of the Senate bill would eliminate the 500–veteran cap for participants of the independent living program, and would retain first priority to veterans for whom there is a reasonable feasibility of achieving a vocational goal but for their service-connected condition.

*Compromise Agreement*

Section 508 of the compromise agreement would increase the maximum number of veterans allowed to participate in the VA independent living program to 2,500, and would retain first priority to veterans for whom there is a reasonable feasibility of achieving a vocational goal but for their service-connected condition.

While the Committees acknowledge the value of this program, the Committees strongly disapprove of VA's apparent decision to ignore the limitations in current law. When a limitation contains in current law proves detrimental to veterans, the Committees expect that the Secretary will not proceed to ignore the law, but rather to present the Congress with appropriate corrective legislation. In the event that the number currently authorized proves to be insufficient to meet the needs of our Nation's disabled veterans, the Committees direct the Secretary to propose appropriate legislation to Congress.

TITLE VI—U.S. COURT OF APPEALS FOR VETERANS CLAIMS

FACILITATION OF STAGGERED TERMS OF JUDGES THROUGH TEMPORARY EXPANSION OF THE COURT

*Current Law*

Section 7253 of title 38, United States Code, requires that the U.S. Court of Appeals for Veterans Claims (CAVC) shall be composed of no more than seven judges and one shall be chief judge. After the Court's establishment in 1988, the initial seven judges were appointed within 16 months of one another. A new judge was appointed in 1997 to fill a vacancy created by the death of one of the originally appointed judges. The chief judge retired in 2000, and his seat has not yet been filled. By 2005, the terms of five of the remaining judges will have ended. This will likely leave four simultaneously vacant seats by 2005.

*House Bill*

The House bills contain no comparable provision.

*Senate Bill*

Section 601 of the Senate bill would temporarily expand the membership of the CAVC by two seats until August 2005 in order to bridge the retirement of the original judges.

*Compromise Agreement*

Section 601 of the compromise agreement follows the Senate language.

REPEAL OF REQUIREMENT FOR WRITTEN NOTICE REGARDING ACCEPTANCE OF RE-APPOINTMENT AS CONDITION TO RETIREMENT FROM THE COURT

*Current Law*

Section 7296(b)(2) of title 38, United States Code, requires a judge who has not been reappointed following the expiration of his or her appointed term, before that judge is 65 years old, as a precondition to retirement, to advise the President, in writing, that the judge is willing to accept reappointment.

*House Bill*

The House bills contain no comparable provision.

*Senate Bill*

Section 602 of the Senate bill would repeal the requirement that a judge provide written notice indicating willingness to accept reappointment as a precondition to retirement from the CAVC.

*Compromise Agreement*

Section 602 of the compromise agreement follows the Senate language.

TERMINATION OF NOTICE OF DISAGREEMENT AS JURISDICTIONAL REQUIREMENT FOR THE COURT

*Current Law*

Under section 402 of the Veterans' Judicial Review Act (Public Law 100–687; 38 U.S.C. §7251 note) (VJRA), a Notice of Disagreement (NOD) must have been filed on or after November 18, 1988, in order to establish jurisdiction necessary for the CAVC to review a claimant's case. Section 403 of the VJRA (102 Stat. 4122; 38 U.S.C. §5904 note) limits the payment of attorney fees to cases in which a post-November 17, 1988, NOD has been filed.

*House Bill*

The House bills contain no comparable provision.

*Senate Bill*

Section 603(a) of the Senate bill would eliminate the post-November 17, 1988, NOD as a prerequisite to jurisdiction at the CAVC. It would not affect the requirement of a NOD to trigger appeal within VA of a decision nor any other prerequisite to review at the Court. Section 603(b) of the Senate bill would similarly eliminate the limitation on payment of attorney fees to those cases in which a post-November 17, 1988, NOD has been filed.

*Compromise Agreement*

Section 603 of the compromise agreement follows the Senate language.

REGISTRATION FEES

*Current Law*

Section 7285 of title 38, United States Code, provides that the CAVC may impose periodic registration fees on persons admitted to practice before the Court. These fees may be used for purposes of hiring independent counsel to pursue disciplinary matters and defraying administrative costs for the implementation of the standards of proficiency prescribed for practice before the Court.

*House Bill*

Section 301(a) of H.R. 2540 would authorize the Court to collect registration fees for persons participating in a judicial conference or other Court-sponsored activities where appropriate.

Section 301(b) of H.R. 2540 would amend section 7285(b) of title 38, United States Code, to add that registration fees paid to the Court may also be used generally in connection with practitioner disciplinary proceedings and in support of certain bench-and-bar and veterans' law educational activities.

*Senate Bill*

Section 604 of the Senate bill contains a comparable provision.

*Compromise Agreement*

Section 604 of the compromise agreement follows the House language.

ADMINISTRATIVE AUTHORITIES

*Current Law*

The CAVC, established by Congress under Article I of the United States Constitution to exercise judicial power, has unusual status as an independent tribunal that does not have the same general administrative authority as courts established under Article III of the Constitution. Because of its status, the Court does not have available to it certain general authorities that would normally be available were it part of the executive branch or another administrative structure.

*House Bill*

Section 302 of H.R. 2540 would add a new section 7287 to title 38, United States Code, to make available to the Court generally the same management, administrative, and expenditure authorities that are available to Article III courts of the United States.

*Senate Bill*

Section 605 of the Senate bill contains a comparable provision.

*Compromise Agreement*

Section 605 of the compromise agreement follows the House language.

LEGISLATIVE PROVISIONS NOT ADOPTED

AUTHORITY FOR ACCELERATED PAYMENTS OF BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL

*Current Law*

Section 3014 of title 38 provides that the basic educational benefit available under the Montgomery GI Bill be disbursed in up to 36 monthly installments. Benefits are provided for each month in which the MGIB participant is certified to be participating in a course of study. If requested by a veteran, section 3680(d)(2) of title 38 allows for an advance payment of educational assistance in an amount equivalent to the allowance for the month, or fraction thereof, in which pursuit of an education program will commence, plus the allowance for the succeeding month.

*House Bill*

The House bills contain no comparable provision.

*Senate Bill*

Section 102 of the Senate bill would allow Montgomery GI Bill participants to receive their otherwise monthly payment as an accelerated lump-sum payment for the month in which a course of study begins, plus up to 4 months worth of educational assistance allowance. In the case of a term, quarter, or semester, the accelerated lump-sum payment would equal the amount of the aggregate monthly educational assistance allowance for the entire term, quarter, or semester.

PRESUMPTIVE PERIOD FOR UNDIAGNOSED ILLNESSES

*Current Law*

Section 1117(b) of title 38 United States Code authorizes the Secretary to extend the period of presumption of service connection for Persian Gulf War veterans disabled by undiagnosed illnesses by regulation. On October 12, 2001, the Secretary published a regulation extending the presumptive period through December 31, 2006.

*House Bill*

Section 204 of H.R. 2540 extends the presumptive period for undiagnosed illnesses to December 31, 2003.

*Senate Bill*

Section 202(a) of the Senate bill extended the presumptive period for undiagnosed illnesses to December 31, 2011, or such later date as the Secretary may prescribe by regulation.

REVISION OF RULES WITH RESPECT TO NET WORTH LIMITATION FOR ELIGIBILITY FOR PENSIONS FOR VETERANS WHO ARE PERMANENTLY AND TOTALLY DISABLED FROM A NONSERVICE-CONNECTED DISABILITY

*Current Law*

The VA Pension Program at chapter 15 of title 38, United States Code, provides financial assistance based upon need to veterans who have had at least 90 days of military service, including at least one day of wartime service, and who are totally and permanently disabled for employment purposes as a result of disability not related to their military service. In determining eligibility for pension benefits, VA is required to consider not only the family income, but also the family's ''net worth.'' The value of farm and ranch land is included in determining net worth unless VA determines that land can be sold at ''no substantial sacrifice,'' section 3.275 of chapter 38, Code of Federal Regulations.

*House Bill*

Section 306 of H.R. 801 would revise the rule with respect to net worth limitation for VA's means-tested pension program by excluding the value of property used for farming, ranching, or similar agricultural purposes.

*Senate Bill*

The Senate bill contains no comparable provision.

MODIFICATION OF THE TIME LIMITATION FOR RECEIPT OF CLAIM INFORMATION

*Current Law*

Under section 5103(b) of title 38 there exists a one-year time limit, following notification by the Secretary, on the receipt of information and evidence necessary to substantiate a claim for benefits based on an already complete or substantially complete application. Public Law 106–475 established this time limitation and eliminated an identical limitation on the receipt of information and evidence necessary to complete an application for benefits.

*House Bill*

The House bills contain no comparable provision.

*Senate Bill*

Section 205 of the Senate bill would restore the one-year time limit on the receipt of information or evidence necessary to complete an application following notification by the Secretary. It would also eliminate the existing one-year time limit on information or evidence necessary to substantiate a claim based on a completed or substantially complete application.

MODIFICATION OF THE EFFECTIVE DATE OF CHANGE IN RECURRING INCOME FOR PENSION PURPOSES

*Current Law*

Section 5112(b)(4) of title 38, United States Code, requires VA pensions be reduced or discontinued effective the first day of the month following the month in which the pensioner's net income is reported to have increased.

*House Bill*

The House bills contain no comparable provision.

*Senate Bill*

Section 206 of the Senate bill would modify the effective date of reduction or discontinuation of compensation or pension by reason of a change in recurring income to the first day of the year following the year in which the pensioner's net income is reported to have changed.

PAYMENT OF INSURANCE PROCEEDS TO AN ALTERNATE BENEFICIARY WHEN FIRST BENEFICIARY CANNOT BE IDENTIFIED

*Current Law*

Under chapter 19 of title 38, United States Code, there is no time limitation for a first-named beneficiary of a National Service Life Insurance (NSLI) or a United States Government Life Insurance (USGLI) policy to file a claim for proceeds. As a result, when the insured dies and the beneficiary does not file a claim, VA is required to hold the unclaimed funds indefinitely in order to honor any possible future claims by that beneficiary. VA is not permitted to pay the proceeds to an alternate beneficiary unless VA can determine that the first beneficiary predeceased the policyholder.

*House Bill*

Section 401 of H.R. 2540 would grant the Secretary of Veterans Affairs the authority to authorize payment of NSLI or USGLI proceeds to an alternate beneficiary when the proceeds have not been claimed by the first-named beneficiary within three years following the death of the policyholder. If no beneficiary has filed a claim within five years of the veteran's death, benefits could be paid to such person as the Secretary determines is equitably entitled to the proceeds of the policy.

*Senate Bill*

The Senate bill contains no comparable provision.

EXTENSION OF COPAYMENT REQUIREMENT FOR OUTPATIENT PRESCRIPTION MEDICATIONS

*Current Law*

Section 1722A(c) of title 38, United States Code, furnishes the Secretary the authority, through September 30, 2002, to require a copayment of $2 for each 30-day supply of medication VA furnishes a veteran on an outpatient basis for the treatment of a nonservice connected disability or condition.

*House Bill*

Section 402 of H.R. 2540 would extend until September 30, 2006, the authority of the Secretary to require a $2 copayment for each 30-day supply of medication.

*Senate Bill*

The Senate bill contains no comparable provision.

DEPARTMENT OF VETERANS AFFAIRS HEALTH SERVICES IMPROVEMENT FUND MADE SUBJECT TO APPROPRIATIONS

*House Bill*

Section 403 of H.R. 2540 would amend section 1729B of title 38, United States Code, by making the availability of funds in the VA's Health Services Improvement Fund subject to the provisions of appropriations acts effective October 1, 2002.

*Senate Bill*

The Senate bill contains no comparable provision.

PILOT PROGRAM FOR EXPANSION OF TOLL-FREE TELEPHONE ACCESS TO VETERANS SERVICE REPRESENTATIVES

*Current Law*

VA provides various toll-free automated telephone response systems for veterans to furnish them information on VA benefits and services.

*House Bill*

Section 407 of H.R. 2540 would establish a two-year nationwide pilot program to test the benefit and cost effectiveness of expanding current access to VA veterans service representatives through a toll-free telephone number. Under the pilot program, the Secretary would be required to expand the available hours of such access to veterans service representatives to not less than twelve hours on each regular business day across U.S. time zones and not less than six hours on Saturday. The pilot would also require that such service representatives have available to them information about veterans benefits provided by all other federal departments and agencies, and state governments.

*Senate Bill*

The Senate bill contains no comparable provision.

CODIFICATION OF RECURRING PROVISIONS IN ANNUAL DEPARTMENT OF VETERANS AFFAIRS APPROPRIATIONS ACTS

*Current Law*

Each year the Congress appropriates funds to the Department of Veterans Affairs as part of the Departments of Veterans Affairs and Housing and Urban Development, Independent Agencies Appropriations Act. Although the amount of the appropriations varies from year to year, the purposes for which appropriations are made are generally fixed, and change little, if any, from year to year.

*House Bill*

Section 409 of H.R. 2540 would codify recurring provisions in annual Department of Veterans Affairs Appropriations Acts.

*Senate Bill*

The Senate bill contains no comparable provision.

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

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

(Mr. EVANS asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. EVANS. Mr. Speaker, here is another issue in which our leadership of the Committee on Veterans' Affairs is paying off, to the great benefit of our veterans. The gentleman from New Jersey (Mr. SMITH), on every piece of legislation today that we are offering, has exerted his leadership and demanded a lot out of us. We worked a lot of hard hours to get this legislation to this point today, so we salute him for his efforts.

I also want to acknowledge and thank the leaders of the Subcommittee on Benefits, the gentleman from Idaho (Mr. SIMPSON), and the gentleman from Texas (Mr. REYES), members of the subcommittee, and the committee's staff, for their invaluable contributions to this legislation.

In particular, I also want to acknowledge and thank Mary Ellen McCarthy, Todd Houchins, and Beth Kilker from my staff for their work on this issue.

Every member of the Committee on Veterans' Affairs has recognized the need for a meaningful increase in the Montgomery G.I. bill. I was proud to co-author this legislation, the Montgomery G.I. Bill Improvements Act of 2001, with my good friend, the gentleman from Michigan (Mr. DINGELL). H.R. 310 will pay the full costs of tuition, fees, books, and supplies, as well as a living stipend.

Increased veterans educational benefits have also been proposed under H.R. 1280, authored by the gentleman from Mississippi (Mr. SHOWS). Additionally, I was an original cosponsor of H.R. 1291, the 21st Century Montgomery G.I. Bill Enhancement Act, introduced by the gentleman from New Jersey (Mr. SMITH).

I am pleased that the bills before us today embody the essence of H.R. 1291, as originally supported by the House. Our veterans should receive the best possible education benefits for their honorable service to our country, and this is a positive step forward in that regard.

As a long-term supporter of benefits for those who suffered from the effects of exposure to herbicides such as Agent Orange, I am pleased that H.R. 1291 changes an erroneous decision of the U.S. Court of Appeals for Veteran Claims. Congress has clearly reaffirmed in H.R. 1291 the presumption of exposure to herbicides such as Agent Orange for veterans who fought in that conflict.

I strongly support the provision removing the 30-year limitation on the presumptive period for Vietnam veterans diagnosed with cancers of the respiratory tract. This provision is similar to H.R. 1587, introduced in the House by the gentlewoman from Georgia (Ms. MCKINNEY). I want to thank her for her leadership on this important issue. I am also pleased this legislation includes a statutory presumption that makes clear to veterans that eligibility for service-connection of diabetes associated with exposure to herbicides is a protected statutory right.

I also strongly support section 202 of the bill, based on H.R. 1406, which I introduced, which overturns the narrow and erroneous opinion of the Department of Veterans Affairs general counsel.

Thousands of veterans who were healthy before their service in that country, in that region, and who now experience a variety of unexplained symptoms, will qualify for benefits under this provision. Section 202 of H.R. 1291 emphasizes that Congress initially intended it by focusing on the symptoms which have a disabling effect that affects some of our Gulf War veterans.

Section 203 of H.R. 1291 gives the Secretary of Veterans Affairs the authority to protect the service-connection of veterans receiving compensation benefits. Last year, the gentlewoman from California (Mrs. CAPPS), and I became acquainted with her work, that the VA was having difficulty in recruiting veterans to participate in VA research studies concerning the prevalence of ALS, or Lou Gehrig's disease, in Gulf War veterans who returned with problems. This section is intended to provide the VA with the authority to enable veterans to participate in medical research studies without fear that their benefits would be placed in jeopardy.

I am also pleased that the bill contains provisions expanding eligibility for low-income wartime vets who seek a nonservice-connected pension. Nonetheless, I am concerned that these major policy and legal changes were recently implemented by the VA under verbal instructions to regional office directors. It is critical that all branches of the government recognize and foster the rule of law.

The bill also recognizes the VA's efforts to provide veterans dependents with information concerning benefits and health care services under programs administered by the Secretary of the Army whenever they first apply for benefits. This provision is derived from legislation authored by the gentleman from Pennsylvania (Mr. DOYLE), the gentleman from New Jersey (Mr. PASCRELL); and both are committed advocates for our veterans. I salute them for their efforts.

Again, I want to thank the gentleman from New Jersey (Chairman SMITH) for his hard work in bringing this bill forward, and I urge every Member of this body to support H.R. 1291, as amended.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Idaho (Mr. SIMPSON), distinguished chairman of our subcommittee and the former Speaker of the Idaho House of Representatives. We are pleased to have a man of his caliber heading up the Subcommittee on Benefits.

Mr. SIMPSON. Mr. Speaker, at the outset I would like to thank the gentleman from New Jersey (Chairman SMITH) and the gentleman from Illinois (Mr. EVANS) for their leadership in crafting with the Senate the compromise agreement on H.R. 1291, and bringing it to the floor today, and also for the gentleman's leadership on the previous two veterans bills passed earlier today, the cost-of-living adjustment for veterans and that legislation to address the tragedy of homeless veterans.

Mr. Speaker, I am pleased to rise today in strong support of H.R. 1291, the Veterans Education and Benefits Expansion Act of 2001. This bill indeed is a comprehensive and sweeping measure. The bill makes a number of needed improvements to programs serving veterans and their families, some of which I would like to briefly highlight.

First and foremost, I am very pleased we have been able to provide further substantial increases in the Montgomery G.I. bill, which is perhaps the most important piece of social legislation in our country's history. I appreciate our counterparts in the Senate working with us on this provision.

Last year, we were able to secure a monthly increase from $536 to $650 per month. We did this knowing that we still had a ways to go to reach our goal of $1,025 per month needed by a veteran-student to attend a 4-year public institution as a commuter student.

As the gentleman from New Jersey (Chairman SMITH) indicated, one of the hallmarks of this compromise agreement is an increase effective January 1, 2002, from $650 to $800 per month for veterans pursuing a college education on a full-time basis. This monthly amount increases to $900 during the fiscal year 2003 and $985 in fiscal year 2004. Their survivors and dependents' educational assistance program will also see an increase from $588 to $670 per month.

Mr. Speaker, this bill includes 11 separate educational provisions, including payment of 60 percent of the cost of tuition for high-cost short-term academically intensive courses leading to employment in the high-technology industry.

The bill also expands the Montgomery G.I. bill benefits for certain Vietnam-era veterans, increases the maximum allowable senior ROTC educational assistance, expands work-to-study opportunities for veterans, and makes certificate programs offered by an accredited institution of higher learning by way of independent study approvable for veterans' training.

□ 1700

Additionally over 10,000 reservists have been called up in support of Operation Enduring Freedom, and some of them have had to disenroll from their college level courses. Section 103 of the bill would allow these selfless men and women the chance to regain both time and money for their education.

About 2 percent of the 714,000 service members who served in the Persian Gulf suffer from difficult-to-diagnose illnesses. Section 202 expands the definition of an undiagnosed illness as well as lists signs and symptoms that may be a manifestation of an undiagnosed illness in certain Persian Gulf veterans. I want to thank the gentleman from Illinois (Mr. MANZULLO) for his work on this piece of legislation.

Section 203 would grant the Secretary the authority to protect the service-connected grant of a Persian Gulf veteran who participates in a Department-sponsored medical research project. It is our intent that this provision will broaden participation in vital scientific and medical studies.

As the gentleman from New Jersey (Mr. SMITH) said, this bill keeps the promise to severely disabled veterans by increasing benefits for specially

adapted housing and automobile adapted equipment allowances and also increases certain burial benefits.

Lastly, the compromise agreement also expands VA's outreach to veterans and their families by providing the Secretary the authority to maintain veterans assistance offices overseas, by expanding the timing of preseparation counseling for our servicemembers, and by improving education and training outreach information for separating servicemembers and veterans.

I would like to thank the gentleman from New Jersey (Mr. SMITH), our chairman; the gentleman from Florida (Mr. BILIRAKIS), the vice chairman; the gentleman from Illinois (Mr. EVANS); and my counterpart, the gentleman from Texas (Mr. REYES) for their continued commitment to our military and veterans communities. It truly has been a pleasure working with them.

Mr. Speaker, the House could not approve such a comprehensive bill at a better time. Our servicemen and women are overseas and literally fighting for the freedoms and liberties we may have taken for granted prior to September 11. By passing this bill today, we are sending a clear message to America's sons and daughters that upon completion of their military service, we will be there for them when they transition to civilian life.

Mr. Speaker, I urge my colleagues to do our duty to support our veterans by supporting the Education and Benefits Expansion Act of 2001.

Mr. EVANS. Mr. Speaker, may I inquire how much time both sides have at this point?

The SPEAKER pro tempore (Mr. OTTER). The gentleman from Illinois (Mr. EVANS) has 15 minutes remaining, and the gentleman from New Jersey (Mr. SMITH) has 8 minutes.

Mr. EVANS. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. Reyes).

Mr. REYES. Mr. Speaker, I thank the gentleman from Illinois (Mr. EVANS) for yielding me the time.

Mr. Speaker, I rise in strong support of H.R. 1291, the Veterans Education and Benefits Expansion Act of 2001.

I commend and thank the gentleman from New Jersey (Mr. SMITH), the distinguished chairman of the committee, and the gentleman from Illinois (Mr. EVANS), our ranking member, for their hard work in bringing this measure before us today. I want to especially acknowledge and thank the cooperation of the gentleman from Idaho (Mr. SIMPSON), my good friend and the Subcommittee on Benefits chairman, for his work on the benefits legislation which has been included in this bill.

As an original cosponsor and strong supporter of many of the provisions included in this bill, I am pleased that we are moving forward to provide improved education, compensation, readjustment, housing and other benefits to our Nation's veterans and to their families.

As a beneficiary of the VA's educational benefits, I support the provisions to increase the educational benefits that have been provided under the Montgomery GI Bill and Survivors and Dependents Educational Assistance Act. Now is certainly the time to be considering ways of improving the benefits that our country offers to our brave men and women who place their lives on the line in the defense of its Nation, its citizens and its ideals. It seems only fair to me that our veterans should have every opportunity to return home and enjoy improved educational advantages.

I view the Montgomery GI bill as one of the most important programs administered by the Department of Veterans Affairs. Since 1944, our government has provided education benefits to veterans in order to advance military recruitment and to assist in the veteran's readjustment to civilian life. These programs have been very effective. Although these increases are still not adequate to fully cover the cost of higher education in today's education market, they are a good step in the right direction.

I also want to highlight the provisions that will address the need of our Gulf War veterans who are suffering from a variety of signs and symptoms of poorly-defined medical conditions. The compromise bill will allow Gulf War veterans with chronic fatigue symptoms and other chronic multisymptom systems to be compensated as of March 1, 2001.

According to the most recent report of the Institute of Medicine, military personnel who served in the Gulf War have had a significantly higher risk of suffering one or more of a set of symptoms that include fatigue, memory loss, difficulty concentrating, pains in muscles, and joints and rashes. Congress had intended that Gulf War veterans be compensated for these symptom-based chronic illnesses. This bill assures now that they will be.

As a Vietnam veteran, I know that Agent Orange was used extensively in Vietnam. I am pleased that the bill provides for presumptions of exposure to Agent Orange for veterans who served in Vietnam. I also support the provision to presume service connection for veterans suffering from respiratory without regard to the length of time in which those cancers developed, and for diabetes.

Mr. Speaker, I rise in strong support of H.R. 1291. It is a good bill and I urge all Members to support it.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO), my good friend and colleague, who was very, very helpful in the Persian Gulf War veterans provision.

Mr. MANZULLO. Mr. Speaker, 10 years ago a patriot from Freeport, Illinois, named Dan Steele went off to war in Iraq to fight for the American people and protect the freedoms this country has known for over 200 years. During the buildup in the Gulf, Dan's leg was fractured by an Iraqi soldier's apparent suicide attack. Over the next 8 years, Dan suffered from various conditions shared by many other soldiers who fought in the Gulf War.

In May of 1999, Dan succumbed to his illness and passed away. The county coroner listed Gulf War syndrome as a secondary cause of death on his death certificate. Shortly after Dan's funeral, we contacted his widow, Donna. She vowed to Dan that she would do whatever she could to help other Gulf War veterans suffering from mysterious ailments.

Her story moved me to introduce legislation to compensate our suffering Gulf War veterans, H.R. 612, the Persian Gulf War Illness Compensation Act. H.R. 612 which I introduced along with the gentleman from California (Mr. GALLEGLY) and the gentleman from Mississippi (Mr. SHOWS) has the support of 228 Members of the House and all the major veterans organizations. A companion bill was introduced in the Senate by Senator KAY BAILEY HUTCHISON of Texas.

I am pleased to announce that significant portions of H.R. 612 are included in this benefits package before us today.

I want to thank the gentleman from New Jersey (Mr. SMITH) and members of the Veterans Affairs Committee for their willingness to work with us to strengthen the part of this bill that provides enhanced benefits for our ailing Gulf War veterans. These provisions will allow more sick veterans to qualify for compensation by expanding the number of eligible illness and codifying 13 possible symptoms. Earlier this year, with full Congressional support, the VA extended by 5 years the time period during which these symptoms may arise.

I urge my colleagues to vote in favor of H.R. 1291. It goes a long way towards fulfilling the promises we have made to our veterans.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. Rodriguez).

Mr. RODRIGUEZ. Mr. Speaker, I am pleased that the House and the Senate acted quickly on H.R. 1291, the Veterans Education and Benefits Expansion Act of 2001.

Veterans deserve the very best we can offer, and I think that H.R. 1291 is an important step in meeting that obligation. Educational benefits are the military's best recruiting tool, and the Montgomery G.I. Bill must be modernized to meet today's demands.

H.R. 1291 moves toward this goal of expanding access to higher education by increasing the currently monthly benefits from $650 to $800 in the year 2002 and ultimately reaching $985 by 2004. Clearly, the legislation provides a stronger education package to the men and women who choose to serve our country in uniform.

H.R. 1291 improves the Montgomery G.I. bill, and I hope that we can ultimately improve the educational benefits to cover the full cost of tuition,

fees, books and supplies, as well as provide a substantive allowances for those who reenlisted for 4 years.

Additionally, among other things, H.R. 1291 streamlines the ratings system for certain services-connected illnesses. For Vietnam veterans who were exposed to Agent Orange and now are suffering from diabetes, the Veterans Education and Benefits Expansion Act acknowledges the entitlement to service-connected disability benefits. And for the Persian Gulf veterans suffering from illnesses which modern medical technology cannot readily diagnose, the likewise extends the presumption of service connected.

Veterans who suffer from disabilities should not be abandoned. And the disabilities should not be ignored simply because the doctors cannot yet diagnose the causes.

While we have a long way to go, the Veterans Education and Benefit Expansion Act is a step in the right direction for veterans who earned these benefits with their service.

The September 11 attack is an especially stark reminder of how fragile our freedoms are, in response to our men and women who have answered the call to action carrying the banner of freedom in Afghanistan and in search of those responsible for the horrific acts of September 11. And when they return home, these brave sons and daughters need to be assured that their country will be there for them in their time of need.

I wanted to take this opportunity to also say that much more is needed to be done when it comes to our veterans. The cost of education has continued to increase, the cost of books and supplies have continued to increase. I am pleased at this point in time, as we have just passed 5 o'clock, the Christmas tree lighting has occurred and this particular piece of legislation is a beautiful Christmas present to a lot of our veterans.

I want to take this opportunity to urge my colleagues to support and vote for H.R. 1291.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself 2 minutes.

I want to take this moment, we do have a couple of speakers who are not here who hopefully will get here before we conclude the bill. Again, I would like to just note that Under Secretary of Veterans Affairs for Benefits, Joe Thompson, is retiring on January 3 of next year. I include in the RECORD a tribute to Joe Thompson's 26 outstanding years of service to veterans from myself.

Mr. Speaker, the text of that tribute is as follows:

TRIBUTE TO UNDER SECRETARY JOSEPH THOMPSON

Mr. Speaker, in my capacity as Chairman of the Committee on Veterans' Affairs, I want to share with my colleagues that Joe Thompson is retiring from the Department of Veterans Affairs on January 3, 2002, and thank Joe for 26 years of dedicated service to veterans.

I applaud Joe for the legacy that he leaves. An Air Force Vietnam veteran, Joe rose from a VA entry-level position of GS–7 to Under Secretary for Benefits at the Veterans Benefits Administration (VBA), where he and his staff administered a $24 billion program of benefits and services. Joe used, and was a beneficiary of, VA's services, including in- and out-patient health care, disability compensation, education, home loans, life insurance and veterans preference programs when he returned home following his Vietnam service.

I know of few individuals more conversant than Joe on the genesis and evolution of our veterans benefits system, a system began in 1776 when the Continental Congress passed a Resolution promising pensions to Colonial soldiers and officers who were disabled during the course of service. Joe believes passionately in veterans benefits because indeed they are earned and, for some veterans and their families, earned at a high price. He understands that on the business end of every claim for benefits is a real person who served our country while wearing the military uniform.

Joe liked his work, and he has been good at it. He has had the ability to look at the VBA from the outside in, and see the VBA's work as the everyday customer did. Joe was one of the first to convene town meetings with veterans. I think he did the meetings because he wanted these individuals to be treated the way he wanted to be treated, with respect. Not surprisingly, in 1992 Joe and his coworkers at VA's New York City Regional Office received Vice President Gore's first ''Hammer Award'' under the auspices of National Performance Review. Later, as Under Secretary, Joe and his management team, headed by Deputy Under Secretaries Nora Egan and Rick Nappi, reduced the percentage of busy signals on 13 million VBA phone inquiries from 50 percent to 2 percent. They increased vocational rehabilitation placements by 24 percent. They consolidated home loan eligibility to nine regional offices, which lead to increased efficiencies.

And VBA increased the number of veterans helped through military separation outreach centers from 1,000 to 22,000 per year, including disability compensation exams and awards before leaving the military. Much of this Joe did while nationwide staffing levels were decreasing.

Mr. Speaker, I suspect that Joe Thompson will not climb onto that Harley Davidson motorcycle he's so fond of and ride off into the proverbial sunset. It would not be his nature nor the wish of many veterans. Greatest luck to a civil servant who like so many in the VBA gave America great gift—lifelong commitment, honor, energy, and ideas, Joe, thank you!

Finally, I would like to thank a large number of people who worked on this legislation and our staffs did actually yeoman's work day in and day out on behalf of veterans in general, but on this particular legislation. I want to thank them for their work on the bill, H.R. 1291, as well as H.R. 2540 which we passed earlier. That would include Patrick Ryan, our chief counsel and chief of staff, Darryl Kehrer, Paige McManus, Devon Seibert, Summer Larson, Jeannie McNally, Kingston Smith; and on the minority staff, I would like to thank Michael Durishin, Beth Kilker, Debbie Smith, Mary Ellen McCarthy, and Todd Houchins for their fine work.

This has truly been a bipartisan effort. I want to thank them sincerely. This legislation will make powerful difference in the lives of our veterans.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on H.R. 1291, as amended.

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

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. SHOWS).

Mr. SHOWS. Mr. Speaker, today I would like to show strong support for H.R. 1291, the Veterans Education and Benefits Act of 2001.

This important legislation will take meaningful action to improve benefits that our Nation's veterans have earned and deserved. As many of my colleagues know, I have long been concerned about the appalling 75 percent rate of which Gulf War veterans suffering from undiagnosed illnesses have been denied compensation from the VA. These men and women uprooted from their families and communities served our country with honor and dignity.

Yet, when it was time for the VA to serve them, thousands were denied.

Earlier this year, I introduced H.R. 612, the Persian Gulf War Illness Compensation Act of 2001, along with two other outstanding advocates for veterans, the gentleman from Illinois (Mr. MANZULLO) and the gentleman from California (Mr. GALLEGLY).

The legislation garnered strong bipartisan support of over 225 Members of the House. I am pleased that the gentleman from New Jersey (Mr. SMITH), the gentleman from Illinois (Mr. EVANS), the ranking member, and my fellow veterans committee members have supported including key provisions of H.R. 612 in the bill. The Veterans Education and Benefits Act of 2001 will now clarify VA standards for compensation by recognizing fibromyalgia, chronic fatigue syndrome, and other ailments as key symptoms of undiagnosed or poorly defined illnesses associated with Gulf War service.

Independent of this, we should all applaud Secretary Principi for extending the presumptive period for Gulf War veterans to file for compensation until December 31, 2006. This is a true victory for veterans. I am also pleased that we are modernizing and improving the educational benefits awarded under the Montgomery G.I. bill. As a country that depends on the volunteer membership of our service men and women to defend our Nation's ideals, we must provide competitive benefits for our veterans.

□ 1715

The military services have experienced and continue to experience difficulties in recruiting the number and

quality of our new recruits. We can strengthen the retention of our trained soldiers if we deliver appropriate benefits and support.

Our Nation's veterans are our heroes. They have shaped and sustained our Nation with courage, with sacrifice and faith. They have earned our respect and deserve our gratitude. Let us join together and do something meaningful in passing this legislation because it is the right thing to do.

Mr. SMITH of New Jersey. Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, may I inquire again how much time is remaining on our side?

The SPEAKER pro tempore (Mr. DUNCAN). The gentleman from Illinois has 6 minutes remaining.

Mr. EVANS. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in strong support of H.R. 1291, the Veterans Education and Benefits Expansion Act of 2001. This legislation makes a number of important changes to improve insurance compensation and housing programs for our Nation's veterans.

I want to thank the chairman of the committee, the gentleman from New Jersey (Mr. SMITH); the ranking member, the gentleman from Illinois (Mr. EVANS); the gentleman from Texas (Mr. REYES), and my colleagues on the Committee on Veterans' Affairs for supporting the inclusion of provisions from H.R. 1929, the Native American Veterans Home Loan Act of 2001 into H.R. 1291.

Ranking member EVANS and 14 other Members and I introduced H.R. 1929 on March 21 of this year to extend the Native American Veterans Home Loan Pilot Program for another 4 years, and expedite the process of obtaining VA home loans for Native American veterans living on tribal and trust lands. This program helps many Native American veterans, who might otherwise be unable to obtain suitable housing. Including the provisions of H.R. 1929 into H.R. 1291 will allow other Native American veterans to take advantage of this important program.

The Native American Veteran Home Loan Pilot Program, however, is just one of many VA benefits improved through H.R. 1291. I ask my colleagues to join me in support of these important benefit enhancements for the men and women who have sacrificed so much in defense of liberty and democracy.

Mr. EVANS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise in strong support of this bill. I thank Chairman SMITH, Ranking Member Evans, and their hardworking staff for their leadership on this important legislation.

I wish to highlight a critical provision contained in H.R. 1291 that I have worked on for some time. This provision would end a Catch 22 faced by vets and VA researchers. In the past, vets could lose benefits for an ''undiagnosed illness'' if participation in a VA study determines that a vet's illness is not service connected. This issue was brought to my attention, as I am the author of the ALS Treatment and Assistance Act, which was enacted into law in the past Congress.

VA researchers told me that some vets might not participate in the study to look at connections between their Gulf War service and Lou Gehrig's disease. I learned that some vets feared losing their much-needed benefits by participating in the study. H.R. 1291 fixes this problem by letting the VA protect compensation in such cases.

This provision is based on a bill the gentleman from Illinois (Mr. EVANS) and I introduced earlier this year. With the passage of this bill, vets can participate in important VA studies without fear of the loss of needed health benefits, and future VA research studies can attract the broad participation they need to be successful.

This bill could not be more timely. Yesterday, the VA announced that the findings of this study show Persian Gulf veterans are nearly twice as likely as other veterans to develop Lou Gehrig's disease. This is a very troubling finding. Clearly, other study is needed. I am pleased the VA has indicated they will continue to work hard to investigate this disturbing connection. I am also pleased the VA has assured my office that Persian Gulf Veterans affected by this illness will immediately begin receiving compensation for what is now shown to be a service-related illness.

Mr. Speaker, today marks the 3-month anniversary of the unspeakable attacks against our Nation, and once again our brave servicemen and women are in harm's way thousands of miles away from home. As they fight to protect our freedom and democracy, the least we can do is to pledge to safeguard their health when they return as veterans.

I urge my colleagues to join me in supporting this legislation and doing what is right for our veterans and our military personnel.

Mr. EVANS. Mr. Speaker, I yield the balance of my time to the gentleman from American Samoa (Mr. FALEOMAVAEGA), a great advocate for the people of American Samoa.

Mr. SMITH of New Jersey. Mr. Speaker, I yield 2 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

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

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of H.R. 1291, known as the Veterans Benefits Improvements Act of 2001. I particularly want to thank the gentleman from New Jersey (Mr. SMITH), the chairman of our Committee on Veterans' Affairs, and our senior ranking Democrat, the gentleman from Illinois (Mr. EVANS), not only for their leadership but their outstanding service in bringing this bill to the floor. I also want to thank the chairman of our Subcommittee on Benefits, the gentleman from Idaho (Mr. SIMPSON), and our ranking Democrat on the subcommittee, the gentleman from Texas (Mr. REYES), for their leadership.

The House has already passed most of these provisions in four different bills, and I am glad we were able to work out an arrangement with the other body to adopt this broad range of laws and bills to help our veterans in this time of need.

Mr. Speaker, our Nation is again involved in military conflict and activities all over the world, especially in Afghanistan. We are reminded of the daily sacrifices our active duty, our National Guard, and ready reserve members must make. Our service members are taken away from their families for long periods of time, they are paid less than their counterparts basically in civilian jobs, and, of course, they are ordered to take actions which place their lives at risk in defense of our Nation.

Mr. Speaker, the benefits we provide to our veterans fit into the broad categories of health care, disability benefits, pensions, education and training, home loan guarantees, life insurance, burial benefits, and benefits for survivors. I am pleased to note that with passage of this bill, we are improving or increasing many of these benefits to our veterans.

As a Vietnam veteran, Mr. Speaker, I am deeply appreciative that in section 302 of this bill it authorizes an additional 4 years to the Native American Veterans Housing Home Loan Program. This program provides direct VA guaranteed loans to Native Americans, Native Alaskans, Native Hawaiians, American Samoans, and other Pacific Islanders. Prior to the enactment of this pilot program, many Native Americans were not able to benefit from the national VA home loan guarantee program because commercial banks were unwilling to make loans for homes on Indian reservations, Hawaiian homestead lands, and Samoan communal lands.

Since 1992, as a coauthor and supporter of this legislation, Congress recognized this inequity and created a pilot program to address the problem by providing direct VA home loans to these beneficiaries. For some 9 years now, the program has been a tremendous success. Hundreds of loans have been made and the default rate is very low.

Given the success of the pilot program, Congress still needs to address or take the necessary steps to expand hopefully the pilot program to include veteran spouses of Native Americans. I hope the Department of Veterans Affairs will work with us; and I really, really am most appreciative not only

of Chairman SMITH but our ranking member's willingness to help me to address this issue, hopefully next year.

Again, I urge my colleagues to support this legislation, and I thank the gentleman from New Jersey for his willingness to give me part of his time as well.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself the balance of my time.

Before concluding, Mr. Speaker, I just want to thank all on the minority side, as well as my good friends and colleagues here on the Republican side.

This is a comprehensive bill. The GI bill, certainly going back to World War II, our early GI bill, has created what really is the modern middle class. More than 20 million people have gotten their college education via the GI bill. That is just one part of this bill. It is comprehensive and deserves the full support of this body.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 1291, the 21st Century Montgomery G.I. Bill Enhancement Act. I urge my colleagues to join in lending their support to this appropriate legislation.

The purpose of this bill is to bring the various education benefits afforded to veterans to a level more in line with today's increasingly expensive higher education opportunities. This legislation increases the current monthly Montgomery G.I. bill rate of $650 for a minimum three-year enlistment to $1,100 over three years. Specifically, the rate will increase to $800 in October of this year, $950 in October 2002, and the full $1,100 by October 2003. This measure also raised the monthly rate for two year enlistments and reserve enlistments as well, from $528 to $894.

Mr. Speaker, the G.I. bill is arguably the most profound and far-reaching piece of legislation enacted by congress in the 20th century. The program, first implemented after world war II, single-handedly afforded a college education to the millions of middle and working class men who had served during the war. In doing so, it helped to transform America in the postwar years, leading to the ''baby boom'' and the rise of middle class suburbia.

This measure is the latest of several bills passed in the last fifty years to bring the benefits of the G.I. bill to levels that reflect the contemporary cost of a higher education. Consequently, current and future generations will be able to enjoy the tangible benefit of a college education as a result of their service in the military of their country.

Once again, I urge my colleagues to support this worthwhile and timely legislation. With college tuition prices rising three times faster than the consumer price index, I can think of no better way to enhance the education benefits we provide for those who serve in the armed forces of their country.

Mr. GALLEGLY. Mr. Speaker, I rise in support of the 21st Century Montgomery GI Bill Enhancement Act, a measure that will improve veterans' educational benefits, as well as improve the benefits of our veterans who became ill as a result of their service in the Gulf War.

I am pleased to say that this legislation contains many important provisions from another important bill, the Persian Gulf War Illness Compensation Act, that Congressmen DON MANZULLO (R–IL), RONNIE SHOWS (D–MS), and I introduced.

Since the end of the Gulf War, the Veterans Administration has denied nearly 80 percent of all sick Gulf War veterans' claims for compensation. In the view of many, including the National Gulf War Resource Center, the VA has employed too strict a standard for diagnosing Gulf War Illness.

Just yesterday—more than 10 years after we defeated Iraq—the VA reluctantly recognized Lou Gehrig's disease as Gulf War service related. The GI Bill Enhancement Act will extend coverage to other sufferers by including a comprehensive list of symptoms that constitute Gulf War Illness. The measure also expands the definition of undiagnosed illness to include fibromyalgia and chronic fatigue syndrome as compensable diseases.

I want to personally thank Chairman SMITH and members of the House Veterans' Affairs Committee for working with Congressmen MANZULLO, SHOWS and me in getting this critical language included in this bill. I also want to thank them for allowing the recent VA regulation allowing for a critical five-year extension for Gulf War veterans to report and be compensated for Gulf War Illness to stand. This extension was a key provision of the Manzullo-Gallegly-Shows bill.

As one of the original cosponsors of the 1991 resolution to authorize then-President Bush to use force in the Persian Gulf, I believe we must go the extra mile to take care of the men and women who went to war against Iraqi dictator Saddam Hussein and are now suffering from these unexplained and devastating ailments.

Many of those suffering from Gulf War Illness were Reservists and National Guardsmen uprooted from their families and jobs. They answered the call and helped our country, and now we have a duty to help them. I urge my colleagues to vote for this important measure.

Mr. PASCRELL. Mr. Speaker, I rise in strong support of H.R. 1291, The 21st Century Montgomery G.I. Bill Enhancement Act.

This important legislation increases funding for the highly successful Montgomery G.I. Bill education program.

Every year thousands of veterans have the opportunity to earn a college degree because of this program.

The brave men and women of our military defend our freedoms around the globe, 365 days a year, 24 hours a day, 7 days a week.

While Americans sit around their Thanksgiving dinner table, light candles during Hanuka and open presents on Christmas morning, our armed forces stand fast.

And when they return, we must fulfill the promises we have made to them.

Mr. Speaker, we are not keeping our promise to America's veterans.

As I have traveled throughout my district I have met countless veterans who do not know of the full range of VA services available to them.

And every year I host a veterans registration drive in my district because there are too many veterans that simply do not get the services they need from the Veterans Administration.

And when they do finally reach out to the VA they find facilities understaffed, overworked and woefully inadequate.

I want to thank Chairman SMITH for including language from my Veterans Right to Know Act in this legislation because it will require the VA to inform vets of the entire range of benefits they are entitled to.

This is a critical first step in ensuring that every veteran has access to the services they have earned including the Montgomery G.I. Bill program.

Mr. Speaker, our men and women are fighting for us in Afghanistan, we need to fight for them when they come home.

Mr. FILNER. Mr. Speaker, I urge my colleagues to support H.R. 1291, the Veterans Education and Benefits Expansion Act of 2001. The bill includes much needed increases in benefits for our Nation's veterans, and I would like to comment on a couple of them.

First, I am very pleased that the provisions in my bill, H.R. 442, were substantively included in the larger bill. H.R. 1291 would increase from $50,750 to $60,000 the maximum amount of the home loan guaranty available to veterans and servicemembers under the Department of Veterans Affairs' home loan program. This increase is necessary to keep pace with the rising cost of housing, particularly in areas where the cost of housing is higher than in other parts of the country. This action is part of our duty to provide adequate funds for the vital programs that serve our Nation's veterans.

The amount of this guaranty has not increased since 1994. During the past seven years, the cost of housing has increased nationwide, and in some areas it has skyrocketed! Benefits for veterans must keep up with such increases if we are to keep our commitment to our veterans.

My bill, H.R. 442, would have provided a VA home loan guaranty increase to $63,175 which would allow a maximum amount for a home loan of $252,000. Although the amount of increase in H.R. 1291 is slightly less than in my bill, due to paygo requirements, I welcome this interim step which will allow the maximum amount for a home loan to rise to $250,000.

Further increases are needed before this valuable program can regain its intended utility, and I fully intend to keep fighting for these increases in the future.

Likewise, I am supportive of the provision to restore educational assistance to participants in VA programs who are receiving benefits for classes that they are unable to complete because they have been called to duty to support the nation in times of global conflict.

And, while I am convinced we can and must do more, this bill will provide a sorely needed increase in the amount of educational benefits under the Montgomery GI Bill (MGIB).

Veterans must remain one of our top priorities! I urge my colleagues to join me in support of H.R. 1291.

Mr. MATHESON. Mr. Speaker, it is with great pleasure that I rise today in support of the Veterans Education and Benefits Expansion Act. This legislation expands veterans' benefits, to help veterans to have adequate healthcare and increased educational opportunities. While this legislation seeks to repay those sacrificed so much for the freedom and liberty of our country, we will never be able to truly compensate those men and women in uniform who have fought in German, the Pacific, Korea, Vietnam, the Persian Gulf, or Afghanistan.

This legislation authorizes the Montgomery GI Bill full-time study allotment to $985 by October 2002. Additionally, the legislation improves home loan guarantees for veterans to $60,000. It increases the burial and funeral expense benefits for service-connected veterans to $2,000. It improves automobile and adaptive equipment grants for severely disabled veterans to $9,000.

Most importantly, this legislation remembers those who have often been forgotten. The legislation repeals the 30-year presumptive period for respiratory cancers and diabetes due to Agent Orange. It requires the National Academy of Science to conduct research to determine the effects of dioxin or herbicide exposure on Vietnam veterans. Finally, it changes the Gulf War programs to include fibromyalgia, chronic fatigue syndrome, chronic multisymptom illness and any other illness that cannot be clearly identified to the definition of undiagnosed illnesses, thus allowing veterans to receive compensation.

I am grateful for the work done on this legislation by my House colleagues concerning veterans' issues. I hope that the House will join me in supporting this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, House Resolution 310.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## HONORING JOHNNY MICHEAL SPANN, FIRST AMERICAN KILLED IN COMBAT IN WAR AGAINST TERRORISM IN AFGHANISTAN, AND PLEDGING CONTINUED SUPPORT FOR MEMBERS OF ARMED FORCES

Mr. GOSS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 281) honoring the ultimate sacrifice made by Johnny Micheal Spann, the first American killed in combat during the war against terrorism in Afghanistan, and pledging continued support for members of the Armed Forces.

The Clerk read as follows:

H. CON. RES. 281

Whereas as part of the war against terrorism, United States military personnel and agents from the Central Intelligence Agency were involved in combat with Taliban forces during a prison uprising in Mazar-e Sharif, Afghanistan, on Sunday, November 25, 2001;

Whereas Johnny Micheal Spann, age 32, an officer in the Central Intelligence Agency, was inside the prison fortress interviewing Taliban prisoners when the uprising began;

Whereas Spann was killed in this rebellion and is the first American known to be killed in combat in Afghanistan during this war;

Whereas Spann is the 79th employee of the Central Intelligence Agency killed in the line of duty;

Whereas the Director of the Central Intelligence Agency, George J. Tenet, hailed Spann as an American hero and will soon memorialize him on a wall of honor;

Whereas Spann, a former Captain in the Marine Corps, is survived by his wife, Shannon, and 3 young children; and

Whereas the thoughts and prayers of the Congress and the Nation remain with the families of Spann and all the soldiers fighting to ensure the Nation's freedom and safety: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That the Congress—

(1) honors Johnny Micheal Spann, a paramilitary officer in the Central Intelligence Agency, who was the first American killed in combat during the war against terrorism in Afghanistan, and recognizes him for his bravery and sacrifice;

(2) extends its deepest sympathies to the family of this brave hero; and

(3) pledges its continued support for the men and women who risk their lives every day to ensure the safety of all United States citizens.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. GOSS) and the gentlewoman from California (Ms. PELOSI) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. GOSS).

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 281.

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

There was no objection.

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

I rise obviously in very strong and sad support of this resolution; sorry that we have to have it. It is authorized by my friend and colleague, the gentleman from Alabama (Mr. ADERHOLT).

Johnny Micheal Spann, ''Mike'' as he was known, served in the Central Intelligence Agency for approximately 2 years, just long enough to complete his training as a paramilitary and an operations officer in the clandestine service, which is arguably the most challenging and dangerous job in the intelligence community.

Mike was up to the challenge. In fact, he humbly accepted the opportunity to serve his country as an intelligence officer. Prior to joining the CIA, Mike served in the United States Marine Corps; he loved the Corps. I think all Marines love the Corps and often spoke of the Corps as if it was a family. And it is a family. We all know that. He left the Corps and he joined the CIA because, in his own words, ''Somebody's got to do the things that nobody else really wants to do.''

His dedication to this country and his commitment to defending its values and liberties highlight the quality of the men and women who have decided to serve our great country. Mike did exactly what he set out to do. He served his country in a way many would not or could not. A relatively newlywed, with a newborn son and two young daughters, Mike selflessly responded to the call to serve at the forefront of our Nation's war against terrorism.

Half a world away, in a dusty, inhospitable and alien environment, Mike confronted our Nation's fiercest enemy eye to eye. He did this not because it was his job, but because he was compelled to ensure that all people, regardless of their nationality or religion, could live without the fear of being victims of terrorism. That is what this is about.

Mike died fighting, trying to obtain information on terrorist plans and intentions so we could save others. Face to face against those bent on killing innocent men, women, and children, Mike stood strong, he stood tireless and fearless. That is the description of an American hero and Mike was one.

Up to the moment of his death, Mike never stopped being a Marine. ''Semper Fidelis.'' He was always faithful. He was faithful to the countless, nameless millions of Americans, especially those incapable of defending themselves. Mike exemplified a breed of officer not normally acknowledged in the public sector. He readily accepted the risks of service, including the possibility of death, in order to secure the safety of his fellow Americans.

His death acts as a reminder of the high cost we must sometimes pay in order to secure our pursuit of liberty and happiness. We hold the greatest debt to Mike and to his family. The memory of his deeds must be held forever dear in our hearts. We pray for Mike's family and ask God to give them strength and see them through these difficult days.

We also pray for Mike's fellow colleagues in intelligence and in the military, who are still standing, even now, as the Nation's vanguard in the war against terrorism.

There are many Mike Spanns out there doing dangerous hard work for our country. God bless them all and keep them safe. But there is only one Mike Spann for his family and his loved ones.

□ 1730

Mr. Speaker, we share the burden of their loss today, and we want them to know we honor him before the world from this place.

Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from Alabama (Mr. ADERHOLT), who is the sponsor of the legislation, to control the time.

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

There was no objection.

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

Mr. Speaker, I rise in support of the legislation to honor Johnny Micheal Spann, who was laid to rest yesterday with other fallen men and women of great courage in Arlington National Cemetery. That an officer of the CIA

was the first combat fatality of the struggle against terrorism in Afghanistan is a stark reminder of how dangerous and difficult the mission of collecting intelligence can be. The gentleman from Florida (Mr. GOSS) spoke eloquently to that point. He also described Mike's role at the CIA, and the circumstances and the danger in which he was placed; and which, unfortunately, caused his demise.

Like 78 CIA officers before him, Mr. Spann gave his life to protect the freedom which we hold dear and which defines us as a Nation. As we mourn his death, it is well to remember the gifts he gave our country through a career of service, first in the Marine Corps, and sadly, finally, in the CIA. He went to Afghanistan because he knew that is where his country needed him most. Our ability to respond effectively to the events of September 11 is due in large measure to the willingness of people like Mike to put personal considerations aside and accept the risks inherent in their important work.

Mr. Speaker, we are joined by Mike's family in the gallery today, and want them to know, those of us who are speaking on this resolution speak for the entire Congress when we offer them our deepest sympathy and condolences. No words we can say will ever be adequate to relieve the agony that they are in. However, I would like to place in the RECORD some of the words of Mrs. Spann that she said in eulogy yesterday which eloquently describe Mike's contribution to our country. She said, ''Mike was faithful in giving his life to God and to his colleagues, his friends, his country and his family.'' Mrs. Spann said her husband ''was a hero not because of the way he died, but rather because of the way he lived. He served his country not only by risking his life, but by being good. It seemed like when Mike took an oath to protect the Constitution of the United States from all enemies, foreign and domestic, that he took that oath to our family as well. He just thought that it was really his duty as a father to protect his children from terrorism, just as equally as he thought it was his duty to provide a roof over their heads.''

As we pay tribute to Mike Spann's sacrifice, Mr. Speaker, our sympathies and prayers certainly go to his family, his wife, Shannon, who is also a CIA officer; his daughter, Alison, who is here with us today; Emily, his daughter, who is 4, is not; and his infant son, Jake, who is with us. Their loss is incalculable. His father and mother are with us today, and our condolences go to them. As a mother of a son 32 years old, I cannot imagine the scale of their loss; but nonetheless, offer my prayers in sympathy.

To his children especially go our hope that they learn more clearly of their father's life in the years to come, that they will find it a source of pride and comfort, and that he will always be in our prayers and in our memory.

Mr. Speaker, as we sing the praises of Micheal Spann and mourn his death and try to comfort his family, I would like to pay tribute to those Americans who lost lives in the so-called friendly fire incident that occurred in Afghanistan. They have been memorialized as well, the three Green Berets. They were Master Sergeant Jefferson Davis of Watauga, Tennessee; Staff Sergeant Brian Cody Prosser of Frazier Park, California; and Sergeant First Class Daniel Petithory of Cheshire, Massachusetts. We lost two others in helicopter accidents in Pakistan. Every one of these losses is felt by all of us in our country.

Today we mourn and pay tribute to Johnny Micheal Spann, known as Mike, who would want us to recognize the others whose lives were sacrificed, to end terrorism in our country, to protect Jake and Alison and Emily, and all of the children of our country.

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

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

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

Mr. ADERHOLT. Mr. Speaker, I rise today to bring voice to my constituents, my State, and people around the Nation who mourn the loss of Johnny Micheal Spann, better known as Mike Spann. Mike Spann lost his life as has already been said, in service to this country during a prison uprising in Afghanistan on November 25, 2001. He is an American hero and I stand to honor him today.

There are few facts about the exact circumstances of his death that we currently know, due to the nature of the war. Mike Spann was serving as a paramilitary officer with the CIA and was at the prison in Mazar-e Sharif interviewing Taliban prisoners. It is believed that these prisoners smuggled guns and grenades into the prison and used these munitions to stage an uprising against the Northern Alliance and the American soldiers.

Mike and a fellow CIA officer drew their weapons and attempted to fight their way out of the prison fortress. While his fellow CIA officer was able to escape, Mike, unfortunately, became the first American killed in action in Afghanistan.

Before his death, he and his fellow CIA officer were able to alert outside forces who were sent in to squelch the uprising. The bloody battle continued for 3 days. Five other Americans were injured during the struggle. It was not until the prison could be secured that Mike's body was found.

Even without the full details of the prison riot during which he was killed, we can be certain that Mike Spann died doing what he loved, serving and fighting for his country. Since September 11, we have witnessed an outpouring of patriotism across this Nation. Mike was someone who overflowed with patriotism even during a time when it was not popular. His father recently quoted Mike as saying, ''Someone has to do the right thing that no one else wants to do.''

From a young age, he wanted to pursue a career in the Marines and with either the CIA or FBI. After graduating from Winfield High School in Marion County, Alabama, he attended Auburn University where he earned a degree in criminal justice. He immediately pursued his next goal, serving in the Marine Corps from 1992–1999, and he earned the rank of captain. From there, he was recruited to work for the CIA in special operations.

Mike is survived by his wife Shannon and three children, Alison 9, Emily 4, and 6-month old Jake. Our prayers go out to them and the rest of the Spann family. Mike is also survived by his parents, Johnny and Gail Spann, and two sisters, Tonya Ingram and Tammy Dunavant. We are glad that they can join us in the Chamber today.

Mr. Speaker, I was proud to attend the burial of Mike Spann yesterday in Arlington National Cemetery. The cemetery is appropriate for a fallen hero. Full military honors were given, highlighted by the caisson, a 21-gun salute and a Marine honor guard.

It should be noted that a memorial service was also held last Thursday in Mike's hometown in the district I represent of Winfield, Alabama. Mike's daughter, Alison, wrote a letter to him just a short while back, and the words of this letter should echo in our ears and our hearts as we consider this resolution today. In her words, ''Dear Daddy, I miss you dearly. Thank you, Daddy, for making the world a better place.''

May we use this resolution today as an opportunity to thank Mike Spann and to honor Mike Spann and the rest of the men and women fighting the war against terrorism, and for making this world a better place.

Today as we commemorate the 3-month anniversary of September 11, the attack on this Nation, our hearts go out to all.

Mr. Speaker, I yield 4 minutes to the gentleman from Alabama (Mr. BACHUS), who is a strong supporter of this resolution.

Mr. BACHUS. Mr. Speaker, the gentleman from Florida (Mr. GOSS) said it best when the gentleman said we are sorry that we are here. We are sorry that Johnny Micheal Spann had to die for his country. But we are very proud of him. We are proud of his family and the way that they have responded to this tragedy.

We honor the memory and the sacrifice that he made for his family: The first American killed in combat by our enemy in Afghanistan. Mr. Speaker, yesterday Mike Spann was given a well-deserved hero's burial at a place where many of our heroes are buried, Arlington National Cemetery. The Nation was focused on his death and on the ceremony.

Mr. Speaker, in that, the fact that the Nation has followed this event and

has paid respect to this fallen warrior, I think is good. It has not always been that way.

Mr. Speaker, I remember back in 1994 when two Army rangers were posthumously given an award at the White House after they fell in Somalia. I remember that weekend, there was a car chase in Southern California. Members may remember that. It led to a famous murder trial. Mr. Speaker, there was no coverage of that ceremony at the White House, no coverage of the burial. There was an article on page D5 of the paper in Washington, D.C., a short article.

Mr. Speaker, the Nation has changed in many ways since September 11; and one change for the better, Mr. Speaker, is that the Mike Spanns, and the hundreds of thousands of young men and women like him, are finally given a priority, a priority they should have had.

Captain Spann reenlisted in the Marines. He served the CIA, and he did that, although his country did not make it a priority, but thank God he made it a priority to serve and defend his country. Shortly before his death he sent an e-mail to his family which read, ''What everyone needs to understand is these fellows hate you. They hate you because you are an American. Support your government and your military, especially when the bodies start coming home.'' Little did he or his family or we know that the first body brought home would be his.

Mr. Speaker, my oldest son graduated from Parris Island. He is a Marine. I can understand the pride that this family has in Mike; but I cannot imagine what they are going through now. Their worst fears have been realized. To lose a son, it is the natural order turned upside down. We expect to die before our children, but the Spanns have shown great character, great courage and great patriotism, and we can tell where Mike got a lot of his courage and bravery and patriotism. As the gentleman from Florida (Mr. GOSS) and others have said, this is shattering experience for a young wife, two little girls and a baby boy. To the family I say, they can never take one thing away, and that is, that he was the best. I conclude by saying what the gentlewoman from California (Ms. PELOSI) quoted Mrs. Spann as saying, Mike was a hero not because of the way he died, but rather because of the way he lived.

□ 1745

Mr. Speaker, he was a good son, a good husband, a good father to his young children, a good U.S. Marine, a good CIA agent, and a God-fearing, patriotic American.

Semper fi, Mike Spann.

Ms. PELOSI. Mr. Speaker, I am very moved by the words of the gentleman from Alabama (Mr. ADERHOLT) and the gentleman from Alabama (Mr. BACHUS) and extend condolences to them and the people of Alabama for the great sacrifice that they have all made as well as the Spann family.

Mr. Speaker, I am pleased to yield 1½ minutes to the distinguished gentleman from Georgia (Mr. BISHOP), who is a member of the Permanent Select Committee on Intelligence.

Mr. BISHOP. I thank the gentlewoman for yielding me this time, and I rise, Mr. Speaker, in support of this concurrent resolution in honor of Johnny Micheal Spann, a fellow native Alabaman, the first known U.S. combat casualty in the war in Afghanistan. This is indeed a solemn time for all Americans as we realize the tremendous sacrifices made in our behalf by the men and women of the United States Armed Forces, our intelligence agencies, and by their families. We are all in awe of their bravery, their courage, their dedication to our national security and their willingness to endure great hardship and great risks in our collective behalf. We give great thanks for their service, for Mike's service to our country.

Mike Spann loved his country. He served his country. He was a friend to each and every American citizen. Because, as the Good Book says, ''Greater love hath no man but that he lay down his life for his friends.''

We honor his memory today and extend our deepest sympathy to his family. We are eternally grateful to him and to the brave men and women who risk their lives as part of our intelligence community to ensure the safety of all Americans and all freedom-loving people throughout the world.

God bless Mike Spann. God bless his family. May God continue to bless America.

Mr. ADERHOLT. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. WOLF), who represents the district in which Mike Spann and his family were living.

Mr. WOLF. Mr. Speaker, I join my colleagues today in support of H. Con. Res. 281, honoring Johnny Micheal Spann, the first American killed in combat during the war against terrorism in Afghanistan. I had the opportunity to attend the funeral yesterday, which was very moving.

Mike Spann was laid to rest yesterday with full honors at Arlington National Cemetery. He resided with his wife and family in Manassas Park, Virginia, in the 10th Congressional District which I represent. I wish these kinds of resolutions never needed to be introduced. I wish our world was a peaceful place where there was never any time of war, when we never had to call on the brave men and women of our Armed Forces and security agencies to fight for our freedoms. But I am thankful that when our freedoms must be defended, we have people like Mike Spann who are willing to lay their lives on the line for us. Our Nation will forever be grateful to Mike Spann for his bravery and sacrifice and to all the men and women fighting to defend our Nation and willing to pay the ultimate sacrifice for their country and for freedom.

Mike Spann was a young man, 32 years old. I have four children in their thirties and one in their late twenties. He was a former captain in the Marine Corps. He was working as an officer in the Central Intelligence Agency. He was inside a prison fortress in Mazar-e Sharif, Afghanistan, interviewing Taliban prisoners when a prison uprising began on Sunday, November 25. He was brutally beaten and shot to death, the first American known to be killed in combat in Afghanistan during the war.

Mike Spann is the 79th employee of the Central Intelligence Agency killed in the line of duty and will be memorialized with a star on a wall of honor at CIA headquarters in Langley, Virginia. Let us hope that his will be the last star that is ever necessary to be placed on that wall.

Words are so inadequate at this time in expressing our heartfelt sympathies to the family of this brave hero, his mom and dad and his sisters, his wife Shannon and his three young children. But they should know that the thoughts and prayers of a grateful Congress and Nation remain with them.

Our thoughts and prayers are also with the thousands of men and women in service to their country who risk their lives every day fighting to assure our freedom and safety.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Texas (Mr. REYES), a member of the Permanent Select Committee on Intelligence.

Mr. REYES. Mr. Speaker, I thank the gentlewoman for yielding time under these very difficult circumstances, but I rise in strong support of H. Con. Res. 281.

Mr. Speaker, I did not know Mike Spann. I never had the privilege or honor of meeting him. But I have had the opportunity and the privilege and honor of meeting many in the Central Intelligence Agency, field agents like Mike, all doing their work in a very difficult and dangerous environment. I would venture to say tonight that if Mike were able to join us, he would say something along the lines of, ''Just doing my job, sir.'' That has been my experience in meeting men and women of the Central Intelligence Agency.

The fact that his neighbors and friends never knew that he was working for the CIA is a testament to the fact that Mike, like thousands of other CIA employees all around the world, are defending this Nation, its citizens and its freedoms with no expectation of thanks, with no expectation of recognition.

We are here this evening under very difficult and sad circumstances, but we are here as grateful Americans honoring an American hero, the 79th that will be honored on that wall of honor. To Shannon and to his mom and dad and all the family and especially the children, we are all extremely proud of the true American hero that Mike was. And we are all mindful that the things

that we have, the freedoms that we enjoy, are there for us because of people like Mike.

God has blessed us with Mike. We hope that God blesses his family, and we hope that you know how grateful we as Members of Congress are for having had Mike Spann as a member of the Central Intelligence Agency. A grateful Nation joins all of you in grieving.

Mr. ADERHOLT. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SIMMONS), another strong supporter of this resolution who sought me out early on that he wanted to be a supporter of this resolution and to speak on it.

Mr. SIMMONS. Mr. Speaker, I rise in strong support of this resolution to honor Johnny Micheal Spann, a Central Intelligence Agency officer who was the first American killed in the war against terrorism in Afghanistan. He was killed on November 25, 2001, during an uprising of Taliban and al Qaeda prisoners in northern Afghanistan. Yesterday he was buried with full military honors in the hallowed ground of Arlington National Cemetery.

Micheal Spann's life began in a small Alabama town and ended tragically on the other side of the world in an ancient fort near the city of Mazar-e Sharif. His death is a loss for his family, for the Central Intelligence Agency, and for our country. But his memory will live on as an example to all Americans of the values of patriotism, courage, and sacrifice.

Although I never knew Mike Spann, I knew many like him. He was a paramilitary officer with the Central Intelligence Agency. I also served as a paramilitary officer with the CIA from 1969 to 1974. He served in a war zone. I too served in a war zone with the CIA for 2 years in South Vietnam. I believe that he and I shared the view that operations officers for the CIA, and especially paramilitary officers, should serve on the front lines of freedom. We know that the work there is difficult and dangerous, even deadly. The stakes are high. But that is where a paramilitary officer needs to be if he or she is going to get the job done. Mike knew what the risks were. He was willing to take those risks. A grateful Nation now thanks him for his dedication and his sacrifice.

Mr. Speaker, I represent the second district of Connecticut. Over 200 years ago, a young man named Nathan Hale was born and raised in my district in the town of Coventry. He graduated from Yale College, taught school, and joined the Revolutionary Army as a captain. He volunteered for a dangerous espionage mission at the request of George Washington, was caught by the British, sentenced and hanged as a spy. Before his death, he is reported to say, ''I only regret that I have but one life to lose for my country.''

Nathan Hale is now the official State hero of Connecticut. He is also the first intelligence hero in American history. Johnny Micheal Spann is the most recent intelligence hero in American history. They both lost their lives in defense of freedom, democracy and the values of our great Nation. May God bless them and keep them, now and forever.

Ms. PELOSI. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Maine (Mr. BALDACCI).

Mr. BALDACCI. Mr. Speaker, I would like to thank the gentlewoman for yielding me this time and to recognize the family and to thank the family for allowing us an opportunity to honor Micheal and at the same time to honor all of you because you folks have endured the sacrifice and allowed for our country to have the foundation of freedom and liberties that we all enjoy, and that it does cost lives and that it does impact on families.

Thank you for allowing us to have this opportunity to do it. I would like to thank the Members from Alabama who put the resolution forward. I know all of my colleagues will be very supportive of this.

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

I urge the passage of this resolution to send a strong bipartisan message of solidarity with the Spann family as well as the men and women in the intelligence community and the armed services who are putting themselves at personal risk to defend this Nation and our people.

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

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

I want to join in thanking the Spann family for being with us tonight. You honor us with your presence. Mike Spann was an example of the best that our country has to offer. Again, I want to extend the condolences of all of our colleagues and certainly my constituents to his mother and father who are with us, his sisters, his wife, Shannon, their baby, Jake, and Alison and Emily. Mike Spann will always be in our memory and in our prayers. God bless him and God bless America.

Mr. CRAMER. Mr. Speaker, I rise to join my colleagues in honoring Johnny Michael Spann, the first American killed in combat during the war against terrorism in Afghanistan.

Mike Spann was born and raised in a small town in North Alabama called Winfield. Like most kids growing up in small town America, Mike grew up with a great love for his country. And it was this great love of country that led Mike first to the Marine Corps, where he rose to the rank of captain, and later to the CIA, where he fulfilled a lifelong dream. Duty, honor, integrity, and patriotism.

Mr. Speaker, to Mike Spann these were not simply words to be carelessly thrown about, but rather they were words that had real meaning and were words around which he ordered his life. Indeed it was the weight of these words that carried Mike to Afghanistan. For, Mr. Speaker, when duty called Mike Spann answered—without hesitation and with a quiet and steady dignity that came from an unshakeable belief in the righteousness of his mission.

In a sand blown fort, in a war torn land far from the comforts of his home, Mike Spann stood on the front line defending our American values and our way of life. Unlike most, Mike Spann understood that the freedoms we all cherish do not come without a hefty price. Sadly, he paid the ultimate price and gave his life in defense of these cherished freedoms. But, as his wife Shannon has said, ''Mike is a hero not because of the way that he died, but rather because of the way that he lived.'' So, while we mourn his loss, we all can take comfort and pride in the knowledge that he gave his life defending the values that shaped and animated his life.

Today, with this resolution we honor him for his bravery and sacrifice. And to his family, a grateful nation offers its deepest sympathies. This nation and the world are better places because of the sacrifice made by Johnny Michael Spann.

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

The SPEAKER pro tempore (Mr. DUNCAN). The question is on the motion offered by the gentleman from Florida (Mr. GOSS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 281.

The question was taken.

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

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

The yeas and nays were ordered.

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

□ 1800

## MIKE MANSFIELD FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3282) to designate the Federal building and United States courthouse located at 400 North Main Street in Butte, Montana, as the ''Mike Mansfield Federal Building and United States Courthouse.''

The Clerk read as follows:

H.R. 3282

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

**SECTION 1. DESIGNATION.**

The Federal building and United States courthouse located at 400 North Main Street in Butte, Montana, shall be known and designated as the ''Mike Mansfield Federal Building and United States Courthouse''.

**SEC. 2. REFERENCES.**

Any reference in a law, may, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be demand to be a reference to the ''Mike Mansfield Federal Building and United States Courthouse''.

The SPEAKER pro tempore (Mr. DUNCAN). Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE)

and the gentleman from Tennessee (Mr. CLEMENT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Montana (Mr. REHBERG), the author of the bill, to explain the bill before us.

(Mr. REHBERG asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. REHBERG. Mr. Speaker, I rise in support of H.R. 3282, that designates the Federal Building and United States Courthouse at 400 North Main Street in Butte, Montana, as the Mike Mansfield Federal Building and United States Courthouse.

Mike Mansfield's tenure as majority leader of the United States Senate from 1961 until his retirement in 1976 is well-known. Likewise, his record as U.S. Ambassador to Japan from 1977 to 1988 was legendary. In both cases, he held each position longer than any of his predecessors.

Mike Mansfield's public service spanned five decades, beginning from his election to the U.S. House of Representatives in 1942 to his retirement as U.S. ambassador in Japan in 1988. This remarkable career saw him work with nine U.S. presidents, Roosevelt, Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter and Reagan.

However, the formative stages of Mike Mansfield's early years are equally as remarkable. After the death of his mother, at age three he was sent from New York City to Great Falls, Montana, and raised by an aunt and uncle that owned a grocery store. One month shy of age 15, he joined the Navy, shortly before we entered World War I, and he served in the Atlantic. He served in the Army after the war. Finally, he enlisted in the Marine Corps for 2 years, serving in the Philippines, Japan and China. This contributed to his lifelong interest in the Far East.

He returned to Montana in 1922 at age 19 and worked as a mucker, shoveling rocks and dirt in the underground copper mines in Butte. While in Butte he met schoolteacher Maureen Hayes, who became his future wife. She encouraged him to complete his high school education by taking correspondence courses.

The City of Butte, Montana, was the chapter of Mike Mansfield's life that paved the way for his later career as a professor at the University of Montana, and a great statesman. As a result, it is only fitting that the Federal Building and U.S. Courthouse there be named after him.

Mr. Speaker,I urge my colleagues to support H.R. 3282.

Mr. Speaker, I include for the RECORD an article by Associated Press writer Bob Anez.

MONTANA OFFICIALS RECALL MANSFIELD AS QUIET, DIGNIFIED LEADER

(By Bob Anez)

Mike Mansfield, who dominated Montana and national politics during his 34-year legislative career, was remembered Friday as a statesman of honesty, homespun integrity and few but gentle words.

''I don't remember anything mean that Mike ever said,'' said former Democratic Gov. Ted Schwinden.

''But that doesn't mean he couldn't speak out on difficult issues like the Vietnam war,'' he said. ''Mike was not afraid of the fray, but was able to step above it.''

Mansfield, who died Friday morning at the age of 98, was Senate majority leader for 15 years during a period of political and social turmoil that enveloped a civil revolution, an assassinated president, a war he opposed and the first presidential resignation. He retired in 1976 and then served as ambassador to Japan for 11 years.

Francis Bardanouve, a Democratic state representative for 37 years, recalled Mansfield's quite demeanor during that time. ''He was a calm leader; he gave confidence to the people that government was in good hands.''

Gov. Judy Martz, who ordered U.S. and Montana flags at all public buildings flown at half staff until sunset Saturday, called Mansfield a rare find for humanity.

''There are very few people who have or will walk this earth like Senator Mike Mansfield,'' the Republican said. ''He served as an example throughout Montana, the nation and the world through his work ethic and dedication to service.

''I am sure that he has now rejoined his beloved wife, Maureen,'' Martz added, referring to Mansfield's wife, who died Sept. 20 last year.

Donna Metcalf, whose husband Lee served in the Senate with Mansfield for 16 years, recalled Mansfield as a gentle giant.

''He was a very kindly and considerate person who never forgot where he came from,'' she said.

She first met Mansfield when he was a popular instructor at the University of Montana and grew to be good friends with the Mansfields during the time the two men served together. ''They made good partners for Montana,'' she said.

Pat Williams, who was a Montana congressman for 18 years until retiring in 1996, said Mansfield's integrity set him apart.

''Mansfield, as our senator, he brought honor not pork to Montana,'' the Democrat said. ''He did things his way and believed that if Montanans didn't like it—as they didn't on his position and votes on gun control—that they'd bring him home at the next election. But, of course, we never did.''

Kelly Addy, a Billings attorney, former legislator and staffer for Mansfield in 1974, described the senator as extremely humble and mindful of his modest beginnings in the Butte mines.

''He knew who he was,'' Addy said. ''He knew he came from nothing. He knew everything had been given to him. He had no quarrel with anybody.''

He said he learned a valuable lesson from Mansfield. ''You can't be anything more than who you are, but if you're willing to be that, it can be quite something. He was able to accept himself and, therefore, he was able to accept others.''

Former Gov. Stan Stephens called Mansfield ''probably the most distinguished Montanan in the history of public service.''

Mansfield was revered by members of both political parties because of his nonpartisan character, the Republican said. ''He was a very kind and considerate man. He never looked at people or issues as political threats.

''He has made Montana proud,'' Stephens said.

George McGovern, a U.S. Senator from South Dakota during all but one of Mansfield's years in the Senate, praised his former colleague as an ''example to all of us in the world of politics.''

''Always a humble and dedicated public servant for the people of Montana, he became a superb majority leader of the U.S. Senate and a brilliant diplomat in the Far East,'' said McGovern, who was in Missoula where his wife is hospitalized.

Schwinden said a defining memory he has of Mansfield was his campaign visits to Wolf Point, Schwinden's home town. Dozens of people in the small community would turn out on short notice to see the popular Senator.

''If there was a stage, he loved to sit on the stage with his legs crossed,'' Schwinden said. ''He never lectured. He just visited with his constituency.''

The attitude is what defined Mansfield and made him a man of few words, recalled former Secretary of State Mike Cooney.

''He listened. It wasn't that what he had to say was the most important,'' Cooney said. ''He understood that if you could sit and listen to people, you could learn a lot more than if you sat there yacking.

Gov. Tom Judge, who was governor from 1973 to 1981, remembered Mansfield as a man who did ''an enormous amount of work for Montana, all the while doing it in a quiet, effective and—most importantly—very dignified manner.''

Judge said he first became acquainted with Mansfield while still in college in the mid 1950s.

''When I was a junior in college I nominated him for president in a mock election at Notre Dame and we almost won,'' Judge said. ''It was a tight race between him and Lyndon Johnson. . . . We didn't win but I guarantee you everyone at Notre Dame knew who Mike Mansfield was when we were done.''

Bob Ream, Montana Democratic Party chairman, said Mansfield remained Senate leader for longer than anyone else because he earned and commanded a great deal of respect.

''I think he stood for the best in politics,'' Ream said. ''He was an extremely ethical person and well-respected by people on both sides of the aisle.''

''The last time I saw him was about a year and a half ago, and he still had that twinkle in his eye,'' Ream said. ''And whenever you left his office, Mike always had the same farewell. 'Tap her light,' he would say. . . . It was an old miner's line.''

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

Mr. Speaker, H.R. 3282 is a bill to designate the Federal Building and United States Courthouse in Butte, Montana, in honor of Senator Mike Mansfield.

Senator Mansfield, as all of us know, died in October of 2001 at the age of 98. He served as the Senate majority leader longer than anyone else in the history of that institution. His legacy spans decades and is one of public service with unimpeachable integrity, admiring colleagues, fiercely loyal friends and devoted family.

Senator Mansfield was a native New Yorker, born in New York City on March 16, 1903. As a young child, he and his family moved to Great Falls, Montana. When he was only 14 years old, he enlisted in the United States Navy and served in World War I. From 1919 to 1920, Senator Mansfield served in the U.S. Army, and later joined the U.S. Marines as a private first class.

After the war, he returned to Montana and finished his education. He

graduated from Montana State University at Missoula, where he received his undergraduate degree, and in 1934, received a masters degree.

From 1933 until 1943, Senator Mansfield was a professor of history and political science at Montana State. In 1943, he was elected to the U.S. House of Representatives, where he served 10 years. During his service in the House of Representatives, Senator Mansfield voted for a higher minimum wage, economic aid to Turkey and Greece, the Marshall Plan, and opposed funding for the House Un-American Activities Committee. In 1953, he was elected to the U.S. Senate, and began a career filled with accomplishments.

He served the United States in many capacities: Special Committee on Campaign Expenditures; Democratic Whip; Majority Leader; Chairman of the Committee of Rules and Administration; Special Committee of Secret and Confidential Documents; and Ambassador to Japan. In 1956, Lyndon Johnson named him Assistant Majority Leader. When Johnson was elected Vice President in 1961, Mansfield became the Majority Leader and served until 1977.

Mr. Speaker, Mike Mansfield had an unbelievable career. I could go on and on about his accomplishments and achievements. His word and his integrity, without question, and his reputation as a straight shooter, was well-deserved. Unflappable, honorable, brilliant, humble and a strong person, he will always be remembered.

It is fitting and proper that we honor Mike Mansfield's lifetime of public service to his country with this designation. I support this bill, and I urge my colleagues to support it.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 3282, a bill to designate the federal building and United States Courthouse in Butte, Montana, in honor of Senator Mike Mansfield, who died in October of this year at the remarkable age of 98.

Senator Mansfield was born in New York City on March 16, 1903. His family moved to Cascade County, Montana, in 1906 where he attended local public schools until he dropped out at age 14. At that time, he lied about his age and enlisted in the United States Navy to serve his country during World War I. Mike must have liked the military life, because when he left the Navy, he first joined the Army for two years, and then the marines for two years, finishing his military service in 1922.

When he returned to Montana, Senator Mansfield went to work in a copper mine near Butte. While still working the mines, he enrolled in the Montana School of Mines, where he met this future wife, Maureen Hays, a schoolteacher. She persuaded him to complete his high school education by taking correspondence courses.

In 1930, he enrolled at the University of Montana, where he received his undergraduate degree, and a master's degree in 1934. From 1933 until 1943, Mike Mansfield was a professor of history and political science at Montana State. In 1943, he was elected to the United States House of representatives, where he served for ten years.

Later, he was elected to the U.S. Senate where he launched an illustrious career, serving as Committee Chairman, Democratic Whip, and Majority Leader.

Some of our Nation's most turbulent times occurred during his tenure as Senate Majority Leader: assassination of one President and the resignation of another; the assassinations of a civil rights activist and a presidential hopeful; student and political unrest; Vietnam and Watergate.

He was at the helm when the Civil rights Act and the Voting Rights Act became laws. He also led the Senate to pass sweeping legislation on health, education, and anti-poverty programs.

Senator Mansfield was going to retire from public life when he decided to leave the Senate in 1976. However, President Jimmy Carter urged Senator Mansfield to remain in public service as our Ambassador to Japan, which he agreed to do—and served with distinction.

Mike Mansfield was so successful and so well respected at home and in Japan, that President Reagan prevailed upon him to remain in the post throughout the Reagan presidency. Mike Mansfield managed to impress the Japanese as well; so much so, in fact, that when he returned to the U.S. after eleven years as Ambassador, the Japanese Ambassador to this country said Mansfield "could have run for prime minister and won."

He was also Montana's "favorite son" for a very good reason. He was revered in his home State, and highly respected by his colleagues in the Congress. He was known as a terrific teacher, a great leader, and a wonderful human beng. He was devoted to Maureen, his wife of 68 years, and to their daughter, Anne.

His humble and straightforward characteristics made him equally at home in either royal courts or the local coffee shops in rural Montana. His word and his integrity were without question and his reputation as a "straight shooter" was well deserved. He combined keen intellect with good judgment to produce astonishing wisdom. His toughest assignment came during the Vietnam years. Although he personally opposed the war, he felt obliged as majority leader, to carry the President's message to the Senate.

In many ways the federal building and courthouse in Butte, Montana, accurately reflect who Mike Mansfield was—it is a wonderful, solidly built, grandly situated building, open to the public and dedicated to public service. It is strong without being intimidating; it provides justice and comfort to all who enter.

Mr. Speaker, Mike Mansfield was a modest man, but a giant in American politics. To have a federal building and U.S. courthouse bear his name is an honor he earned, and I strongly urge my colleagues to support this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 3282.

The question was taken.

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

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

The yeas and nays were ordered.

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

## WOLF TRAP NATIONAL PARK FOR THE PERFORMING ARTS

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2440) to rename Wolf Trap Farm Park as "Wolf Trap National Park for the Performing Arts," and for other purposes, as amended.

The Clerk read as follows:

H.R. 2440

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

***SECTION 1. RENAMING OF WOLF TRAP FARM PARK.***

*(a) AMENDMENT.—The Wolf Trap Farm Park Act (Public Law 89–671; 16 U.S.C. 284 et seq.) is amended—*

*(1) by striking "Wolf Trap Farm Park" each place it appears and inserting "Wolf Trap National Park for the Performing Arts";*

*(2) in section 2, by inserting before the final period ", except that laws, rules, or regulations that are applicable solely to units of the National Park System that are designated as a 'National Park' shall not apply to Wolf Trap National Park for the Performing Arts"; and*

*(3) by adding at the end the following new section:*

***"SEC. 14. REFERENCES.***

*"(a) BY FEDERAL EMPLOYEES.—The Secretary of the Interior, any other Federal employee, and any employee of the Foundation, with respect to any reference to the park in any map, publication, sign, notice, or other official document or communication of the Federal Government or Foundation shall refer to the park as 'Wolf Trap National Park for the Performing Arts'.*

*"(b) OTHER SIGNS AND NOTICES.—Any directional or official sign or notice pertaining to the park shall refer to the park as 'Wolf Trap National Park for the Performing Arts'.*

*"(c) FEDERAL LAWS AND DOCUMENTS.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to 'Wolf Trap Farm Park' shall be considered to be a reference to 'Wolf Trap National Park for the Performing Arts'.".*

*(b) APPLICABILITY.—Section 14(c) of the Wolf Trap Farm Park Act (as added by subsection (a) of this section) shall not apply to this Act.*

***SEC. 2. TECHNICAL CORRECTIONS.***

*Section 4(c) of the Wolf Trap Farm Park Act (Public Law 89–671; 16 U.S.C. 284c(c)) is amended—*

*(1) by realigning the second sentence so as to appear flush with the left margin; and*

*(2) by striking "Funds" and inserting "funds".*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

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

Mr. Speaker, H.R. 2440 would change the name of Wolf Trap Farm Park to Wolf Trap National Park for the Performing Arts.

Wolf Trap, located in Vienna, Virginia, enjoys a reputation as one of the premier venues for the Performing Arts in the country. The park plays host to every conceivable type of Performing Arts, from Native American folk festivals, to interpretive dance recitals, rock concerts and classical symphonies.

While the Park Service maintains responsibility for the grounds and buildings, the non-profit Wolf Trap Foundation creates and selects programming, develops all educational programs, handles ticket sales, marketing, publicity and public relations, while also raising funds to support these programs. This bill would help alleviate confusion regarding its name and assist the nonprofit Wolf Trap Foundation in raising funds and resources for the park. The bill would not alter the legal status of the park nor its level of Federal funding.

Mr. Speaker, this is a non-controversial bill, and I urge my colleagues to support its passage.

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

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. UDALL of Colorado. Mr. Speaker, H.R. 2440, introduced by the gentleman from Virginia (Mr. DAVIS), renames Wolf Trap Farm Park, located in Northern Virginia, as the Wolf Trap National Park for the Performing Arts.

Wolf Trap Farm Park was established in 1966 as a unit of the National Park Service. The park provides music and arts education programs and is best known for its annual summer concert series. Supporters of the park are seeking the name change to better reflect the park's operation as a performing arts center.

Although no hearings were held on H.R. 2440 by the Committee on Resources, a similar bill passed the House at the very end of the last Congress, but no action on the bill occurred in the Senate. The language of H.R. 2440, including the clarifying amendment adopted by the Committee on Resources, has been worked out with the administration and the minority, and we are unaware of any problems with the bill.

Accordingly, Mr. Speaker, we support H.R. 2440, as amended, and recommend its adoption by the House.

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

Mr. GILCHREST. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. DAVIS).

(Mr. TOM DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to support a bill that has been more than 3 years in the making. It was almost a year ago to the day that I was on this floor giving a very similar speech to a very similar bill. But, whatever the process may be, I am pleased today the House is now considering the bill that will allow the Wolf Trap Farm Park to become Wolf Trap National Park for the Performing Arts.

Despite the relative straight-forwardness of this bill, it has taken years of careful negotiation and innumerable drafts to reach a consensus between the Park Service, the Department of Interior, the Wolf Trap Foundation, and the Committee on Resources. I am extremely pleased to say that as the first session of the 107th draws to a close, that consensus has been reached.

As many of my colleagues undoubtedly know, Wolf Trap is one of the premier venues for the performing arts anywhere in the world. Nestled in a beautifully wooded site just outside of Vienna, Virginia, Wolf Trap plays host to every conceivable type of performing arts. It is the home to all the cultural diversity found in our great Nation.

While I am disappointed it has taken this long to elevate Wolf Trap to the level of Federal recognition it deserves, I am very pleased that one of the final acts of this session will accomplish that goal.

I would also like to thank my fellow Virginians, the gentleman from Virginia (Mr. WOLF) and the gentleman from Virginia (Mr. MORAN) for their tireless efforts in this endeavor. I am very grateful to the Members and staff of the Committee on Resources. Without their support, I am confident we would be revisiting this again in the next session. So, my thanks to all. I urge its adoption.

Mr. UDALL of Colorado. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank my friend from Colorado for yielding me time.

Mr. Speaker, doing the right thing should not be so difficult. We have been trying to do this for years, just to change the name from Wolf Trap Park to National Park so that it can better describe the actual legal status and the park's mission. The mission is to assist Wolf Trap Foundation in private fundraising efforts.

Wolf Trap Park is a beautiful location, nestled in the woods in Vienna, Virginia. It is about 136 acres. Any of my colleagues and their colleagues and staffs who have not been there should go visit Wolf Trap. It is a wonderful asset, not just for the Washington metropolitan area, but for the Nation, and that is the point of this legislation.

It plays host to any number of performances, as the gentleman from Maryland (Mr. GILCHREST) and the gentleman from Virginia (Mr. DAVIS) and the gentleman from Colorado (Mr. UDALL) said. They described the wide gambit of classical symphonies, rock concerts, Native American folk festivals and so on, that use the stage at Wolf Trap. The Wolf Trap Foundation is a 501(c)(3) not-for-profit organization. It handles all the ticket sales, the publicity, the education programs, and does a wonderful job. The National Park Service is responsible for maintaining the grounds and the buildings. They also provide technical assistance for the performing arts centers.

Now, in addition to the performances we see on the stage, there are any number of educational programs that are offered, not just locally, but also nationwide. Its premier education program, the Wolf Trap Institute for Early Learning Through the Arts, places professional performing artists in preschool classrooms all across the country.

□ 1815

So the mission of Wolf Trap has been consistent with that of the National Park Service. It is the promotion of and access to appreciation of all of our natural resources and, in this case, our human resources as well and the performing arts. But because of this unique status within the national park system, we need to change the name from Wolf Trap Farm Park to Wolf Trap National Park. It is not going to affect the legal status or the Federal funding levels; it is not going to do anything but to alleviate confusion about this national park's mission, and it will assist the foundation in private fund-raising efforts.

So it is the right thing to do. From now on, we ought to call it Wolf Trap National Park; and I trust that all of my colleagues understand its national importance, significance, and accessibility for all of their constituents.

Mr. Speaker, I thank my colleagues from Virginia for bringing the bill to the floor.

Mr. UDALL of Colorado. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume. We have no further speakers on this issue.

I would just ask my two colleagues from Virginia that when Wolf Trap Park holds traditional, historic country western music, if they would invite me to attend, I would be more than happy to do so.

Mr. MORAN of Virginia. Mr. Speaker, if the gentleman will yield, I trust the gentleman from Virginia (Mr. DAVIS) will afford the gentleman from Maryland (Mr. GILCHREST) a standing invitation.

Mr. DAVIS of Virginia. Mr. Speaker, if the gentleman from Maryland will yield, call me, and I would be happy to take the gentleman as my guest.

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

The SPEAKER pro tempore (Mr. DUNCAN). The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 2440, as amended.

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

A motion to reconsider was laid on the table.

## FISHERIES CONSERVATION ACT OF 2001

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1989) to reauthorize various fishery conservation management programs, as amended.

The Clerk read as follows:

H.R. 1989

*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 ''Fisheries Conservation Act of 2001''.

### TITLE I—INTERJURISDICTIONAL FISHERIES ACT OF 1986

**SEC. 101. REAUTHORIZATION OF INTERJURISDICTIONAL FISHERIES ACT OF 1986.**

Section 308 of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107) is amended—

(1) by amending subsection (a) to read as follows:

''(a) GENERAL APPROPRIATIONS.—There are authorized to be appropriated to the Department of Commerce for apportionment to carry out the purposes of this title—

''(1) $4,900,000 for fiscal year 2002;

''(2) $5,400,000 for each of fiscal years 2003 and 2004; and

''(3) $5,900,000 for each of fiscal years 2005 and 2006.''; and

(2) in subsection (c) by striking ''$700,000 for fiscal year 1997, and $750,000 for each of the fiscal years 1998, 1999, and 2000'' and inserting ''$800,000 for fiscal year 2002, $850,000 for each of fiscal years 2003 and 2004, and $900,000 for each of fiscal years 2005 and 2006''.

**SEC. 102. PURPOSES OF THE INTERJURISDICTIONAL FISHERIES ACT OF 1986**

Section 302 of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4101) is amended by striking ''and'' after the semicolon at the end of paragraph (1), striking the period at the end of paragraph (2) and inserting ''; and'', and adding at the end the following:

''(3) to promote and encourage research in preparation for the implementation of the use of ecosystems and interspecies approaches to the conservation and management of interjurisdictional fishery resources throughout their range.''.

### TITLE II—ANADROMOUS FISH CONSERVATION ACT

**SEC. 201. REAUTHORIZATION OF ANADROMOUS FISH CONSERVATION ACT.**

Section 4 of the Anadromous Fish Conservation Act (16 U.S.C. 757d) is amended to read as follows:

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 4. (a)(1) There are authorized to be appropriated to carry out the purposes of this Act not to exceed the following sums:

''(A) $4,500,000 for fiscal year 2002;

''(B) $4,750,000 for each of fiscal years 2003 and 2004; and

''(C) $5,000,000 for each of fiscal years 2005 and 2006.

''(2) Sums appropriated under this subsection are authorized to remain available until expended.

''(b) Not more than $625,000 of the funds appropriated under this section in any one fiscal year shall be obligated in any one State.''.

**SEC. 202. RESEARCH ON AND USE OF ECOSYSTEMS AND INTERSPECIES APPROACHES TO THE CONSERVATION AND MANAGEMENT.**

The first section of the Anadromous Fish Conservation Act (16 U.S.C. 757a) is amended in subsection (b) by inserting ''(1)'' after ''(b)'', and by adding at the end the following:

''(2) In carrying out responsibilities under this section, the Secretary shall conduct, promote, and encourage research in preparation for the implementation of the use of ecosystems and interspecies approaches to the conservation and management of anadromous and Great Lakes fishery resources.''.

### TITLE III—ATLANTIC COASTAL FISHERIES

**SEC. 301. REAUTHORIZATION OF ATLANTIC STRIPED BASS CONSERVATION ACT.**

Section 7(a) of the Atlantic Striped Bass Conservation Act (16 U.S.C. 1851 note) is amended by striking ''and 2003'' and inserting ''2003, 2004, 2005, and 2006''.

**SEC. 302. REAUTHORIZATION OF ATLANTIC COASTAL FISHERIES COOPERATIVE MANAGEMENT ACT.**

Section 811(a) of the Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 5108) is amended by striking ''2005'' and inserting ''2006''.

**SEC. 303. AMENDMENTS TO ATLANTIC COASTAL FISHERIES COOPERATIVE MANAGEMENT ACT.**

(a) FINDINGS.—Section 802(a) of the Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 5101(a)) is amended by adding at the end the following:

''(7) The understanding of the interactions of species in the maritime environment and the development of ecosystems-based approaches to fishery conservation and management lead to better stewardship and sustainability of coastal fishery resources.

''(8) Federal and State scientists should gather information on the interaction of species in the marine environment and provide this scientific information to Federal and State managers.''.

(b) PURPOSE.—Section 802(b) of such Act (16 U.S.C. 5101(b)) is amended to read as follows:

''(b) PURPOSE.—The purpose of this title is to support and encourage the development, implementation, and enforcement of effective interstate conservation and management of Atlantic coastal fishery resources through the use of sound science and multispecies, adaptive, and ecosystem-based management measures.''.

(c) STATE-FEDERAL COOPERATION IN MULTISPECIES AND ECOSYSTEMS INTERACTION RESEARCH.—Section 804(a) of such Act (16 U.S.C. 5103(a)) is amended by inserting ''multispecies and ecosystems interaction research;'' after ''biological and socioeconomic research;''.

(d) ASSISTANCE FOR RESEARCH REGARDING INTERRELATIONSHIPS AMONG ATLANTIC COASTAL FISHERY RESOURCES AND THEIR ECOSYSTEMS.—Section 808 of such Act (16 U.S.C. 5107) is amended by striking ''and'' after the semicolon at the end of paragraph (1), redesignating paragraph (2) as paragraph (3), and inserting after paragraph (1) the following:

''(2) research to understand the interrelationships among Atlantic coastal fishery resources and their ecosystems; and''.

### TITLE IV—ATLANTIC TUNAS CONVENTION ACT OF 1975

**SEC. 401. REAUTHORIZATION OF THE ATLANTIC TUNAS CONVENTION ACT OF 1975.**

Section 10 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h) is amended to read as follows:

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 10. (a) IN GENERAL.—There are authorized to be appropriated to carry out this Act, including use for payment of the United States share of the joint expenses of the Commission as provided in Article X of the Convention, the following sums:

''(1) For each of fiscal years 2002, 2003, and 2004, $5,480,000.

''(2) For each of fiscal years 2005 and 2006, $5,495,000.

''(b) ALLOCATION.—Of amounts available under this section for each fiscal year—

''(1) $150,000 are authorized for the advisory committee established under section 4 and the species working groups established under section 4A; and

''(2) $4,240,000 are authorized for research activities under this Act and the Act of September 4, 1980 (16 U.S.C. 971i).''.

### TITLE V—NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995

**SEC. 501. REAUTHORIZATION OF THE NORTHWEST ATLANTIC FISHERIES CONVENTION ACT OF 1995.**

Section 211 of the Northwest Atlantic Fisheries Convention Act of 1995 (16 U.S.C. 5610) is amended by striking ''2001'' and inserting ''2006''.

### TITLE VI—EXTENSION OF DEADLINE FOR SUBMISSION OF OCEAN POLICY REPORT

**SEC. 601. EXTENSION OF DEADLINE.**

(a) EXTENSION OF DEADLINE.—The Oceans Act of 2000 (Public Law 106–256) is amended—

(1) in section 3(f)(1) (114 Stat. 647) by striking ''18 months'' and inserting ''27 months'';

(2) in section 3(i) (114 Stat. 648) by striking ''30 days'' and inserting ''90 days''; and

(3) in section 4(a) (114 Stat. 648; 33 U.S.C. 857–19 note) by striking ''120 days'' and inserting ''90 days''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 3(j) of such Act (114 Stat. 648) is amended by striking ''$6,000,000'' and inserting ''$8,500,000''.

(c) TECHNICAL CORRECTIONS.—Section 3(e) of such Act (114 Stat. 646) is amended—

(1) in paragraph (1) by striking the colon in the third sentence and inserting a period;

(2) by inserting immediately after such period the following:

''(2) NOTICE; MINUTES; PUBLIC AVAILABILITY OF DOCUMENTS.—''; and

(3) by redesignating the subsequent paragraphs in order as paragraphs (3) and (4), respectively.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. GILCHREST) and the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland (Mr. GILCHREST).

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

This legislation reauthorizes a number of important fishery statutes that range from grants for States for conservation, research, and enforcement activities to the implementation of international treaties. The bill reauthorizes these statutes through September 30, 2006.

Two of the State grant statutes are the Interjurisdictional Fisheries Act of 1986 and the Anadromous Fisheries Conservation Act of 1965. These laws have been active for a number of years and have provided funding for many worthwhile activities, including research to help improve the way fisheries are managed, enforcement activities, the rebuilding of necessary habitat, and other measures to improve the survival of fish that travel across State boundaries and over great distances.

The Atlantic Striped Bass Conservation Act of 1984 and the Atlantic Coastal Fisheries Cooperative Management Act are laws that provide directives to the States and the Atlantic States Fisheries Commission to develop fishery management plans for the species of fish under their jurisdiction along the East Coast.

These laws promote cooperation between the States and Federal Government to ensure that fisheries are getting appropriate and complementary management throughout their range, whether it be in State or Federal waters. The current robust health of striped bass populations is a direct result of efforts undertaken under these two acts.

The Atlantic Tunas Convention Act of 1975 and the Northwest Atlantic Fisheries Convention Act of 1995 are laws that implement international agreements. These acts allow the U.S. to be a member of the International Fishery Commission where management recommendations are developed by member nations for fisheries under the Commission's jurisdiction. The United States then implements those recommendations through regulations for U.S. fishing vessels.

Mr. Speaker, H.R. 1989 also makes some technical changes to the Oceans Act of 2000, Public Law 106–256. The bill extends the deadline for the Presidential commission to submit its report to Congress from 18 months to 27 months. This change will allow the commission to still be operational while the administration reviews and submits its comments. The commission will then have a chance to respond to the administration's comments and submit those to Congress. In addition, the commission has opted for a much broader field hearing schedule in order to obtain the views of additional Americans; and due to such a schedule, as a result, we have increased their authorization by $2.5 million.

Mr. Speaker, all of these acts are very important. They have been very successful in accomplishing their conservation goals; and in the coming years, greater emphasis will be placed on research and management measures which promote the development of an ecosystem-based management of fisheries. I urge Members to vote ''aye'' on H.R. 1989.

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

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of the bill.

As the gentleman from Maryland has already explained, H.R. 1989 extends a number of fisheries laws that authorize the conservation management of many of our domestic and international fishery resources. In addition, it encourages an ecosystem approach to the management of these resources which, given the current status of many marine fisheries, is an excellent idea that is long overdue.

As the gentleman from Maryland is aware, the general management of marine fisheries in the United States is in serious need of improvement. First, we lack the proper data to manage these stocks. Of the 900-plus stocks that we currently harvest, we do not have enough data to evaluate the status of more than 700 of them. At the same time, while better data is obviously needed, having good data does not ensure good management. Of the 200 or so stocks for which we do have adequate information, half are considered to be overfished or approaching an overfished condition.

The status of fisheries worldwide is apparently not much better, either. According to leading scientists in a study published in the November 29 issue of Nature Magazine, the global fisheries catches from the world's oceans have been declining for over a decade. This new evidence, which contradicts reports published by the United Nations Food and Agricultural Organization, indicates that the true state of the oceans may be far worse than previously thought.

Now, some may think that people in Colorado, a State far from the ocean, would not care about the status of our marine fisheries, but that is not the case. The oceans represent more than 70 percent of the Earth's surface, and I believe it is incumbent upon all of us to work together to better protect and conserve their biodiversity. I know the bill of the gentleman from Maryland (Mr. GILCHREST), with its focus on better data collection and ecosystem management, is a good first step. I look forward to working with him next year to expand this concept to the Magnuson Act, our Nation's primary law governing the management of marine fisheries.

Further, the law and its implementation must be strengthened if we are to have any hope of saving our fisheries resources, both here in the United States and around the world.

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

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume to express my gratitude and appreciation for the members of the Committee on Resources on both sides of the aisle for piecing this package together, and I also want to compliment the staff on both sides of the aisle for their effort and cooperation in pulling this package together.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. GILCHREST) that the House suspend the rules and pass the bill, H.R. 1989, as amended.

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

The title was amended so as to read: ''A bill to reauthorize various fishing conservation management programs, and for other purposes.''.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2440 and H.R. 1989.

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

There was no objection.

## LAND CONVEYANCE TO CHATHAM COUNTY, GEORGIA

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2595) to direct the Secretary of the Army to convey a parcel of land to Chatham County, Georgia, as amended.

The Clerk read as follows:

H.R. 2595

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

**SECTION 1. LAND CONVEYANCE TO CHATHAM COUNTY, GEORGIA.**

(a) IN GENERAL.—The Secretary of the Army shall convey, by quitclaim deed and without consideration, to the Commissioners of Chatham County, Georgia, all right, title, and interest of the United States in and to the approximately 12-acre parcel of land located on Hutchinson Island, Georgia, adjacent to the Savannah Harbor Tide Gate structure.

(b) SURVEY TO OBTAIN LEGAL DESCRIPTION.—The exact acreage and the legal description of the parcel to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(c) USE OF LAND.—

(1) IN GENERAL.—The parcel conveyed under this section shall remain in public ownership and shall be managed in perpetuity for public recreational purposes or, in the alternative, the parcel may be exchanged for another parcel of equal appraised value that shall remain in public ownership and shall be managed in perpetuity for public recreational purposes.

(2) REVERSION.—If the Secretary determines that the parcel conveyed under this section is being used for purposes other than public recreational purposes, title to the parcel shall revert to the United States or, in the case of an exchange of parcels under paragraph (1), if the Secretary determines that the parcel received in the exchange is being used for purposes other than public recreational purposes title to that parcel shall revert to the United States.

(d) GENERAL PROVISIONS.—

(1) APPLICABILITY OF PROPERTY SCREENING PROVISIONS.—Section 2696 of title 10, United States Code, shall not apply to the conveyance under this section.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require that the conveyance under this section be subject to such

additional terms and conditions as the Secretary considers appropriate and necessary to protect the interests of the United States.

(3) COSTS OF CONVEYANCE.—The County shall be responsible for all reasonable and necessary costs, including real estate transaction and environmental compliance costs, associated with the conveyance.

(4) LIABILITY.—The County shall hold the United States harmless from any liability with respect to activities carried out, on or after the date of the conveyance, on the real property conveyed. The United States shall remain responsible for any liability with respect to activities carried out, before such date, on the real property conveyed.

(5) EASEMENTS.—The County shall provide to the Secretary all required rights of entry or easements necessary for utilities and for access to the Savannah Harbor Tide Gate structure and the dock located adjacent to the structure.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Tennessee (Mr. CLEMENT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Many years ago, Mr. Speaker, Chatham County, Georgia, donated approximately 12 acres of land on Hutchinson Island to the Federal Government so that the Corps of Engineers could build the Savannah River Tide Gate Structure. That project was closed in 1991 and the operational gates were removed. As a result, according to the Corps of Engineers, the Federal Government no longer needs this property.

Chatham County now would like to have this excess land returned to them so it could be used as part of an economic development project and a public recreational park. Without this legislation, the government has to follow a lengthy process for disposing of the property. This bill allows the property to go back to the county that gave up the land in the first place and will expedite an important local project that will benefit the public.

Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. KINGSTON), the author of the bill and, presumably, from Chatham County, Georgia, to explain it to us further.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the gentleman from Tennessee (Mr. CLEMENT) for his indulgence.

This simply lets the Corps of Engineers get rid of some excess property they do not want anymore. It allows the county to take that property and trade it to a private developer, 12 acres; but in exchange, they are going to get 40 acres back. I know the gentleman from Colorado will be interested to know that they are going to have a natural park in those 40 acres that is going to be ecologically sensitive, a passive park, which I know the gentleman from Boulder is familiar with.

So this is a very good piece of legislation with bipartisan support by the local folks and the Corps of Engineers.

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

Mr. Speaker, I know a comment was made a while ago about country music or country western music, and as the representative from Nashville, Tennessee, or Country Music USA, I appreciate the comments. I want my colleagues to know that the gentleman from Tennessee (Mr. DUNCAN) and myself and some others had the opportunity to sing on the Grand Ole Opry not long ago, which was an experience of a lifetime.

Mr. Speaker, I rise to support the bill H.R. 2595, a bill to convey a 12-acre parcel of land to Chatham County, Georgia, for public recreational purposes. This transfer will be accomplished without cost to the United States and for the benefit of the local citizens. The amended bill addresses a few issues from the original bill and should be supported by the House.

The land that would be transferred under this bill is not needed by the Corps of Engineers to carry out the purposes of the federally authorized project. The bill includes requirements to provide the Secretary of the Army rights of entry or easements so that the Corps can operate the project without hindrance.

Chatham County is responsible for all of the administrative costs of the land conveyance. In addition, the United States is protected from any environmental liability that may arise after the conveyance.

Mr. Speaker, I understand that the land that is being conveyed to the county will be exchanged for another parcel of land. The bill before us stipulates that the exchanged parcel will be kept in public ownership and used for public recreational purposes. The exchange will also be conducted on an equal-value basis. I urge an ''aye'' vote on this bill.

□ 1830

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

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

Mr. Speaker, I would notify the gentleman from Tennessee (Mr. CLEMENT) that I am sorry that I missed their performance on the Grand Old Opry; maybe on the return trip.

Mr. OBERSTAR. Mr. Speaker, I am pleased to rise in support of H.R. 2595, a bill to authorize the Secretary of the Army to transfer land to Chatham County, GA, to enhance recreation opportunities in that locale.

The land transfer authorized under this bill is similar to transfers that our committee often approves as part of the Water Resources Development Acts. However, the sponsor of this bill, Mr. KINGSTON, has indicate that swift action is necessary in advance of next year's Water Resources Development Act so that this project may proceed in a timely manner.

The amended bill considered by the House today conforms the bill to the typical terms and conditions associated with land transfers. The revised language ensures that the transfer occurs at no cost to the Federal taxpayer and at no loss to the U.S. Treasury. In addition, the land will be maintained in public ownership for public benefit. If this particular parcel of land is transferred by the county, the transfer must be for lands or equal value, further protecting the interest of the taxpayer. Finally, if the lands are put to use other than as authorized by this bill, ownership of the lands will revert to the United States. As is always done, the land transfer preserves for the United States any easement or rights-of-way necessary to operate and maintain the existing Federal project.

Mr. Speaker, I urge my colleagues to vote ''aye'' on H.R. 2595.

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

The SPEAKER pro tempore (Mr. DUNCAN). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 2595, as amended.

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

A motion to reconsider was laid on the table.

## COMMENDING CHARITABLE ORGANIZATIONS AND AMERICAN PUBLIC RELIEF EFFORTS IN THE AFTERMATH OF SEPTEMBER 11 TERRORIST ATTACKS

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 259) expressing the sense of Congress regarding the relief efforts undertaken by charitable organizations and the people of the United States in the aftermath of the terrorist attacks against the United States that occurred on September 11, 2001.

The Clerk read as follows:

H. CON. RES. 259

Whereas the people of the United States have a long and honorable tradition of assisting individuals, families, and communities in need;

Whereas charitable organizations play a vital role in delivering services to individuals and families that are in need of relief;

Whereas charitable organizations are providing relief to the victims of the terrorist attacks against the United States that occurred on September 11, 2001, and their families;

Whereas the people of the United States have been extremely generous in contributing to charitable organizations that provide relief to the victims of the terrorist attacks and their families; and

Whereas more than $1,000,000,000 has been collected for charitable work related to the terrorist attacks: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That Congress—

(1) praises the people of the United States for their patriotism and generosity in donating their money, time, and blood to support the victims of the terrorist attacks against the United States that occurred on September 11, 2001, and their families;

(2) commends charitable organizations for their hard work in providing needed assistance to the individuals and families who have been affected by the terrorist attacks;

(3) urges charitable organizations to use the money collected from the people of the United States for the purposes for which the money was donated, and to limit the extent to which such money is used for administrative costs; and

(4) condemns individuals and groups that fraudulently use contributions for objectives unrelated to the purpose for which the contributions were made.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Tennessee (Mr. CLEMENT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. Speaker, House Concurrent Resolution 259 expresses the sense of Congress regarding the relief efforts undertaken by charitable organizations and the people of the United States in the aftermath of the terrorist attacks of September 11.

Mr. Speaker, the tremendous outpouring of assistance in the wake of the September 11 attacks has become something of an epic legend. Over $1 billion has been collected to support the relief efforts across the country.

These organizations serve a vital role in these relief efforts. They were the ones providing hot meals and medical care to the rescuers; they were the ones providing grief counselors to victims and their families; they were the ones ensuring that the displaced had a place to sleep and food to eat; and they are the ones that continue to serve at Ground Zero in New York and at the Pentagon, and wherever victims and their families are located.

The resolution does not mention the work by Federal, State, and local governments; but I want to commend each of them for their effort after the terrorist attacks and that which continues today. FEMA, the Small Business Administration, and the State of New York disaster assistance programs have contributed over $696 million.

Mr. Speaker, this is a good piece of legislation. It is fitting that the Congress, through its sense of Congress resolution, praise the good efforts of generous Americans and condemns those that abused this trust.

I commend the important work done by the Federal, State, and local governments and charities and individual volunteers, and urge my colleagues to support the resolution.

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

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

Mr. Speaker, I rise in strong support of House Concurrent Resolution 259, a resolution expressing the sense of Congress regarding the relief efforts undertaken by charitable organizations and the American people in the aftermath of the terrorist attacks against the United States that occurred on September 11, 2001.

I would like to begin by thanking the gentleman from Florida (Mr. BILIRAKIS) for sponsoring this legislation. Our country has a long and proud tradition of helping families and communities in need, and our charitable organizations have often played a critical role in delivering these services.

Immediately after the September 11 terrorist attacks, thousands of volunteers began to donate their services, their talents, and even their blood. But they did not stop there. The people of the United States have been extremely generous in donating their money to various charitable organizations that provide relief to the victims of terrorist attacks and their families. In fact, more than $1 billion has already been collected for charitable work related to the terrorist attacks.

Mr. Speaker, Congress commends the people of this country for their patriotism and unwavering generosity in donating not only their money but their time and efforts, as well. We also commend the various charitable organizations for their tireless efforts in providing assistance to the victims and their families who have been affected by the terrorist attacks. We expect the money collected for this disaster to be used for this disaster. To do otherwise would be an insult to the memory of the victims of the tragedy, and it would be a betrayal of the public trust.

I wholeheartedly support this resolution to recognize our Nation's citizens who selflessly and generously gave their time, effort, and money after the September 11 attack. By supporting these charitable efforts, we salute and pay tribute to the victims of this tragedy.

Mr. Speaker, I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Florida (Mr. BILIRAKIS), the author of the legislation.

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

Mr. Speaker, since the devastating events of September 11, Americans young and old have opened their hearts and their pocketbooks to help the victims of this terrible tragedy. To date, over $1 billion has been raised for relief efforts, proving once again that Americans are the most compassionate and generous people in the world.

However, shortly after the contributions began to pour in, we started to hear reports suggesting that charitable organizations are not acting in good faith to use the contributions of generous Americans to deliver timely assistance to the victims of September 11 and their families. How do we explain, we should ask ourselves, to elementary schoolchildren that their hard-raised contributions may not actually be used to help the families in need?

Today I am wearing a pin made by the students of Cyprus Woods Elementary School in Tarpon Springs, Florida. These students sold patriotic pins for $1 each and raised a total of $3,500. This amount was matched by a local corporation for a total of $7,000, all of which went to the American Red Cross.

Another elementary school in the same area, Brooker Creek, raised $2,300 for relief efforts. It would send a terrible message to these children and the community if charitable organizations did not use their contributions to directly aid the victims and their families.

Mr. Speaker, I am pleased, and I think all of us are, that the American Red Cross has decided to modify the operation of its Liberty Fund by using all proceeds from the fund to increase support for people affected by the September 11 terrorist attacks.

This decision, however, came after public pressure was put on the Red Cross by Members of Congress and the news media. I believe that it is important to send a message to charitable organizations that contributions should be used for the purposes for which they were given. That is why I introduced the resolution before us today.

House Concurrent Resolution 259 praises the people of the United States for their patriotism and their generosity in donating their money, time, and blood to send support to the victims of September 11. It also commends charitable organizations for their hard work in providing assistance, but urges them to use the funds collected for the purposes for which the money was given.

Mr. Speaker, I am grateful to the majority leader and the gentleman from Alaska (Chairman Young) for allowing this resolution to be considered under suspension of the rules. Many Americans lost their lives by the hands of terrorists on September 11, and their memory and sacrifice for their country should be honored by providing for the needs of their families in a timely and effective fashion.

I urge my colleagues to support House Concurrent Resolution 259.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the incredible relief efforts that have taken place after September 11, 2001 are unprecedented. Charitable donations collected for the victims of the attacks and their families, have exceeded $1 billion in money alone. This spirit of good will and benevolence is what separates Americans and civilized people around the world from those who kill and seek to destroy out of hatred and for personal gain.

While the vast majority of these charitable efforts have been well meaning and appropriately administered, there have been reports, including by the Department of Justice, that some of these groups have allocated portions of the donations toward administrative and other non-disaster specific ends. While a great deal of these allocations may legitimately advance the delivery of services to individuals

and families that are in need of relief, Congress has a responsibility to oversee this process in order to ensure that compliance with reasonable standards is ongoing.

This resolution acknowledges that the people and charitable organizations of the United States have a long and honorable tradition of assisting individuals, families, and communities in need. The vital role played by these people and organizations in delivering services to individuals and families that are in need of relief cannot be discounted.

This resolution also expresses the Sense of Congress praising the people of the United States for their patriotism and their donations of time, money and blood in the wake of the September 11 attacks. The resolution also commends the charitable organizations that provided assistance to the victims of the attacks and their families. It further urges the charities that collected relief money to use it for the purposes for which it was donated, and urges them to limit the extent that donations are used for administrative expenses. Furthermore, it condemns individuals and groups that fraudulently use contributions for objectives unrelated to the purposes for which the contributions were made.

In the aftermath of September 11, we must take the time to recognize the efforts of those who give to others who have lost so much. In doing so, we must take care to identify those who misappropriate and mismanage the fruits of those charitable efforts. This resolution helps to fulfil those two parallel obligations.

I urge my colleagues to support it.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 259.

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

A motion to reconsider was laid on the table.

## RAILROAD RETIREMENT AND SURVIVORS' IMPROVEMENT ACT OF 2001

Mr. QUINN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 10) to provide for pension reform, and for other purposes.

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This Act may be cited as the ''Railroad Retirement and Survivors' Improvement Act of 2001''.*

*(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:*

*Sec. 1. Short title; table of contents.*

*TITLE I—AMENDMENTS TO RAILROAD RETIREMENT ACT OF 1974*

*Sec. 101. Expansion of widow's and widower's benefits.*
*Sec. 102. Retirement age restoration.*
*Sec. 103. Vesting requirement.*
*Sec. 104. Repeal of railroad retirement maximum.*
*Sec. 105. Investment of railroad retirement assets.*
*Sec. 106. Elimination of supplemental annuity account.*
*Sec. 107. Transfer authority revisions.*
*Sec. 108. Annual ratio projections and certifications by the Railroad Retirement Board.*

*TITLE II—AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986*

*Sec. 201. Amendments to the Internal Revenue Code of 1986.*
*Sec. 202. Exemption from tax for National Railroad Retirement Investment Trust.*
*Sec. 203. Repeal of supplemental annuity tax.*
*Sec. 204. Employer, employee representative, and employee tier 2 tax rate adjustments.*

***TITLE I—AMENDMENTS TO RAILROAD RETIREMENT ACT OF 1974***

***SEC. 101. EXPANSION OF WIDOW'S AND WIDOWER'S BENEFITS.***

*(a) IN GENERAL.—Section 4(g) of the Railroad Retirement Act of 1974 (45 U.S.C. 231c(g)) is amended by adding at the end the following new subdivision:*

*''(10)(i) If for any month the unreduced annuity provided under this section for a widow or widower is less than the widow's or widower's initial minimum amount computed pursuant to paragraph (ii) of this subdivision, the unreduced annuity shall be increased to that initial minimum amount. For the purposes of this subdivision, the unreduced annuity is the annuity without regard to any deduction on account of work, without regard to any reduction for entitlement to an annuity under section 2(a)(1) of this Act, without regard to any reduction for entitlement to a benefit under title II of the Social Security Act, and without regard to any reduction for entitlement to a public service pension pursuant to section 202(e)(7), 202(f)(2), or 202(g)(4) of the Social Security Act.*

*''(ii) For the purposes of this subdivision, the widow or widower's initial minimum amount is the amount of the unreduced annuity computed at the time an annuity is awarded to that widow or widower, except that—*

*''(A) in subsection (g)(1)(i) '100 per centum' shall be substituted for '50 per centum'; and*

*''(B) in subsection (g)(2)(ii) '130 per centum' shall be substituted for '80 per centum' both places it appears.*

*''(iii) If a widow or widower who was previously entitled to a widow's or widower's annuity under section 2(d)(1)(ii) of this Act becomes entitled to a widow's or widower's annuity under section 2(d)(1)(i) of this Act, a new initial minimum amount shall be computed at the time of award of the widow's or widower's annuity under section 2(d)(1)(i) of this Act.''.*

*(b) EFFECTIVE DATE.—*

*(1) IN GENERAL.—The amendment made by this section shall take effect on the first day of the first month that begins more than 30 days after enactment, and shall apply to annuity amounts accruing for months after the effective date in the case of annuities awarded—*

*(A) on or after that date; and*

*(B) before that date, but only if the annuity amount under section 4(g) of the Railroad Retirement Act of 1974 (45 U.S.C. 231c(g)) was computed under such section, as amended by the Omnibus Budget Reconciliation Act of 1981 (Public Law 97–35; 95 Stat. 357).*

*(2) SPECIAL RULE FOR ANNUITIES AWARDED BEFORE THE EFFECTIVE DATE.—In applying the amendment made by this section to annuities awarded before the effective date, the calculation of the initial minimum amount under new section 4(g)(10)(ii) of the Railroad Retirement Act of 1974 (45 U.S.C. 231c(g)(10)(ii)), as added by subsection (a), shall be made as of the date of the award of the widow's or widower's annuity.*

***SEC. 102. RETIREMENT AGE RESTORATION.***

*(a) EMPLOYEE ANNUITIES.—Section 3(a)(2) of the Railroad Retirement Act of 1974 (45 U.S.C. 231b(a)(2)) is amended by inserting after ''(2)'' the following new sentence: ''For purposes of this subsection, individuals entitled to an annuity under section 2(a)(1)(ii) of this Act shall, except for the purposes of recomputations in accordance with section 215(f) of the Social Security Act, be deemed to have attained retirement age (as defined by section 216(l) of the Social Security Act).''.*

*(b) SPOUSE AND SURVIVOR ANNUITIES.—Section 4(a)(2) of the Railroad Retirement Act of 1974 (45 U.S.C. 231c(a)(2)) is amended by striking ''if an'' and all that follows through ''section 2(c)(1) of this Act'' and inserting ''a spouse entitled to an annuity under section 2(c)(1)(ii)(B) of this Act''.*

*(c) CONFORMING REPEALS.—Sections 3(a)(3), 4(a)(3), and 4(a)(4) of the Railroad Retirement Act of 1974 (45 U.S.C. 231b(a)(3), 231c(a)(3), and 231c(a)(4)) are repealed.*

*(d) EFFECTIVE DATES.—*

*(1) GENERALLY.—Except as provided in paragraph (2), the amendments made by this section shall apply to annuities that begin to accrue on or after January 1, 2002.*

*(2) EXCEPTION.—The amount of the annuity provided for a spouse under section 4(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231c(a)) shall be computed under section 4(a)(3) of such Act, as in effect on December 31, 2001, if the annuity amount provided under section 3(a) of such Act (45 U.S.C. 231b(a)) for the individual on whose employment record the spouse annuity is based was computed under section 3(a)(3) of such Act, as in effect on December 31, 2001.*

***SEC. 103. VESTING REQUIREMENT.***

*(a) CERTAIN ANNUITIES FOR INDIVIDUALS.—Section 2(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231a(a)) is amended—*

*(1) by inserting in subdivision (1) ''(or, for purposes of paragraphs (i), (iii), and (v), five years of service, all of which accrues after December 31, 1995)'' after ''ten years of service''; and*

*(2) by adding at the end the following new subdivision:*

*''(4) An individual who is entitled to an annuity under paragraph (v) of subdivision (1), but who does not have at least ten years of service, shall, prior to the month in which the individual attains age 62, be entitled only to an annuity amount computed under section 3(a) of this Act (without regard to section 3(a)(2) of this Act) or section 3(f)(3) of this Act. Upon attainment of age 62, such an individual may also be entitled to an annuity amount computed under section 3(b), but such annuity amount shall be reduced for early retirement in the same manner as if the individual were entitled to an annuity under section 2(a)(1)(iii).''.*

*(b) COMPUTATION RULE FOR INDIVIDUALS' ANNUITIES.—Section 3(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231b(a)), as amended by section 102 of this Act, is further amended by adding at the end the following new subdivision:*

*''(3) If an individual entitled to an annuity under section 2(a)(1)(i) or (iii) of this Act on the basis of less than ten years of service is entitled to a benefit under section 202(a), section 202(b), or section 202(c) of the Social Security Act which began to accrue before the annuity under section 2(a)(1)(i) or (iii) of this Act, the annuity amount provided such individual under this subsection, shall be computed as though the annuity under this Act began to accrue on the later of (A) the date on which the benefit under section 202(a), section 202(b), or section 202(c) of the Social Security Act began, or (B) the date on which the individual first met the conditions for*

*entitlement to an age reduced annuity under this Act other than the conditions set forth in sections 2(e)(1) and 2(e)(2) of this Act and the requirement that an application be filed.''.*

*(c) SURVIVORS' ANNUITIES.—Section 2(d)(1) of the Railroad Retirement Act of 1974 (45 U.S.C. 231a(d)(1)) is amended by inserting ''(or five years of service, all of which accrues after December 31, 1995)'' after ''ten years of service''.*

*(d) LIMITATION ON ANNUITY AMOUNTS.—Section 2 of the Railroad Retirement Act of 1974 (45 U.S.C. 231a) is amended by adding at the end the following new subsection:*

*''(i) An individual entitled to an annuity under this section who has completed five years of service, all of which accrues after 1995, but who has not completed ten years of service, and the spouse, divorced spouse, and survivors of such individual, shall not be entitled to an annuity amount provided under section 3(a), section 4(a), or section 4(f) of this Act unless the individual, or the individual's spouse, divorced spouse, or survivors, would be entitled to a benefit under title II of the Social Security Act on the basis of the individual's employment record under both this Act and title II of the Social Security Act.''.*

*(e) COMPUTATION RULE FOR SPOUSES' ANNUITIES.—Section 4(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231c(a)), as amended by section 102 of this Act, is further amended by adding at the end the following new subdivision:*

*''(3) If a spouse entitled to an annuity under section 2(c)(1)(ii)(A), section 2(c)(1)(ii)(C), or section 2(c)(2) of this Act or a divorced spouse entitled to an annuity under section 2(c)(4) of this Act on the basis of the employment record of an employee who will have completed less than 10 years of service is entitled to a benefit under section 202(a), section 202(b), or section 202(c) of the Social Security Act which began to accrue before the annuity under section 2(c)(1)(ii)(A), section 2(c)(1)(ii)(C), section 2(c)(2), or section 2(c)(4) of this Act, the annuity amount provided under this subsection shall be computed as though the annuity under this Act began to accrue on the later of (A) the date on which the benefit under section 202(a), section 202(b), or section 202(c) of the Social Security Act began or (B) the first date on which the annuitant met the conditions for entitlement to an age reduced annuity under this Act other than the conditions set forth in sections 2(e)(1) and 2(e)(2) of this Act and the requirement that an application be filed.''.*

*(f) APPLICATION DEEMING PROVISION.—Section 5(b) of the Railroad Retirement Act of 1974 (45 U.S.C. 231d(b)) is amended by striking the second sentence and inserting the following new sentence: ''An application filed with the Board for an employee annuity, spouse annuity, or divorced spouse annuity on the basis of the employment record of an employee who will have completed less than ten years of service shall be deemed to be an application for any benefit to which such applicant may be entitled under this Act or section 202(a), section 202(b), or section 202(c) of the Social Security Act. An application filed with the Board for an annuity on the basis of the employment record of an employee who will have completed ten years of service shall, unless the applicant specified otherwise, be deemed to be an application for any benefit to which such applicant may be entitled under this Act or title II of the Social Security Act.''.*

*(g) CREDITING SERVICE UNDER THE SOCIAL SECURITY ACT.—Section 18(2) of the Railroad Retirement Act of 1974 (45 U.S.C. 231q(2)) is amended—*

*(1) by inserting ''(or less than five years of service, all of which accrues after December 31, 1995)'' after ''ten years of service'' every place it appears; and*

*(2) by inserting ''(or five or more years of service, all of which accrues after December 31, 1995)'' after ''ten or more years of service''.*

*(h) AUTOMATIC BENEFIT ELIGIBILITY ADJUSTMENTS.—Section 19 of the Railroad Retirement Act of 1974 (45 U.S.C. 231r) is amended—*

*(1) by inserting ''(or five or more years of service, all of which accrues after December 31, 1995)'' after ''ten years of service'' in subsection (c); and*

*(2) by inserting ''(or five or more years of service, all of which accrues after December 31, 1995)'' after ''ten years of service'' in subsection (d)(2).*

*(i) CONFORMING AMENDMENTS.—*

*(1) Section 6(e)(1) of the Railroad Retirement Act of 1974 (45 U.S.C. 231e(1)) is amended by inserting ''(or five or more years of service, all of which accrues after December 31, 1995)'' after ''ten years of service''.*

*(2) Section 7(b)(2)(A) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(2)(A)) is amended by inserting ''(or five or more years of service, all of which accrues after December 31, 1995)'' after ''ten years of service''.*

*(3) Section 205(i) of the Social Security Act (42 U.S.C. 405(i)) is amended by inserting ''(or five or more years of service, all of which accrues after December 31, 1995)'' after ''ten years of service''.*

*(4) Section 6(b)(2) of the Railroad Retirement Act of 1974 (45 U.S.C. 231e(b)(2)) is amended by inserting ''(or five or more years of service, all of which accrues after December 31, 1995)'' after ''ten years of service'' the second place it appears.*

*(j) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2002.*

***SEC. 104. REPEAL OF RAILROAD RETIREMENT MAXIMUM.***

*(a) EMPLOYEE ANNUITIES.—*

*(1) IN GENERAL.—Section 3(f) of the Railroad Retirement Act of 1974 (45 U.S.C. 231b(f)) is amended—*

*(A) by striking subdivision (1); and*

*(B) by redesignating subdivisions (2) and (3) as subdivisions (1) and (2), respectively.*

*(2) CONFORMING AMENDMENTS.—*

*(A) The first sentence of section 3(f)(1) of the Railroad Retirement Act of 1974 (45 U.S.C. 231b(f)(1)), as redesignated by paragraph (1)(B), is amended by striking '', without regard to the provisions of subdivision (1) of this subsection,''.*

*(B) Paragraphs (i) and (ii) of section 7(d)(2) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(d)(2)) are each amended by striking ''section 3(f)(3)'' and inserting ''section 3(f)(2)''.*

*(b) SPOUSE AND SURVIVOR ANNUITIES.—Section 4 of the Railroad Retirement Act of 1974 (45 U.S.C. 231c) is amended by striking subsection (c).*

*(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2002, and shall apply to annuity amounts accruing for months after December 2001.*

***SEC. 105. INVESTMENT OF RAILROAD RETIREMENT ASSETS.***

*(a) ESTABLISHMENT OF NATIONAL RAILROAD RETIREMENT INVESTMENT TRUST.—Section 15 of the Railroad Retirement Act of 1974 (45 U.S.C. 231n) is amended by inserting after subsection (i) the following new subsection:*

*''(j) NATIONAL RAILROAD RETIREMENT INVESTMENT TRUST.—*

*''(1) ESTABLISHMENT.—The National Railroad Retirement Investment Trust (hereinafter in this subsection referred to as the 'Trust') is hereby established as a trust domiciled in the District of Columbia and shall, to the extent not inconsistent with this Act, be subject to the laws of the District of Columbia applicable to such trusts. The Trust shall manage and invest its assets in the manner set forth in this subsection.*

*''(2) NOT A FEDERAL AGENCY OR INSTRUMENTALITY.—The Trust is not a department, agency, or instrumentality of the Government of the United States and shall not be subject to title 31, United States Code.*

*''(3) BOARD OF TRUSTEES.—*

*''(A) GENERALLY.—*

*''(i) MEMBERSHIP.—The Trust shall have a Board of Trustees, consisting of 7 members. Three shall represent the interests of labor, 3 shall represent the interests of management, and 1 shall be an independent Trustee. The members of the Board of Trustees shall not be considered officers or employees of the Government of the United States.*

*''(ii) SELECTION.—*

*''(I) The 3 members representing the interests of labor shall be selected by the joint recommendation of labor organizations, national in scope, organized in accordance with section 2 of the Railway Labor Act, and representing at least ⅔ of all active employees, represented by such national labor organizations, covered under this Act.*

*''(II) The 3 members representing the interests of management shall be selected by the joint recommendation of carriers as defined in section 1 of the Railway Labor Act employing at least ⅔ of all active employees covered under this Act.*

*''(III) The independent member shall be selected by a majority of the other 6 members of the Board of Trustees.*

*A member of the Board of Trustees may be removed in the same manner and by the same constituency that selected that member.*

*''(iii) DISPUTE RESOLUTION.—In the event that the parties specified in subclause (I), (II), or (III) of the previous clause cannot agree on the selection of Trustees within 60 days of the date of enactment or 60 days from any subsequent date that a position of the Board of Trustees becomes vacant, an impartial umpire to decide such dispute shall, on the petition of a party to the dispute, be appointed by the District Court of the United States for the District of Columbia.*

*''(B) QUALIFICATIONS.—Members of the Board of Trustees shall be appointed only from among persons who have experience and expertise in the management of financial investments and pension plans. No member of the Railroad Retirement Board shall be eligible to be a member of the Board of Trustees.*

*''(C) TERMS.—Except as provided in this subparagraph, each member shall be appointed for a 3-year term. The initial members appointed under this paragraph shall be divided into equal groups so nearly as may be, of which one group will be appointed for a 1-year term, one for a 2-year term, and one for a 3-year term. The Trustee initially selected pursuant to clause (ii)(III) shall be appointed to a 3-year term. A vacancy in the Board of Trustees shall not affect the powers of the Board of Trustees and shall be filled in the same manner as the selection of the member whose departure caused the vacancy. Upon the expiration of a term of a member of the Board of Trustees, that member shall continue to serve until a successor is appointed.*

*''(4) POWERS OF THE BOARD OF TRUSTEES.—The Board of Trustees shall—*

*''(A) retain independent advisers to assist it in the formulation and adoption of its investment guidelines;*

*''(B) retain independent investment managers to invest the assets of the Trust in a manner consistent with such investment guidelines;*

*''(C) invest assets in the Trust, pursuant to the policies adopted in subparagraph (A);*

*''(D) pay administrative expenses of the Trust from the assets in the Trust; and*

*''(E) transfer money to the disbursing agent or as otherwise provided in section 7(b)(4), to pay benefits payable under this Act from the assets of the Trust.*

*''(5) REPORTING REQUIREMENTS AND FIDUCIARY STANDARDS.—The following reporting requirements and fiduciary standards shall apply with respect to the Trust:*

*''(A) DUTIES OF THE BOARD OF TRUSTEES.—The Trust and each member of the Board of Trustees shall discharge their duties (including the voting of proxies) with respect to the assets*

*of the Trust solely in the interest of the Railroad Retirement Board and through it, the participants and beneficiaries of the programs funded under this Act—*

*''(i) for the exclusive purpose of—*

*''(I) providing benefits to participants and their beneficiaries; and*

*''(II) defraying reasonable expenses of administering the functions of the Trust;*

*''(ii) with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims;*

*''(iii) by diversifying investments so as to minimize the risk of large losses and to avoid disproportionate influence over a particular industry or firm, unless under the circumstances it is clearly prudent not to do so; and*

*''(iv) in accordance with Trust governing documents and instruments insofar as such documents and instruments are consistent with this Act.*

*''(B) PROHIBITIONS WITH RESPECT TO MEMBERS OF THE BOARD OF TRUSTEES.—No member of the Board of Trustees shall—*

*''(i) deal with the assets of the Trust in the trustee's own interest or for the trustee's own account;*

*''(ii) in an individual or in any other capacity act in any transaction involving the assets of the Trust on behalf of a party (or represent a party) whose interests are adverse to the interests of the Trust, the Railroad Retirement Board, or the interests of participants or beneficiaries; or*

*''(iii) receive any consideration for the trustee's own personal account from any party dealing with the assets of the Trust.*

*''(C) EXCULPATORY PROVISIONS AND INSURANCE.—Any provision in an agreement or instrument that purports to relieve a trustee from responsibility or liability for any responsibility, obligation, or duty under this Act shall be void: Provided, however, That nothing shall preclude—*

*''(i) the Trust from purchasing insurance for its trustees or for itself to cover liability or losses occurring by reason of the act or omission of a trustee, if such insurance permits recourse by the insurer against the trustee in the case of a breach of a fiduciary obligation by such trustee;*

*''(ii) a trustee from purchasing insurance to cover liability under this section from and for his own account; or*

*''(iii) an employer or an employee organization from purchasing insurance to cover potential liability of one or more trustees with respect to their fiduciary responsibilities, obligations, and duties under this section.*

*''(D) BONDING.—Every trustee and every person who handles funds or other property of the Trust (hereafter in this subsection referred to as 'Trust official') shall be bonded. Such bond shall provide protection to the Trust against loss by reason of acts of fraud or dishonesty on the part of any Trust official, directly or through the connivance of others, and shall be in accordance with the following:*

*''(i) The amount of such bond shall be fixed at the beginning of each fiscal year of the Trust by the Railroad Retirement Board. Such amount shall not be less than 10 percent of the amount of the funds handled. In no case shall such bond be less than $1,000 nor more than $500,000, except that the Railroad Retirement Board, after consideration of the record, may prescribe an amount in excess of $500,000, subject to the 10 per centum limitation of the preceding sentence.*

*''(ii) It shall be unlawful for any Trust official to receive, handle, disburse, or otherwise exercise custody or control of any of the funds or other property of the Trust without being bonded as required by this subsection and it shall be unlawful for any Trust official, or any other person having authority to direct the performance of such functions, to permit such functions, or any of them, to be performed by any Trust official, with respect to whom the requirements of this subsection have not been met.*

*''(iii) It shall be unlawful for any person to procure any bond required by this subsection from any surety or other company or through any agent or broker in whose business operations such person has any control or significant financial interest, direct or indirect.*

*''(E) AUDIT AND REPORT.—*

*''(i) The Trust shall annually engage an independent qualified public accountant to audit the financial statements of the Trust.*

*''(ii) The Trust shall submit an annual management report to the Congress not later than 180 days after the end of the Trust's fiscal year. A management report under this subsection shall include—*

*''(I) a statement of financial position;*

*''(II) a statement of operations;*

*''(III) a statement of cash flows;*

*''(IV) a statement on internal accounting and administrative control systems;*

*''(V) the report resulting from an audit of the financial statements of the Trust conducted under clause (i); and*

*''(VI) any other comments and information necessary to inform the Congress about the operations and financial condition of the Trust.*

*''(iii) The Trust shall provide the President, the Railroad Retirement Board, and the Director of the Office of Management and Budget a copy of the management report when it is submitted to Congress.*

*''(F) ENFORCEMENT.—The Railroad Retirement Board may bring a civil action—*

*''(i) to enjoin any act or practice by the Trust, its Board of Trustees, or its employees or agents that violates any provision of this Act; or*

*''(ii) to obtain other appropriate relief to redress such violations, or to enforce any provisions of this Act.*

*''(6) RULES AND ADMINISTRATIVE POWERS.—The Board of Trustees shall have the authority to make rules to govern its operations, employ professional staff, and contract with outside advisers, including the Railroad Retirement Board, to provide legal, accounting, investment advisory, or other services necessary for the proper administration of this subsection. In the case of contracts with investment advisory services, compensation for such services may be on a fixed contract fee basis or on such other terms and conditions as are customary for such services.*

*''(7) QUORUM.—Five members of the Board of Trustees constitute a quorum to do business. Investment guidelines must be adopted by a unanimous vote of the entire Board of Trustees. All other decisions of the Board of Trustees shall be decided by a majority vote of the quorum present. All decisions of the Board of Trustees shall be entered upon the records of the Board of Trustees.*

*''(8) FUNDING.—The expenses of the Trust and the Board of Trustees incurred under this subsection shall be paid from the Trust.''.*

*(b) CONFORMING AND TECHNICAL AMENDMENTS GOVERNING INVESTMENTS.—Section 15(e) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n(e)) is amended—*

*(1) in the first sentence, by striking '', the Dual Benefits Payments Account'' and all that follows through ''may be made only'' in the second sentence and inserting ''and the Dual Benefits Payments Account as are not transferred to the National Railroad Retirement Investment Trust as the Board may determine'';*

*(2) by striking ''the Second Liberty Bond Act, as amended'' and inserting ''chapter 31 of title 31''; and*

*(3) by striking ''the foregoing requirements'' and inserting ''the requirements of this subsection''.*

*(c) MEANS OF FINANCING.—For all purposes of the Congressional Budget Act of 1974, the Balanced Budget and Emergency Deficit Control Act of 1985, and chapter 11 of title 31, United States Code, and notwithstanding section 20 of the Office of Management and Budget Circular No. A-11, the purchase or sale of non-Federal assets (other than gains or losses from such transactions) by the National Railroad Retirement Investment Trust shall be treated as a means of financing.*

*(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the month that begins more than 30 days after enactment.*

***SEC. 106. ELIMINATION OF SUPPLEMENTAL ANNUITY ACCOUNT.***

*(a) SOURCE OF PAYMENTS.—Section 7(c)(1) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(c)(1)) is amended by striking ''payments of supplemental annuities under section 2(b) of this Act shall be made from the Railroad Retirement Supplemental Account, and''.*

*(b) ELIMINATION OF ACCOUNT.—Section 15(c) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n(c)) is repealed.*

*(c) AMENDMENT TO RAILROAD RETIREMENT ACCOUNT.—Section 15(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n(a)) is amended by striking '', except those portions of the amounts covered into the Treasury under sections 3211(b),'' and all that follows through the end of the subsection and inserting a period.*

*(d) TRANSFER.—*

*(1) DETERMINATION.—As soon as possible after December 31, 2001, the Railroad Retirement Board shall—*

*(A) determine the amount of funds in the Railroad Retirement Supplemental Account under section 15(c) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n(c)) as of the date of such determination; and*

*(B) direct the Secretary of the Treasury to transfer such funds to the National Railroad Retirement Investment Trust under section 15(j) of such Act (as added by section 105).*

*(2) TRANSFER BY THE SECRETARY OF THE TREASURY.—The Secretary of the Treasury shall make the transfer described in paragraph (1).*

*(e) EFFECTIVE DATE.—*

*(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsections (a), (b), and (c) shall take effect January 1, 2002.*

*(2) ACCOUNT IN EXISTENCE UNTIL TRANSFER MADE.—The Railroad Retirement Supplemental Account under section 15(c) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n(c)) shall continue to exist until the date that the Secretary of the Treasury makes the transfer described in subsection (d)(2).*

***SEC. 107. TRANSFER AUTHORITY REVISIONS.***

*(a) RAILROAD RETIREMENT ACCOUNT.—Section 15 of the Railroad Retirement Act of 1974 (45 U.S.C. 231n) is amended by adding after subsection (j) the following new subsection:*

*''(k) TRANSFERS TO THE TRUST.—The Board shall, upon establishment of the National Railroad Retirement Investment Trust and from time to time thereafter, direct the Secretary of the Treasury to transfer, in such manner as will maximize the investment returns to the Railroad Retirement system, that portion of the Railroad Retirement Account that is not needed to pay current administrative expenses of the Board to the National Railroad Retirement Investment Trust. The Secretary shall make that transfer.''.*

*(b) TRANSFERS FROM THE NATIONAL RAILROAD RETIREMENT INVESTMENT TRUST.—Section 15 of the Railroad Retirement Act of 1974 (45 U.S.C. 231n), as amended by subsection (a), is further amended by adding after subsection (k) the following new subsection:*

*''(l) NATIONAL RAILROAD RETIREMENT INVESTMENT TRUST.—The National Railroad Retirement Investment Trust shall from time to time transfer to the disbursing agent described in section 7(b)(4) or as otherwise directed by the Railroad Retirement Board pursuant to section 7(b)(4), such amounts as may be necessary to pay benefits under this Act (other than benefits paid from the Social Security Equivalent Benefit*

*Account or the Dual Benefit Payments Account).''.*

*(c) SOCIAL SECURITY EQUIVALENT BENEFIT ACCOUNT.—*

*(1) TRANSFERS TO TRUST.—Section 15A(d)(2) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n–1(d)(2)) is amended to read as follows:*

*''(2) Upon establishment of the National Railroad Retirement Investment Trust and from time to time thereafter, the Board shall direct the Secretary of the Treasury to transfer, in such manner as will maximize the investment returns to the Railroad Retirement system, the balance of the Social Security Equivalent Benefit Account not needed to pay current benefits and administrative expenses required to be paid from that Account to the National Railroad Retirement Investment Trust, and the Secretary shall make that transfer. Any balance transferred under this paragraph shall be used by the National Railroad Retirement Investment Trust only to pay benefits under this Act or to purchase obligations of the United States that are backed by the full faith and credit of the United States pursuant to chapter 31 of title 31, United States Code. The proceeds of sales of, and the interest income from, such obligations shall be used by the Trust only to pay benefits under this Act.''.*

*(2) TRANSFERS TO DISBURSING AGENT.—Section 15A(c)(1) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n–1(c)(1)) is amended by adding at the end the following new sentence: ''The Secretary shall from time to time transfer to the disbursing agent under section 7(b)(4) amounts necessary to pay those benefits.''.*

*(3) CONFORMING AMENDMENT.—Section 15A(d)(1) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n–1(d)(1)) is amended by striking the second and third sentences.*

*(d) DUAL BENEFITS PAYMENTS ACCOUNT.—Section 15(d)(1) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n(d)(1)) is amended by adding at the end the following new sentence: ''The Secretary of the Treasury shall from time to time transfer from the Dual Benefits Payments Account to the disbursing agent under section 7(b)(4) amounts necessary to pay benefits payable from that Account.''.*

*(e) CERTIFICATION BY THE BOARD AND PAYMENT.—Paragraph (4) of section 7(b) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(b)(4)) is amended to read as follows:*

*''(4)(A) The Railroad Retirement Board, after consultation with the Board of Trustees of the National Railroad Retirement Investment Trust and the Secretary of the Treasury, shall enter into an arrangement with a nongovernmental financial institution to serve as disbursing agent for benefits payable under this Act who shall disburse consolidated benefits under this Act to each recipient. Pending the taking effect of that arrangement, benefits shall be paid as under the law in effect prior to the enactment of the Railroad Retirement and Survivors' Improvement Act of 2001.*

*''(B) The Board shall from time to time certify—*

*''(i) to the Secretary of the Treasury the amounts required to be transferred from the Social Security Equivalent Benefit Account and the Dual Benefits Payments Account to the disbursing agent to make payments of benefits and the Secretary of the Treasury shall transfer those amounts;*

*''(ii) to the Board of Trustees of the National Railroad Retirement Investment Trust the amounts required to be transferred from the National Railroad Retirement Investment Trust to the disbursing agent to make payments of benefits and the Board of Trustees shall transfer those amounts; and*

*''(iii) to the disbursing agent the name and address of each individual entitled to receive a payment, the amount of such payment, and the time at which the payment should be made.''.*

*(f) BENEFIT PAYMENTS.—Section 7(c)(1) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(c)(1)) is amended—*

*(1) by striking ''from the Railroad Retirement Account'' and inserting ''by the disbursing agent under subsection (b)(4) from money transferred to it from the National Railroad Retirement Investment Trust or the Social Security Equivalent Benefit Account, as the case may be''; and*

*(2) by inserting ''by the disbursing agent under subsection (b)(4) from money transferred to it'' after ''Public Law 93–445 shall be made''.*

*(g) TRANSITIONAL RULE FOR EXISTING OBLIGATION.—In making transfers under sections 15(k) and 15A(d)(2) of the Railroad Retirement Act of 1974, as amended by subsections (a) and (c), respectively, the Railroad Retirement Board shall consult with the Secretary of the Treasury to design an appropriate method to transfer obligations held as of the date of enactment of this Act or to convert such obligations to cash at the discretion of the Railroad Retirement Board prior to transfer. The National Railroad Retirement Investment Trust may hold to maturity any obligations so received or may redeem them prior to maturity, as the Trust deems appropriate.*

***SEC. 108. ANNUAL RATIO PROJECTIONS AND CERTIFICATIONS BY THE RAILROAD RETIREMENT BOARD.***

*(a) PROJECTIONS.—Section 22(a)(1) of the Railroad Retirement Act of 1974 (45 U.S.C. 231u(a)(1)) is amended—*

*(1) by inserting after the first sentence the following new sentence: ''On or before May 1 of each year beginning in 2003, the Railroad Retirement Board shall compute its projection of the account benefits ratio and the average account benefits ratio (as defined by section 3241(c) of the Internal Revenue Code of 1986) for each of the next succeeding five fiscal years.''; and*

*(2) by striking ''the projection prepared pursuant to the preceding sentence'' and inserting ''the projections prepared pursuant to the preceding two sentences''.*

*(b) CERTIFICATIONS.—The Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.) is amended by adding at the end the following new section:*

*''COMPUTATION AND CERTIFICATION OF ACCOUNT BENEFIT RATIOS*

*''SEC. 23. (a) INITIAL COMPUTATION AND CERTIFICATION.—On or before November 1, 2003, the Railroad Retirement Board shall—*

*''(1) compute the account benefits ratios for each of the most recent 10 preceding fiscal years, and*

*''(2) certify the account benefits ratios for each such fiscal year to the Secretary of the Treasury.*

*''(b) COMPUTATIONS AND CERTIFICATIONS AFTER 2003.—On or before November 1 of each year after 2003, the Railroad Retirement Board shall—*

*''(1) compute the account benefits ratio for the fiscal year ending in such year, and*

*''(2) certify the account benefits ratio for such fiscal year to the Secretary of the Treasury.*

*''(c) DEFINITION.—As used in this section, the term 'account benefits ratio' has the meaning given that term in section 3241(c) of the Internal Revenue Code of 1986.''.*

## *TITLE II—AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986*

***SEC. 201. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.***

*Except as otherwise provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.*

***SEC. 202. EXEMPTION FROM TAX FOR NATIONAL RAILROAD RETIREMENT INVESTMENT TRUST.***

*Subsection (c) of section 501 is amended by adding at the end the following new paragraph:*

*''(28) The National Railroad Retirement Investment Trust established under section 15(j) of the Railroad Retirement Act of 1974.''.*

***SEC. 203. REPEAL OF SUPPLEMENTAL ANNUITY TAX.***

*(a) REPEAL OF TAX ON EMPLOYEE REPRESENTATIVES.—Section 3211 is amended by striking subsection (b).*

*(b) REPEAL OF TAX ON EMPLOYERS.—Section 3221 is amended by striking subsections (c) and (d) and by redesignating subsection (e) as subsection (c).*

*(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 2001.*

***SEC. 204. EMPLOYER, EMPLOYEE REPRESENTATIVE, AND EMPLOYEE TIER 2 TAX RATE ADJUSTMENTS.***

*(a) RATE OF TAX ON EMPLOYERS.—Subsection (b) of section 3221 is amended to read as follows:*

*''(b) TIER 2 TAX.—*

*''(1) IN GENERAL.—In addition to other taxes, there is hereby imposed on every employer an excise tax, with respect to having individuals in his employ, equal to the applicable percentage of the compensation paid during any calendar year by such employer for services rendered to such employer.*

*''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means—*

*''(A) 15.6 percent in the case of compensation paid during 2002,*

*''(B) 14.2 percent in the case of compensation paid during 2003, and*

*''(C) in the case of compensation paid during any calendar year after 2003, the percentage determined under section 3241 for such calendar year.''.*

*(b) RATE OF TAX ON EMPLOYEE REPRESENTATIVES.—Section 3211, as amended by section 203, is amended by striking subsection (a) and inserting the following new subsections:*

*''(a) TIER 1 TAX.—In addition to other taxes, there is hereby imposed on the income of each employee representative a tax equal to the applicable percentage of the compensation received during any calendar year by such employee representative for services rendered by such employee representative. For purposes of the preceding sentence, the term 'applicable percentage' means the percentage equal to the sum of the rates of tax in effect under subsections (a) and (b) of section 3101 and subsections (a) and (b) of section 3111 for the calendar year.*

*''(b) TIER 2 TAX.—*

*''(1) IN GENERAL.—In addition to other taxes, there is hereby imposed on the income of each employee representative a tax equal to the applicable percentage of the compensation received during any calendar year by such employee representatives for services rendered by such employee representative.*

*''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means—*

*''(A) 14.75 percent in the case of compensation received during 2002,*

*''(B) 14.20 percent in the case of compensation received during 2003, and*

*''(C) in the case of compensation received during any calendar year after 2003, the percentage determined under section 3241 for such calendar year.*

*''(c) CROSS REFERENCE.—*

***"For application of different contribution bases with respect to the taxes imposed by subsections (a) and (b), see section 3231(e)(2).".***

*(c) RATE OF TAX ON EMPLOYEES.—Subsection (b) of section 3201 is amended to read as follows:*

*''(b) TIER 2 TAX.—*

*''(1) IN GENERAL.—In addition to other taxes, there is hereby imposed on the income of each employee a tax equal to the applicable percentage of the compensation received during any calendar year by such employee for services rendered by such employee.*

*''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term 'applicable percentage' means—*

*''(A) 4.90 percent in the case of compensation received during 2002 or 2003, and*

*''(B) in the case of compensation received during any calendar year after 2003, the percentage determined under section 3241 for such calendar year.''.*

*(d) DETERMINATION OF RATE.—Chapter 22 is amended by adding at the end the following new subchapter:*

***"Subchapter E—Tier 2 Tax Rate Determination***

*''Sec. 3241. Determination of tier 2 tax rate based on average account benefits ratio.*

***"SEC. 3241. DETERMINATION OF TIER 2 TAX RATE BASED ON AVERAGE ACCOUNT BENEFITS RATIO.***

*''(a) IN GENERAL.—For purposes of sections 3201(b), 3211(b), and 3221(b), the applicable percentage for any calendar year is the percentage determined in accordance with the table in subsection (b).*

*''(b) TAX RATE SCHEDULE.—*

| *"Average account benefits ratio* | | *Applicable percentage for sections 3211(b) and 3221(b)* | *Applicable percentage for section 3201(b)* |
|---|---|---|---|
| *At least* | *But less than* | | |
| | 2.5 | 22.1 | 4.9 |
| 2.5 | 3.0 | 18.1 | 4.9 |
| 3.0 | 3.5 | 15.1 | 4.9 |
| 3.5 | 4.0 | 14.1 | 4.9 |
| 4.0 | 6.1 | 13.1 | 4.9 |
| 6.1 | 6.5 | 12.6 | 4.4 |
| 6.5 | 7.0 | 12.1 | 3.9 |
| 7.0 | 7.5 | 11.6 | 3.4 |
| 7.5 | 8.0 | 11.1 | 2.9 |
| 8.0 | 8.5 | 10.1 | 1.9 |
| 8.5 | 9.0 | 9.1 | 0.9 |
| 9.0 | | 8.2 | 0 |

*''(c) DEFINITIONS RELATED TO DETERMINATION OF RATES OF TAX.—*

*''(1) AVERAGE ACCOUNT BENEFITS RATIO.—For purposes of this section, the term 'average account benefits ratio' means, with respect to any calendar year, the average determined by the Secretary of the account benefits ratios for the 10 most recent fiscal years ending before such calendar year. If the amount determined under the preceding sentence is not a multiple of 0.1, such amount shall be increased to the next highest multiple of 0.1.*

*''(2) ACCOUNT BENEFITS RATIO.—For purposes of this section, the term 'account benefits ratio' means, with respect to any fiscal year, the amount determined by the Railroad Retirement Board by dividing the fair market value of the assets in the Railroad Retirement Account and of the National Railroad Retirement Investment Trust (and for years before 2002, the Social Security Equivalent Benefits Account) as of the close of such fiscal year by the total benefits and administrative expenses paid from the Railroad Retirement Account and the National Railroad Retirement Investment Trust during such fiscal year.*

*''(d) NOTICE.—No later than December 1 of each calendar year, the Secretary shall publish a notice in the Federal Register of the rates of tax determined under this section which are applicable for the following calendar year.''.*

*(e) CONFORMING AMENDMENTS.—*

*(1) Section 24(d)(3)(A)(iii) is amended by striking ''section 3211(a)(1)'' and inserting ''section 3211(a)''.*

*(2) Section 72(r)(2)(B)(i) is amended by striking ''3211(a)(2)'' and inserting ''3211(b)''.*

*(3) Paragraphs (2)(A)(iii)(II) and (4)(A) of section 3231(e) are amended by striking ''3211(a)(1)'' and inserting ''3211(a)''.*

*(4) Section 3231(e)(2)(B)(ii)(I) is amended by striking ''3211(a)(2)'' and inserting ''3211(b)''.*

*(5) The table of subchapters for chapter 22 is amended by adding at the end the following new item:*

*''Subchapter E. Tier 2 tax rate determination.''.*

*(f) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 2001.*

Amend the title so as to read: ''An Act to modernize the financing of the railroad retirement system and to provide enhanced benefits to employees and beneficiaries.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. QUINN) and the gentleman from Tennessee (Mr. CLEMENT) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. QUINN).

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

Mr. Speaker, I rise today in steadfast support of H.R. 10, the Railroad Retirement and Survivors' Improvement Act of 2001.

H.R. 10 is identical to the railroad retirement reform legislation passed by the House earlier this year with over 380 votes. Consideration of the bill today is merely a procedural step required pursuant to its Senate approval to move the legislation to the President's desk for signature.

Built into the legislation is an automatic safety net behind the future investment strategy. The railroad retirement system now has reserves of more than 6 years of benefit payments. Under the bill, future payroll taxes would automatically adjust to reflect the performance of pension investments. If reserves fall below the 4-year benefit levels, automatic employer tax increases would be triggered. If reserves go above the 6 years in the future, further tax reductions for railroads and either tax relief or additional benefits for workers would be provided.

This bill, Mr. Speaker, enjoys one of the highest levels of bipartisan support in recent congressional history. It is sound, commonsense legislation that helps our railroads stay competitive while providing needed retirement benefits for all rail workers and their families, without costing the American taxpayers a single dime.

I want to commend our committee full chairman, the gentleman from Alaska (Mr. YOUNG), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and the subcommittee ranking member and my partner, the gentleman from Tennessee (Mr. CLEMENT), for their leadership on this legislation.

This is the workers' own money, Mr. Speaker. They deserve to improve its returns and their benefit payments. I urge all Members to support H.R. 10.

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

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

Mr. Speaker, I say to the gentleman from New York (Mr. QUINN), it is good to have him back. He has just had back surgery, and I am glad he has made a speedy recovery. We need him here very badly.

Mr. Speaker, it is my sincere pleasure to manage H.R. 10, the Railroad Retirement and Survivors' Improvement Act of 2001.

Today, as the ranking member of the Subcommittee on Railroads, in fact, it is even a greater pleasure to be here today than the two previous times this exact same measure has come to the floor and passed with unequivocal, overwhelmingly strong majorities.

The reason for my happiness is simple: with the passage of this bill today, all that will remain is the President's promised signature before the over 250,000 railroad employees and the 700,000 retirees and survivors of railroad workers can finally have what they have deserved for years: a modern and equitable retirement plan.

It has been this goal that has led Democrats and Republicans alike to work together with rail management and rail labor to craft a measure so sound that it had 368 cosponsors as it passed through the House this summer by a vote of 384 to 33.

As the ranking member of the Subcommittee on Railroads, I can personally speak of the hard work and total commitment to this issue by the gentleman from New York (Chairman QUINN) and all members of our subcommittee on both sides of the aisle.

This support, along with the tireless leadership of the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Alaska (Chairman YOUNG), built a train that could not be stopped. Whether temporarily stalled by procedure or debate, railroad retirement reform continued to move forward, despite the opposition of the few who wish to derail it.

Thus it brings me great satisfaction today that this bill can finally depart this branch of government and begin its journey carrying enhanced benefits toward the workers and retirees of our Nation's rail system.

The overwhelming majority of the Members know that this is a good bill. They know it has the support of both management and labor. This is a vote that should require little soul searching. Members know that this is right for railroad workers and their survivors. They know it is right for the industry and for America as a whole.

I urge my colleagues to vote yes on the bill. It is time we retired the debate on railroad retirement and let America's railroad workers and survivors enjoy the financial health and security they have worked long and hard for.

Mr. Speaker, I want to say this, too, as we close. I want to thank our staff, Democrat and Republican staff alike. On the Democratic side, I might say, Mr. Speaker, I want to thank Ward McCarrager, Frank Mulvey, David Hymsfeld, Steve Gardner, Rachel Carr.

I want to thank our full committee and the staff of the Subcommittee on Railroads. All of them have done a great job bringing about a great bill.

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

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

Mr. Speaker, I would simply say at this point that I thank the gentleman

from Tennessee for his kind remarks. This is one of our subcommittee's clear issues we have been working on now since we came here together in a bipartisan way. We know that it is a bipartisan issue.

I thank my good friend, the gentleman from Tennessee (Mr. CLEMENT), for his kind words.

Mr. CLEMENT. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. SMITH).

(Mr. SMITH of Michigan asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, let me just express my concern at scheduling a bill that requires taking $15 billion out of the general fund to be on the suspension calendar.

I am concerned that this is going to end up being a disadvantage to railroad workers, because the railroad has said when they need more taxes, they will increase the tax rate. So here again, I am very concerned that we are taking this bill that is so expensive up on suspension; and I would, at the appropriate time, ask for a roll call vote.

I rise in opposition to H.R. 10. I do not oppose what this bill is trying to accomplish. Railroad workers should have the opportunity to invest their money in the stock market and earn a higher rate of return. I oppose this bill because it will not achieve its intended goal. This bill would cut taxes and raise benefits for railroad retirement beneficiaries in exchange for promises to pay higher taxes in the future. This is an irresponsible and shortsighted approach to reform.

This bill's supporters will dispute this. They will say things like this bill ''modernizes'' the system. They will say, ''it's their money, we should let them invest it.'' They will say, ''we only want to let the railroads do what everyone else does.'' Don't believe it for a minute.

First, this bill does not modernize the railroad retirement system. There's nothing ''modern'' about increasing benefits today while putting off tax increases until tomorrow. That's the oldest trick in the book.

Second, despite what we will hear from the other side, it's not their money. The railroad retirement program has paid out more in benefits than it has collected in payroll taxes every single year since 1957. The surplus that exists today in the railroad retirement trust fund is made up entirely of taxpayer subsidies enacted by Congress over the years.

Third, even if the railroads were responsible for all of the money in the trust fund, that does not mean they can afford to increase benefits and reduce payroll taxes at the same time. According the actuaries at the Railroad Retirement Board, the higher returns earned from investing in the stock market won't pay for the tax cuts and benefit increases they have proposed. As a result, this bill will reduce the trust fund by nearly 65% and trigger an automatic payroll tax increase of nearly 70% on employers.

The supporters will insist the bill places the responsibility to pay future benefits on the railroads if their investments don't work out. But, let me read to you what the railroad industry thinks of its responsibility. Here is a quote from the United Transportation Union Newsletter dated May of 2000:

> The legislation also requires that the railroads would be responsible if the trust fund falls below a certain level. If this happens, a tax would automatically be placed solely on the carriers in order to replenish the fund. In order to add a final assurance to the integrity of the fund, it is still bound by the full faith and credit of the United States government. They would be required to pay the obligations of the fund if, for some reason, the other safety nets in place were insufficient.

Earlier this year, the Lincoln Journal Star [8/15/01] reported:

> Other unions and the Association of American Railroads are promoting the bill as a self-financed shoo-in. In fact, the U.S. government would still back the retirement fund, acknowledged Obie O'Bannon, vice president of legislative affairs for the association. But, he pointed out, the ''automatic tax ratchet'' would require the railroads to kick in more money any time the fund's balance falls below four times annual benefits, so that's protection that would mean all U.S. railroads would face insolvency before the federal liability applies.

Let me repeat the last sentence because some of my colleagues might have missed its implication. The article says, ''all railroads would face insolvency before the federal liability applies.''

That statement might seem overly dramatic until you take a look at the estimates prepared by the Railroad Retirement Board. According to the actuaries, the bill would increase the employer payroll tax by nearly 70 percent over the next twenty-five years. That's an increase the railroads readily admit they cannot afford to pay.

Finally, those who support this bill will insist they only want to let the railroads invest their own funds—so-called Tier II—like everyone else. Unlike other private sector pension plans that must comply with the funding requirements of the Employee Retirement Income Security Act (ERISA), this bill would allow the railroads to reduce their payroll taxes and increase their benefits before they ever earn a single penny on Wall Street.

Moreover, it should be noted that despite claims to the contrary, the bill would not be limited to the use of Tier II funds. The National Association of Retired Veteran Railroad Employees (NARVE) continues to tell its members—

> . . . not a dime of Tier 1 money is used for railroad early retirement, either under current law or under our reform bill. The money for early retirement is paid for entirely by rail workers and employers through Tier 2 taxes. . . .

In reality, the amendment requires all of the funds remaining in the Social Security Equivalent Benefit Account (Tier I) at the end of each year be transferred to the new railroad investment account and used to pay for Tier II benefits. That means, Social Security funds will be used to pay early retirement benefits for railroad workers.

Now, don't get me wrong, I'm not opposed to railroad workers retiring at age 60, or any other age they can afford. But, I am opposed to using social security funds to pay for non-social security benefits. That is exactly what this bill does. I understand the frustration railroad workers must feel having to come to Congress to ask for legislation to improve their retirement benefits. However, the railroad retirement program is not just an industry pension fund. It is also a federal entitlement program that is ultimately backed up by the U.S. taxpayer.

Congress has a duty and a responsibility not only to consider what is best for the railroads, but also what is fair to the taxpayers. As currently written, this bill would essentially allow the railroads to borrow $15 billion—interest free—from their own pension fund to pay for lower taxes and higher benefits and then try to make them pay it back at a rate they cannot afford. Fixing this bill would require a number of changes. Foremost among these changes would be the requirement that the railroads actually earn a higher rate of return on their investments before they reduce their taxes and increases their benefits.

I believe railroad workers deserve the opportunity to invest in the stock market and earn a higher rate of return. I would like to help develop a plan to accomplish this goal. Unfortunately, the bill before us today is fundamentally flawed. I would urge my colleagues who care about the future of Railroad Retirement to vote against this bill. Railroad workers deserve better and we can do better.

□ 1845

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

We have fully debated this. I hear the gentleman from Michigan's (Mr. SMITH) point of view. I do not agree with it.

Mr. OBERSTAR. Mr. Speaker, our long struggle to improve the lot of the Nation's 250,000 railroad workers and 700,000 retirees and to provide relief for our Nation's financially ailing railroad industry is finally coming to an end. The Senate is to be congratulated for expeditiously considering the railroad retirement reform legislation and for passing it overwhelmingly, 90–9. The Senate-passed bill, H.R. 10, is identical to H.R. 1140, enacted by the House on July 31, 2001, by an equally strong vote of 384–33.

This bill is the product of an historic agreement reached by railroad labor and management following two years of often-difficult negotiations. The benefit improvements and tax cuts are made possible by changing the current law that limits the investment of Railroad Retirement Trust Fund assets to government securities.

The proposed changes in the law governing how Railroad Retirement Trust Fund assets can be invested will not affect the solvency of the Railroad Retirement system. The Tier I portion of the program, which provides Social Security level benefits, will continue to be invested only in government securities. Only Tier II funds, the part of the system that provides pension plan type benefits above Social Security benefit levels, will be eligible for investment in assets other than government securities. The projected increases in trust fund income from these changes are based on fairly conservative forecasts of the rates of return that could be earned from such a diversified portfolio—about two percentage points above the return on government securities. Most importantly, if the investments fail to perform as well as expected, workers' pensions are further protected as this legislation requires that the railroads absorb any future tax increases that might be necessary to keep the system solvent. Ultimately, the Federal government continues to be responsible for the security of the Railroad Retirement System.

The proposed legislation provides the first major benefit improvements in railroad retirement in more than 25 years. The primary benefit improvement are:

(1) The age at which employees can retire with full benefits is reduced from 62 years to 60 years with 30 years of service as it was before changes made in 1983.

(2) The number of years required for vesting in the Railroad Retirement System is reduced from ten years to five years similar to most other pension plans.

(3) The benefits of widows and widowers are improved so that a surviving spouse's annuity would be guaranteed to be no less than the amount the retiree was receiving in the month before his or her death, and

(4) If the retirement plan becomes overfunded, benefits are automatically improved.

H.R. 4844 also reduces significantly the payroll taxes paid by the railroads. By the third year following passage of this bill, the railroads stand to gain nearly $400 million annually for lower payroll taxes. All of these savings go directly to the railroads' bottom lines and can be used to make investments needed in the railroad infrastructure and to improve the wages and working conditions of railway workers.

It is important to note that nothing in this legislation alters the fundamental nature of the program. Railroad retirement benefits will continue to be guaranteed, in the final analysis, by the United States Government.

Last year, the House passed this bill overwhelmingly, but the Senate failed to act before the 106th Congress ended. This year the House, once again passed this important measure by an overwhelming margin—and this time the Senate has acted. Only the bill number is different from what the House has already passed.

This is a good bill. It is good for workers, it is good for retirees and their survivors, it is good for the railroads, and it is good for the country. I urge all Members to support it today so we can get it to the President before the holiday seasons.

Mr. RAHALL. Mr. Speaker, I am pleased that the House will finally have the opportunity to send the ''Railroad Retirement and Survivors' Improvement Act of 2001'' to the White House to be enacted into law. We will send this bill to President Bush for his signature shortly.

In the Third District of West Virginia, I represent 8,300 citizens who will benefit from this bill. This ranks southern West Virginia seventh in the nation. The bill will double benefits for widows of railroad retirees, reduce the retirement age from 62 to 60 years of age with 30 years of service, and allow a person to be vested in the system after five years of service, rather than 10 years, as currently required.

I constantly hear from anxious constituents asking when the bill will be enacted. Projections suggest benefits, which are modest to begin with, will nearly double after this bill passes. This bill means a lot to railroad retirees. It is an example of the type of legislation in which people can see direct benefits to improve their daily lives and quality of life.

We have endured a long, rough road getting to this day. This bill includes the exact provisions of H.R. 4844, which I helped to write in the 106th Congress, and which passed the House by an overwhelming bi-partisan vote of 391–25 on September 7, 2000.

My constituents were disappointed and frustrated last year when the bill was not enacted into law, especially since it is a product of two years of negotiation between railroad workers and management of the railroad industry.

Now, in the 107th Congress, we have done our job in the House. We passed the House version of Railroad Retirement bill H.R. 1140, on July 31st by another overwhelming bi-partisan vote of 384–33.

Finally, the Senate passed the bill last week, on December 5, 2001, by a vote of 90–9.

When this bill becomes law, it will enable railroad retirees and widows to enjoy a better quality of life, by receiving the increased benefits they greatly deserve, and which they have worked so long to earn. They spent their working lives paying into their retirement, and they deserve decent, adequate benefits to live comfortably in their retirement years.

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

The SPEAKER pro tempore (Mr. COOKSEY). The question is on the motion offered by the gentleman from New York (Mr. QUINN) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 10.

The question was taken.

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

Mr. SMITH of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

## 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 each motion to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H. Con. Res. 281, by the yeas and nays;

H.R. 3282, by the yeas and nays; and

H.R. 10, concur in Senate amendments, by the yeas and nays.

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

## HONORING JOHNNY MICHEAL SPANN, FIRST AMERICAN KILLED IN COMBAT IN WAR AGAINST TERRORISM IN AFGHANISTAN, AND PLEDGING CONTINUED SUPPORT FOR MEMBERS OF ARMED FORCES

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 281.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. GOSS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 281, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 401, nays 0, not voting 32, as follows:

[Roll No. 483]

YEAS—401

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
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
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
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
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
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
Oberstar
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
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
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
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—32

Ackerman
Barr
Barton
Berman
Blagojevich
Capuano
Crowley
Cubin
Culberson
Deal
Delahunt
Dooley
Ehrlich
English
Fossella
Gephardt
Gonzalez
Granger
Hooley
Hostettler
Jefferson
Luther
Maloney (CT)
Matsui
Radanovich
Riley
Sessions
Souder
Tiahrt
Tiberi
Wamp
Young (AK)

□ 1913

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

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.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. COOKSEY). Pursuant to clause 8 of rule XX, the Chair announces that he will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

## MIKE MANSFIELD FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3282.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 3282, 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 401, nays 0, not voting 32, as follows:

[Roll No. 484]

YEAS—401

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
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
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
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
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
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
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
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
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
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
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
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
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—32

Ackerman
Barr
Barton
Berman
Blagojevich
Capuano
Crowley
Cubin
Culberson
Deal
Delahunt
Dooley
Ehrlich
Fossella
Gephardt
Gonzalez
Granger
Gutknecht
Hostettler
Jefferson
Luther
Maloney (CT)
Matsui
Moore
Radanovich
Riley
Sessions
Souder
Tiahrt
Tiberi
Wamp
Young (AK)

□ 1922

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## RAILROAD RETIREMENT AND SURVIVORS' IMPROVEMENT ACT OF 2001

The SPEAKER pro tempore (Mr. COOKSEY). The pending business is the question of suspending the rules and concurring in the Senate amendments to the bill, H.R. 10.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. QUINN) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 10, 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 369, nays 33, not voting 31, as follows:

[Roll No. 485]

YEAS—369

Abercrombie
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
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
Cardin
Carson (IN)
Carson (OK)
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Frank
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Graham
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stump
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—33

Akin
Ballenger
Chabot
Cox
DeLay
DeMint
Flake
Frelinghuysen
Hefley
Herger
Hoekstra
Johnson, Sam
Jones (NC)
Kolbe
Largent
Miller, Dan
Myrick
Paul
Pence
Pitts
Rohrabacher
Royce
Schaffer
Sensenbrenner
Shadegg
Shays
Smith (MI)
Stenholm
Sununu
Tancredo
Taylor (MS)
Taylor (NC)
Weldon (FL)

NOT VOTING—31

Ackerman
Barr
Barton
Berman
Blagojevich
Capuano
Crowley
Cubin
Culberson
Deal
Delahunt
Dooley
Ehrlich
Fossella
Gephardt
Gonzalez
Granger
Hostettler
Jefferson
Luther
Maloney (CT)
Matsui
Radanovich
Riley
Sessions
Souder
Tiahrt
Tiberi
Walsh
Wamp
Young (AK)

□ 1932

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

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. CON. RES. 253

Mr. PALLONE. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H. Con. Res. 253.

The SPEAKER pro tempore (Mr. COOKSEY). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2107

Mr. BECERRA. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2107.

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

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record votes on postponed questions will be taken tomorrow.

## DEPARTMENT OF TRANSPORTATION POLICY RESPONSIBILITY REALIGNMENT ACT

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3441) to amend title 49, United States Code, to realign the policy responsibility in the Department of Transportation, and for other purposes.

The Clerk read as follows:

H.R. 3441

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

**SECTION 1. REALIGNMENT OF POLICY RESPONSIBILITY IN THE DEPARTMENT OF TRANSPORTATION.**

(a) Section 102 of title 49, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (g);

(2) by inserting a new subsection (d) as follows:

''(d) The Department has an Under Secretary of Transportation for Policy appointed by the President, by and with the advice and consent of the Senate. The Under Secretary shall provide leadership in the development of policy for the Department, supervise the policy activities of Assistant Secretaries with primary responsibility for aviation, international, and other transportation policy development and carry out other powers and duties prescribed by the Secretary. The Under Secretary acts for the Secretary when the Secretary and the Deputy Secretary are absent or unable to serve, or when the offices of Secretary and Deputy Secretary are vacant.''; and

(3) in subsection (e) by striking ''Secretary and the Deputy Secretary'' each place it appears in the last sentence and inserting ''Secretary, Deputy Secretary, and Under Secretary of Transportation for Policy''.

(b) Section 102 of title 49, United States Code, is further amended by striking subsection (g), as redesignated by subsection (a)(1), on the date that an individual is appointed to the position of Under Secretary of Transportation for Policy under section 102(d), as added by subsection (a)(2).

**SEC. 2. ASSISTANT SECRETARY FOR PUBLIC AFFAIRS.**

Section 102(e) of title 49, United States Code, is amended by striking ''4 Assistant

Secretaries'' and inserting ''5 Assistant Secretaries''.

**SEC. 3. POSITIONS IN EXECUTIVE SERVICE.**

(a) Section 5314 of title 5, United States Code, is amended by inserting before

''Administrator of the National Highway Traffic Safety Administration.''

the following:

''Under Secretary of Transportation for Policy.''.

(b) Section 5315 of title 5, United States Code, is amended by striking

''Assistant Secretaries of Transportation (4).''

and inserting the following:

''Assistant Secretaries of Transportation (5).''.

(c) Effective on the date that an individual is appointed to the position of Under Secretary of Transportation for Policy under section 102(d) of title 49, United States Code, as added by section 1(a)(2) of this Act, section 5316 of title 5, United States Code, is amended by striking ''Associate Deputy Secretary, Department of Transportation.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Tennessee (Mr. CLEMENT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. Speaker, H.R. 3441 realigns transportation policy responsibility within the Department of Transportation and was requested by the Department. As the Department of Transportation reorganizes and refocuses its efforts to ensure America's transportation security, it is important that it is able to develop policy across transportation modes.

Under the current organization of the Department, policy development is spread over three offices within the Department of Transportation. This results in a fragmented approach to policy development. The purpose of this bill is to provide a seamless, long-range and strategic approach to development of policy in DOT by establishing a new Under Secretary for Transportation Policy, who will be appointed by the President and confirmed by the Senate.

In order to ensure better communication with the public and the press, the bill will also create an Assistant Secretary for Public Affairs. This will round out the management team for the Secretary to allow for better management of the Department.

This bipartisan bill, Mr. Speaker, is also strongly supported by the Department of Transportation. Transportation policy is too important to be undertaken in a haphazard manner in this day when transportation has become so essential to our economic well-being. Proper lines of authority and communication are vital to the continued operation of the Department.

For that reason, I strongly support this bill. I urge my colleagues to do the same.

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

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

I rise in strong support of H.R. 3441, the Department of Transportation Policy Responsibility Realignment Act.

The most important provision in this bill creates a new position in DOT of Under Secretary of Transportation for Policy. The person selected for this important position will be the third-ranking executive in the Department and will be responsible for coordinating the Department's domestic and international policies for all modes of transportation. This type of coordination is the very reason the Department was formed. We certainly should have an official responsible for integrating and coordinating all transportation policy, and developing intermodal transportation.

I am pleased that the administration has announced that if this legislation is passed its nominee will be Jeffrey Shane. Mr. Shane has a long and distinguished career in transportation and was the Department's Assistant Secretary for Policy and International Affairs in the George H. Bush administration. He is superbly qualified for this position, and we are extremely fortunate that he has been willing to give up a successful law practice to return to the government.

I am also pleased that Secretary Mineta has asked Mr. Shane to rebuild the Department's policy staff, especially the aviation policy staff, which has been drastically reduced in recent years. Secretary Mineta has directed Mr. Shane to develop ''a world class think tank'' at DOT. I enthusiastically support this objective and look forward to working with Mr. Shane on all issues of transportation policy.

I urge my colleagues to support the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking Democrat on the Committee on Transportation and Infrastructure, who has distinguished himself in so many ways in keeping the committee moving forward in the 21st century.

Mr. OBERSTAR. I thank the gentleman for those kind words and for yielding me the time.

Mr. Speaker, I am delighted the leadership of the committee has moved quickly to bring this bill to the House floor. I strongly support the initiative to create a new position of Under Secretary for Transportation Policy. It will help this Department to carry out its very significant and far-reaching responsibilities to develop integrated domestic and international transportation policies.

I have had the good fortune of being present at the creation of the Department of Transportation in 1966 when I was administrative assistant to my predecessor in Congress, John Blatnik, who then was chairman of the Executive and Legislative Reorganization Subcommittee of the House Committee on Government Operations. He was asked by then President Lyndon Johnson to manage and bring to the House floor legislation to create a Department of Transportation, out of recognition that what we had was a fragmentation, a great diversity of modes of transportation, each with their own stovepipe means of operation but without a single overarching transportation policy.

It was President Johnson's objective to bring all these entities together in one new department that would be able to deal with transportation as an entity. We did that. It took quite some effort to bring together modal administrations that for years had operated on auto pilot, without any coordination, without interaction among them. The first Secretary of Transportation, Alan Boyd, took to the task with great vigor and enthusiasm and his successors have done the same. It has taken well over 30 years to craft a spirit of transportation within the Department.

In the passage of ISTEA, we brought this concept of a Department of Transportation with a culture of transportation to its, I think, logical conclusion. The Intermodal Surface Transportation Efficiency Act really culminated years of effort of creating a transportation spirit and policy and need for intermodal communication within the Department, culminated all in one piece of legislation. It was an extraordinary step forward in the history of transportation in America.

The new Under Secretary will be the third-ranking official in the Department. He will manage all Department-wide offices dealing with policy and with intermodal transportation to develop comprehensive, sound and interrelated transportation policies. I might say that 16 years ago I introduced the first legislation to create a position of under secretary for intermodalism in the Department of Transportation, and it is now coming to be.

Both because the position has been created and because of the person who has been nominated to fill that position, Jeffrey N. Shane, I would say that never in the 35-year history of the Department has a person been named for a position at DOT with better or more appropriate credentials than Jeff Shane, with the sole exception of the current Secretary of Transportation, Norm Mineta.

Jeff comes to this position with the sweep of intellect, with the personal and professional integrity, and with more than 3 decades of professional experience in the Department of State and the Department of Transportation on international aviation trade and policy matters, qualities that will enable him to take command of the duties of the office on which he is about to enter with clarity of purpose, with alacrity and, best of all, without a learning curve.

□ 1945

My experience with Jeff Shane dates back to well over a decade and a half, to his service at State and DOT in both the Ronald Reagan and George H. Bush

administrations. I worked with him extensively on international aviation passenger and cargo trade matters, as well as domestic aviation matters, in my capacity then as chairman of the Subcommittee on Investigations and Oversight and Aviation authorizing subcommittee.

I found Jeff Shane always to be the very model of intellectual integrity; thoroughly knowledgeable on a wide range of issues on which he was called to testify before our committee, well-informed, and, very importantly, a consistently vigilant, vigorous advocate for U.S. aviation interests and a skillful negotiator.

Jeff was the architect of our government's original Open Skies policy to promote competition in our bilateral aviation trade agreements. Under this policy, a great many competitive agreements were negotiated during the first Bush administration, and the Clinton administration continued the policy with great success. The result has been that aviation trade markets in passenger and cargo, in which we once had 30 percent of market share, we now have 60 to 70 percent of market share and are the dominant aviation trade partner.

Jeff Shane's experience extends well beyond aviation to other modes of transportation, as exemplified by a discussion he and I had shortly after the enactment of ISTEA in 1991. Jeff said, ''This is one of the most extraordinary, innovative transportation measures ever enacted. It has had the exceptionally beneficial effect of causing all of us at the Assistant Secretary-Policy level to come together, share our thoughts, understand each other's mode of transportation better and to begin thinking, as well as acting, intermodally, something we have long needed to do in this department.''

That is an extraordinary observation and admission to make on the part of a policy person in any department, and that reflects the candor with which Jeff approaches his service in the public sector.

Secretary Mineta has said to me several times that he would like Jeff Shane to work to upgrade the department's policy office, and, as he put it, make it a ''world-class think tank.'' We need that. We need that kind of support at the policy level of the Department of Transportation.

Two years ago, I met with Jeff Shane and Charlie Hunnicutt, who had held the Assistant Secretary position during the Clinton Administration, to explore means of upgrading the Department's aviation policy staff, a staff that deals with the most important issues in the department in negotiating international aviation rights for our airlines, providing expert advice to the Department of Justice when the department is considering airline mergers, and carrying out the department's regulatory responsibilities, including predatory practices, computer reservation systems and adequate competition in Internet ticket sales.

It is deplorable that over the past 15 years, the DOT aviation staff has been eroded by budget cutting decisions. The staff has decreased from 166 at the time of the Civil Aeronautics Board sunset in 1985, to fewer than 100 today. Furthermore, as many as half of the staff could well retire in the next few years.

It was a great tribute to Jeff Shane that in his career outside of government, he was concerned about the quality of government service among those who continued in the department. He and I took many opportunities over the past few years to raise awareness on the Hill and within the aviation community of the critical importance of this unique staff, and it is so encouraging to me that Secretary Mineta has recognized the problem and is giving Jeff Shane a mandate to correct it. I can think of no one better to do this, no one better qualified to attract the staff, to inspire that staff and to keep them interested and motivated, than Jeff Shane.

In these perilous post-September 11 times and in the aftermath of enactment of our most recent aviation and transportation security law, DOT needs at the policy level a person with Jeff Shane's experience, intellectual capacity, honesty and openness to new ideas, as well as energy to pursue and implement innovation. Jeff Shane's reentry into public service will produce better transportation policy decisions, to the great benefit of the Nation's economy and to all who use our transportation systems, as well as to the benefit of the Department of Transportation.

This new position is long overdue, much needed, and will serve our country and our transportation policy well. After all, transportation does represent 11 percent of our Nation's gross domestic product. That is $1.1 trillion, an impact that we must nurture and strengthen, and this legislation will help do that.

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

Mr. LaTOURETTE. Mr. Speaker, I yield myself the balance of my time just to say that one of the treasures and great assets of not only the Committee on Transportation and Infrastructure, but the Congress is the gentleman from Minnesota (Mr. OBERSTAR). The remarks that the gentleman just made, going through the entire history of the Department of Transportation, indicate why we rely on him so heavily, and why our committee continues to prosper in a very bipartisan way.

It is thanks to his efforts that I continue to learn from him.

I urge passage of the bill.

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

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 3441.

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

A motion to reconsider was laid on the table.

## NAMING MEMBER AS MAJORITY MANAGER OF TIME ON H.R. 3442, NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE PLAN FOR ACTION PRESIDENTIAL COMMISSION ACT OF 2001

Mr. MCINNIS. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio (Mr. LATOURETTE) be allowed to manage the floor time on H.R. 3442.

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

There was no objection.

## NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE PLAN FOR ACTION PRESIDENTIAL COMMISSION ACT OF 2001

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3442) to establish the National Museum of African American History and Culture Plan for Action Presidential Commission to develop a plan of action for the establishment and maintenance of the National Museum of African American History and Culture in Washington, D.C., and for other purposes.

The Clerk read as follows:

H.R. 3442

*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 ''National Museum of African American History and Culture Plan for Action Presidential Commission Act of 2001''.

**SEC. 2. ESTABLISHMENT OF COMMISSION.**

(a) IN GENERAL.—There is established the National Museum of African American History and Culture Plan for Action Presidential Commission (hereafter in this Act referred to as the ''Commission'').

(b) MEMBERSHIP.—The Commission shall consist of not more than 23 members appointed as follows:

(1) The President shall appoint 7 voting members.

(2) The Speaker of the House of Representatives and the Senate Majority Leader shall each appoint 6 voting members.

(3) In addition to the members appointed under paragraph (2), the Speaker of the House of Representatives and the Senate Majority Leader shall each appoint 2 additional nonvoting members.

(c) QUALIFICATIONS.—Members of the Commission shall be chosen from the following professional groups:

(1) Professional museum associations, including the Association of African American Museums and African American Museum Cultural Complex. Inc.

(2) Academic institutions and groups committed to the research and study of African

American life, art, history, and culture, including Historically Black Colleges and Universities and the Joint Center for Political and Economic Studies.

**SEC. 3. FUNCTIONS OF THE COMMISSION.**

(a) PLAN OF ACTION FOR ESTABLISHMENT AND MAINTENANCE OF MUSEUM.—

(1) IN GENERAL.—The Commission shall submit a report to the President and the Congress containing its recommendations with respect to a plan of action for the establishment and maintenance of the National Museum of African American History and Culture in Washington, D.C. (hereafter in this Act referred to as the ''Museum'').

(2) NATIONAL CONFERENCE.—In developing the recommendations, the commission shall convene a national conference on the Museum, comprised of individuals committed to the advancement of African American life, art, history, and culture, not later than 3 months after the date of the enactment of this Act.

(b) FUNDRAISING PLAN.—The Commission shall develop a fundraising plan for supporting the creation and maintenance of the Museum through contributions by the American people, and a separate plan on fundraising by the African American community.

(c) REPORT ON ISSUES.—The Commission shall examine and submit a report to the President and the Congress on the following issues:

(1) The availability and cost of collections to be acquired and housed in the Museum.

(2) The impact of the Museum on regional African American museums.

(3) Possible locations for the Museum on or adjacent to the National Mall in Washington, D.C.

(4) The cost of converting the Smithsonian Institution's Arts and Industries Building into a modern museum with requisite temperature and humidity controls.

(5) Whether the Museum should be located within the Smithsonian Institution.

(6) The governance and organizational structure from which the museum should operate.

(d) LEGISLATION TO CARRY OUT PLAN OF ACTION.—Based on the recommendations contained in the report submitted under subsection (a) and the report submitted under subsection (c), the Commission shall submit for consideration to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, and the Committees on Appropriations of the House of Representatives and Senate a legislative plan of action to create and construct the Museum.

**SEC. 4. ADMINISTRATIVE PROVISIONS.**

(a) FACILITIES AND SUPPORT OF SECRETARY OF INTERIOR.—The Secretary of the Interior shall provide the administrative services, facilities, and funds necessary for the performance of the Commission's functions.

(b) COMPENSATION.—Each member of the Commission who is not an officer or employee of the Federal government may receive compensation for each day on which the member is engaged in the work of the Commission, at a daily rate to be determined by the Secretary of the Interior.

(c) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

**SEC. 5. DEADLINE FOR SUBMISSION OF REPORTS; TERMINATION.**

(a) DEADLINE.—The Commission shall submit final versions of the reports and plans required under section 3 not later than 9 months after the date of the enactment of this Act.

(b) TERMINATION.—The Commission shall terminate not later than 30 days after submitting the final versions of reports and plans pursuant to subsection (a).

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated $3,000,000 for activities of the Commission during fiscal year 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Tennessee (Mr. CLEMENT) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

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

Mr. Speaker, H.R. 3442 establishes the National Museum of African American History and Culture Plan for Action Presidential Commission, which will develop a plan to establish and maintain the National Museum of African American History and Culture in Washington, D.C. I want to commend the gentleman from Oklahoma (Mr. WATTS) and the gentleman from Georgia (Mr. LEWIS) for bringing this legislation to our attention.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Oklahoma (Mr. WATTS) to further amplify and to explain the purpose of the commission and the ultimate goal of the legislation.

Mr. WATTS of Oklahoma. Mr. Speaker, I thank my friend, the gentleman from Ohio, for yielding me time.

Mr. Speaker, the contributions made by African Americans to our Nation and to our communities need to be not only celebrated, but demonstrated. The legislation we are considering today establishes a Presidential Commission to create a blueprint on how to move forward on a National Museum of African American History and Culture.

African Americans have made countless contributions throughout the history of our country. From the founding of this great Nation, African Americans fought for independence from Great Britain, liberty in the Civil War and equal rights in the peaceful marches of the civil rights movement. As my colleagues are aware, African Americans played a key role in the actual construction of prominent landmarks, such as the White House and the building where we stand today, the United States Capitol.

From language, to art, to science, to technology, to food and music and total spiritual heritage, African Americans have made an extraordinary, indelible mark on American culture and American history.

An African American Museum on the National Mall would be a valuable resource for all Americans, including visitors to our Nation's Capital. From scholarly research, to school field trips, to lunch hour leisure, its existence would serve a needed purpose by demonstrating the significance of African American history to American history.

I want to thank the gentleman from Alaska (Mr. YOUNG) with the Committee on Transportation and Infrastructure, the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Ohio (Mr. LATOURETTE), the gentleman from Ohio (Mr. NEY), the gentleman from Maryland (Mr. HOYER) and the gentleman from Illinois (Mr. COSTELLO), and I want to thank the gentleman from Georgia (Mr. LEWIS), who has worked tirelessly over the last 12 years to get us to this point on this issue.

This has been a bipartisan effort. It is my hope the importance of this initiative becomes a bicameral focus so we may put this legislation on the President's desk for his signature.

Mr. Speaker, this is an excellent blueprint for a permanent public exhibition of the history and culture of African Americans. It puts us one step closer toward the reality of a museum that celebrates and demonstrates the achievements, contributions and the lives of Americans of African descent.

I urge my colleagues to support this legislation and the effort to construct a National Museum as soon as possible.

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

Mr. Speaker, I rise in support of this legislation that will establish a Presidential Commission to develop a report for the President and the Congress regarding the establishment of a National Museum of African American History and Culture in Washington, D.C.

Among other issues, the report will address fund-raising, the availability and cost of these collections to be acquired and housed in the museum, possible locations here in the District of Columbia, the cost of converting the Arts and Industries Building owned by the Smithsonian Institute, and the governance and organizational structure of the new museum.

The report will include recommendations on a legislative plan of action, and will be submitted to the Committee on Transportation and Infrastructure, the Committee on House Administration, the Committee on Rules and the Senate. The Committee on Appropriations will also be involved.

Congress can expect to receive the report 9 months after enactment of this bill. Information contained in the report will provide the basis for Congress to make a prudent determination regarding the location, size, budget and construction costs for a world-class museum in our Nation's Capital.

Mr. Speaker, I wish to commend my colleagues, the gentleman from Georgia (Mr. LEWIS) and the gentleman from Oklahoma (Mr. WATTS) for their diligence and determination on this bill. The gentleman from Georgia (Mr. LEWIS) has been a steadfast champion for this innovative program more than a decade. We look forward to receiving the report from the Presidential Commission.

I urge my colleagues to support the bill.

Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. LEWIS), who walked and marched with Martin Luther King, who has been a real champion in the U.S. House of Representatives, and I have read his book.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and colleague, the gentleman from Tennessee (Mr. CLEMENT), for yielding me time, from the great City of Nashville, where I had the opportunity to study and to learn much from the people of Tennessee and the people of Nashville.

Mr. Speaker, I want to thank all of my colleagues for working to bring this bill before us today. I rise today in support of H.R. 3442, the National Museum of African American History and Culture Plan for Action Presidential Commission Act of 2001.

During the past few months, Mr. Speaker, it has been my honor and pleasure to work with my friend and colleague, the gentleman from Oklahoma (Mr. WATTS), and his staff. I want to take this opportunity to thank the staff of the Subcommittee on Public Buildings and also my own staff for their good work on this bill.

Mr. Speaker, this Commission would develop and recommend a legislative plan of action for creating a national African American museum. It is my hope and prayer that this will finally bring Congress closer to achieving the goal of establishing a national African American museum in our Nation's Capital.

□ 2000

This Presidential commission is a step, a necessary step in the right direction to preserve the rich history of African Americans.

As I travel across this land, I have been to several local African American museums in such cities as Memphis, Birmingham, Philadelphia, and Detroit. So I believe the time has long passed for a national African American museum right here in our Capitol city, right here in Washington.

I have introduced legislation during every session of Congress since 1988 to authorize a national African American museum. The time has come for passage of this legislation. By establishing this museum and placing it on the national Mall, we will be able to honor the legacy of African Americans and put it in a national light where it belongs.

African American history is an important part of our country; yet the vital and important contributions of African Americans go virtually unrecognized. Until we understand the full African American story, we cannot understand ourselves as a Nation. The African American story must be told and a national African American museum in Washington, D.C. is critical to telling that story.

This Presidential commission is our chance to take an important and productive step in establishing an African American museum and healing our Nation's racial wounds. This is our chance to create an African American community of every individual, an all-inclusive community that is at peace with itself, a beloved community.

Mr. Speaker, the time is right. The time is now.

Mr. CLEMENT. Mr. Speaker, I yield 4 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), a real spokesperson for all of us on various issues, including this one.

Ms. NORTON. Mr. Speaker, I appreciate the kind words of the gentleman, and I very much appreciate his yielding me this time and his work on this bill, bringing it forward. I also appreciate the diligent work of the chairman of our Subcommittee on Economic Development, Public Buildings, and Emergency Management.

I especially want to thank the sponsors of this resolution, the gentleman from Georgia (Mr. LEWIS) and the gentleman from Oklahoma (Mr. WATTS), for moving us forward for the first time with substantial action on a national museum of African American history on the Mall. This bill has been introduced for each of the 11 years I have been in Congress; and it was introduced for years before that, initially by the gentleman from Georgia (Mr. LEWIS).

If I may say a word about the persistence of the gentleman from Georgia (Mr. LEWIS) in introducing this bill. It is one thing to introduce a bill like this, a kind of showcase bill as a freshman Congressman, as he did. It is quite another thing to fight for a bill like this each and every year as he has. The gentleman moved on into the leadership of the Democrats and continued to make this bill a priority, so it is a special tribute to him to have this bill move forward; and I am very pleased that the gentleman from Oklahoma (Mr. WATTS) has joined him to make this a truly bipartisan effort.

Mr. Speaker, this bill has been regularly before the Subcommittee on Economic Development, Public Buildings and Emergency Management. I remember that almost one year I thought we were going to get there. We got a bill actually out of the House to renovate the tower at the Smithsonian to make it the African American museum on the Mall; but the Congress found out that even when we renovate it costs money, and the lack of money is what stopped this bill.

I want to report to the House that there are African Americans ready and willing to contribute funds to build this museum. I have had a very interesting conversation with one such potential contributor; and he said that unless the House took some action that showed there was some hope that this would happen, he would be reluctant to step forward. I think today's action is the kind of action that will encourage contributors to step forward, because the Presidential commission moves the idea forward in two ways. First, it is the first concrete action ever; and in this bill is all of the planning, all of the logistics. It contains all of the elements that our subcommittee, the Subcommittee on Economic Development, Public Buildings and Emergency Management, requires for monumental buildings. It is all here. All we have to do is do it once the commission finishes its work.

Second, this commission raises the importance of the idea, and I say to my colleagues, important it is. African Americans have been at the very center of the development of our country itself, let alone its history, from our music and all that is unique about American culture, all that is derivative to our most historic structures, including this Capitol building built with the labor of freed blacks and slaves.

Mr. Speaker, there are all manner of museums and monuments in this Capital, all manner of commemorations to events and to people of every kind, and to be kind, I will say many of them obscure. It is astonishing to me that we have entered the 21st century, the third century of our existence as a Nation, with precious few monuments or structures of any kind to commemorate African Americans or African American history. This bill, perhaps, assures that we will not go much longer if we value the history of our country. I thank the sponsors once again.

Mr. CLEMENT. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE) where I used to live.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for his kind introduction and tell him that there is always a place for him in Texas.

Mr. Speaker, allow me again to thank the distinguished gentleman from Tennessee as well as the chairman of the subcommittee for his leadership and, collectively, the leadership of the ranking member and chairperson of the full Committee on Transportation and Infrastructure, knowing their continued concern on issues of, if you will, highlighting and honoring our history. It is important as well to thank the two authors of this legislation as it moves through the House, and that is the establishment of a Presidential commission. One step is a giant step for where we want to take these opportunities to be able to highlight and to reinforce the wonderment of this Nation, and that is that we are built on many shoulders.

The gentleman from Georgia (Mr. LEWIS) is an icon, and I thank him for his persistence and determination. Besides his own leadership in our caucus and on the Committee on Ways and Means, he has taken upon himself to frame for this Congress and this Nation the ability to honor those who have given of their lives to help this country be a better place to live. In his commitment to the Institute of Faith and

Politics, he has educated so many Members of Congress about our civil rights history.

But this particular legislative initiative takes African American history to another level. It chronicles from the very beginning the important role that African Americans have played in this Nation and in nation-building. It is not a legislative initiative that takes us backwards; it is one that moves us forward.

I am very gratified that through a detailed commission we will now have a structure to begin the architectural building, if you will, of how we would create a national museum of African American history. Who will we talk to? What will that story be like? How will it be told? Who will we include, and not to exclude anyone. Where will we reach to in order to make sure that it is an all-comprehensive story of the African American in this Nation?

These are very troubling times. September 11 drew all of us closer together. Now we approach the holiday season when families will be gathered and stories will be told. Will it not be wonderful to be able to come to the United States Capital in years to come because of the leadership of the gentleman from Georgia (Mr. LEWIS) and the gentleman from Oklahoma (Mr. WATTS), and ultimately from the work of this commission to be able to see the story of a very strong component of our history. This is not to deny the wonderment of the history of those who came across this Nation through Ellis Island or those who may have walked across the border from South America, or maybe those who came in a fishing boat. But what it says of those who came to this Nation in a slave boat have a very special history and now today that story will be told.

Mr. Speaker, I want to again thank the authors of this legislation and the committee for its wisdom in allowing us to debate this legislation, and I hope all of my colleagues will join me in enthusiastically supporting the first step of a very big step in our Nation.

Mr. CLEMENT. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), our ranking Democrat on the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of the legislation before us to establish a Presidential commission to develop a plan of action for the establishment and maintenance of the national museum of African American history and culture in Washington, D.C. It is a great tribute to the gentleman from Georgia (Mr. LEWIS) that he has worked so diligently and vigorously, in a bipartisan fashion with the gentleman from Oklahoma (Mr. WATTS), to bring this bill to the House floor.

For over a decade, the gentleman from Georgia (Mr. LEWIS) has been a persistent and a persuasive advocate for the establishment of a national African American museum, support for which is well established and has already been advocated for quite some time going back to the early 1990s by the Smithsonian Institution, which vigorously endorsed the concept of such a museum.

This commission that we are authorizing will supply significant information and data to support the size, the appropriate size of the building, the location, the budget, the extent and type of collection and displays to be managed there. Some of the ideas for the museum include exhibits on the reconstruction era, the Harlem Renaissance, and the Civil Rights movement. We also anticipate that the commission and the museum to be established will work collaboratively with academic institutions to research and study African American life, history, art, and culture, as well as the abominable era of slave trade, which the gentlewoman from Texas alluded to so powerfully in her remarks.

As a part of the initiative we launch today, the Presidential commission will convene a national conference to consider and to include the views and opinions of learned persons who are dedicated to the advancement of African American life. This initiative is long overdue; and I strongly urge not only its support in this House, but swift enactment into law and establishment so that the progress can get quickly underway.

Mr. CLEMENT. Mr. Speaker, this is a very serious issue. We have had some excellent speakers to comment concerning this legislation, and we strongly support it.

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

Mr. LATOURETTE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of our time.

The SPEAKER pro tempore (Mr. OSE). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the bill, H.R. 3442.

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

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the bills H.R. 3282, H.R. 2595, H. Con. Res. 259, H.R. 10, H.R. 3441, H.R. 3442, and H.R. 3370, the legislation just considered.

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

There was no objection.

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## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE). The Chair would like to clarify that the request of the gentleman from Colorado (Mr. MCINNIS) was intended merely to transfer to the gentleman from Ohio majority debate time, assuming that another Member had made the motion to suspend the rules. Unanimous consent was not required to permit the Speaker to recognize any Member for a motion to suspend the rules.

## KEEPING THE SOCIAL SECURITY PROMISE INITIATIVE

Mr. SHAW. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 282) expressing the sense of Congress that the Social Security promise should be kept.

The Clerk read as follows:

H. CON. RES. 282

*Resolved by the House of Representatives (the Senate concurring),*

**SECTION 1. SHORT TITLE.**

This concurrent resolution may be cited as the ''Keeping the Social Security Promise Initiative''.

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) Social Security provides essential income security through retirement, disability, and survivor benefits for over 45 million Americans of all ages, without which nearly 50 percent of seniors would live in poverty;

(2) Social Security is of particular importance for low earners, especially widows and women caring for children, without which nearly 53 percent of elderly women would live in poverty;

(3) each payday, American workers send their hard-earned payroll taxes to Social Security and in return are promised income protections for themselves and their families upon retirement, disability, or death, and that commitment must be kept;

(4) Social Security payments to beneficiaries will exceed worker contributions to the Social Security trust funds beginning in 2016, as demographics, including the aging baby boom generation and increasing life expectancies, will result in fewer workers per beneficiary and threaten Social Security's essential income safety net with financial instability and insolvency;

(5) deferring action to save Social Security will result in loss of public confidence in the program, will increase the likelihood of spending cuts to other essential programs, and will expose beneficiaries, particularly those with low earnings, to poverty-threatening benefit cuts or reduce workers' take-home pay through burdensome payroll tax increases;

(6) workers' ability to save and invest for their own retirement will continue to be particularly important, especially for younger workers, to enhance their own retirement security; and

(7) the President should be commended for recognizing that Social Security is not prepared to fully fund the retirement of the baby boom and future generations and for establishing the bipartisan President's Commission to Strengthen Social Security, which will report its recommendations this fall.

**SEC. 3. SENSE OF THE CONGRESS.**

It is the sense of the Congress that—

(1) the President's Commission to Strengthen Social Security, recognizing the immense financial commitment of every American worker into the Social Security system, should present in its recommendations innovative ways to protect that commitment without lowering benefits or increasing taxes; and

(2) the President and the Congress should join to develop legislation to strengthen Social Security as soon as possible, and such legislation should—

(A) recognize the obstacles women face in securing financial stability at retirement or in cases of disability or death and the essential role that the Social Security program plays in providing income security for women;

(B) recognize the unique needs of minorities and the critical role the Social Security program plays in preventing poverty and providing financial security for them and their families when income is reduced or lost due to retirement, disability, or death; and

(C) guarantee current law promised benefits, including cost-of-living adjustments that fully index for inflation, for current and future retirees, without increasing taxes.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. SHAW) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. SHAW).

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

Mr. Speaker, two-thirds of a century ago, any kind of income security was indeed rare. Today, however, the success of Social Security in providing income security and reducing poverty among the elderly is well known, and it is well known to everyone in this Chamber. Without Social Security, nearly half our seniors and over half of disabled workers would live in poverty today.

Yet, Social Security faces significant financial challenges ahead. Unless we modernize the program's Depression-era financial structure, program income will not cover the full cost of paying promised benefits soon after the baby boomers begin retiring.

Today we must let every American know that we will act as soon as possible to save Social Security, and we will not do it by placing undue burdens on today's retirees and workers by reducing benefits or increasing taxes.

Social Security provides at least half of the retirement income for over two-thirds of our seniors and 100 percent of income for almost one in every five seniors. Reducing Social Security benefits would have serious consequences for the majority of seniors, and would increase their number in poverty, which is why we must find ways to strengthen Social Security without cutting the benefits.

Social Security is also one of the largest financial obligations of many families. For around three-fourths of American families, the payroll tax is their largest tax liability. Increasing this tax burden would hit low- and middle-income families the hardest. In addition, it would reduce the already low rate of return on these contributions that workers may expect.

So we must find ways to strengthen Social Security without increasing Social Security taxes. Our decisions on how to strengthen Social Security are particularly important to women.

As we make choices, we must keep in mind the obstacles women face in ensuring financial security for themselves and their families and the key role Social Security plays in providing income security in the event of retirement, disability, or death. Without Social Security, over half of elderly women would live in poverty today. As we consider the program's improvements, we must not consider reducing benefits or cost-of-living increases that are so important, particularly to women.

We must also remember the critical role Social Security plays in providing financial security for minorities of all ages. African Americans are more likely to receive disability benefits. Since their life expectancy is shorter than average, survivor benefits are also critically important.

Also, about two-thirds of the African Americans and about three out of five Hispanic seniors would have income below poverty without Social Security. As we consider changes to the program, we must not reduce the benefits that are vital to preventing poverty among our minorities. We must protect Social Security for all Americans, especially for those who rely on it the most.

However, we must also work to ensure Social Security is fair to all generations. Our kids and grandkids need us to find a way to improve the low rates of return they will receive from Social Security. For example, a single man who is 31 years old today and earns average wages can expect a rate of return on his contribution only a little more than 1 percent, and kids born today can expect even less.

We cannot, in fairness, allow this to continue. The President's bipartisan Commission to Strengthen Social Security has talked about the unique needs of women and minorities, as well as the system's low rate of return, in its interim report and throughout all of its meetings. Today, the commission will provide a draft report with its recommendations for several options for modernizing and strengthening Social Security. This information will help us along the road towards a solution for Social Security's financial woes.

Ultimately, we, the Members of Congress, must make the final decision about which road to choose, and the American people are depending upon us to make the right choices. I hope we will make these decisions together on a bipartisan basis, because this is not a road upon which we can afford to falter or to lose our way. So let us begin today, as Congress first voices its views, and let that voice be a bipartisan one.

Mr. Speaker, it is for these reasons that I encourage all Members on both sides of the aisle to vote in favor of this critically important resolution. We must act now to assure Americans that any plan for saving Social Security will guarantee current law promised benefits, including cost-of-living adjustments for current and for future retirees, without increasing our taxes. Our children, our grandchildren, and future generations deserve no less.

Mr. Speaker, I know that we will hear a lot tonight about privatization, and there will be some that will say that this resolution is a repudiation of individual retirement accounts for American workers. I would remind the Members that we just voted on the Railroad Retirement Fund, in which we took the railroad retirees out of Treasury bills and put them in stocks and bonds of corporations.

Our Social Security people, and by the way, I tell my Democrat friends that only two of them voted against that particular bill. So when Members get up to criticize Individual Retirement Accounts, I would advise Members, and I would guess that every speaker here tonight that speaks on this resolution and that mentions that Individual Retirement Accounts are something risky, that begin with they can get a lot more than 1 percent over the ages and over the long haul, it certainly shows that this is not a repudiation of the Individual Retirement Accounts. We have already voted on going towards the private sector of investment for American union retirees. Our retirees on Social Security deserve no less.

But let us not argue that tonight. Let us argue the future of the Social Security system and the need for us to work together to come up with a solution that will, in itself, nail down the fact that this retirement system is not only going to be there for our generation, it is going to be there for future generations and our grandkids. If we do less, they will turn our pictures to the wall. It is our obligation to do this. It is our opportunity to do this. So if we can break down the wall of partisanship and come forward with a plan that we can work together with, I will be most happy and anxious to work with Members on both sides of the aisle.

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

Mr. LEVIN. Mr. Speaker, it is my pleasure to yield 7 minutes to the gentleman from Maine (Mr. ALLEN).

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

Mr. Speaker, I rise in support of the resolution because, like its author, I believe that the promise of Social Security should be kept for the millions of Americans, or in fact, all Americans who wind up qualifying for this vital program.

But I do have to say, Mr. Speaker, that this is a remarkable resolution in many ways, because in one section it praises President Bush's Social Security Commission.

On page 3 it reads: ''The President should be commended for recognizing

that Social Security is not prepared to fully fund the retirement of the baby boom and future generations, and for establishing the bipartisan President's Commission to Strengthen Social Security,'' which is, coincidentally, reporting today.

That commission was established in order to push privatization proposals, and hopefully to come up with one privatization proposal. But this resolution contains no mention of the central purpose of the commission, which was to find a way to privatize Social Security, in full or in part.

When we go to the last section of the resolution, it is a sense of Congress that legislation should be developed which, among other things, would guarantee current law promised benefits, including cost-of-living adjustments that fully index for inflation for current and future retirees without increasing taxes.

That is an admirable goal, one that I support, but one that is exactly the opposite of what the President's Social Security Commission is recommending. In fact, what we now know, what some of us have been arguing for a long period of time but we now know from the commission's report itself, is that if we do nothing but privatize Social Security and create these partial accounts, it will consume $1 trillion of Social Security or other funds over 10 years, $1 trillion.

In response to the point of the gentleman from Florida (Mr. SHAW) that all of us, almost all of us, voted to allow the Railroad Retirement Fund to invest in the stock market, I would point out that that does not cost $1 trillion in transition costs in order to do. So in that case, it made some sense.

But $1 trillion is real money. The fact of life is that there are substantial administrative costs for creating private accounts, which is, after all, why Wall Street is so interested in having an individual account for virtually every member of Social Security.

Another point, another area of disagreement between us, is that the way we calculate the rate of return is subject to disagreement. We do not agree that it is 1 or 2 percent, we think the number is closer to 4 percent, and that that is comparable to guaranteed investments in U.S. Treasuries.

But beyond that, when people have Social Security, they have two things that go along with that program:

First, they have a form of disability insurance, because Social Security is there to provide a form of disability insurance. There is money there for survivors' benefits. In the aftermath of September 11, one thing we know about Social Security is that all those children who lost a parent in the attack on the World Trade Centers are qualifying for survivors' benefits. They will be helped by this program because that is part of what it does.

Now, over the last 2 years, and let me say, as I said before, Wall Street loves privatization of accounts. They will make a lot of money doing that, but ordinary Americans should be terrified. In the last 2 years, the loss in value in the stock market approaches $5 trillion. In those 2 years, Social Security did not lose one thin dime, not one. It provides the kind of assurance that we need.

The commission report coming out today did not do what the President wanted and have one plan for privatization; they rolled out three plans for privatization. But they do exactly what this resolution said we should not do. They do reduce Social Security benefits in different ways.

For example, they tie future COLAs to growth in prices, not wages, which will reduce the increase that Social Security beneficiaries are expected to get every year. There is a disguised increase in the retirement age. There is a reduction in disability payments.

What we are really talking about, Mr. Speaker, here is that we cannot privatize Social Security in full or in part without substantial costs. It is simply not possible, Mr. Speaker, to privatize Social Security, in full or in part, without these very substantial transition costs.

It is worth pointing out that in the space of less than 12 months we have converted the Federal budget from a situation where we could see surpluses virtually as far as the eye could see to a situation where we now see deficits virtually as far as the eye can see. And most of that loss, most of that loss, 55 percent, is due to the tax cut passed by this House and signed by the President in June.

Mr. Speaker, we are now using Social Security surplus dollars to fund the ordinary expenses of this government, and we are doing that in major part because of the tax cut that was passed here that was twice what a tax cut of reasonable size should have been.

So in conclusion, Mr. Speaker, it is very important, I believe, that we pass this resolution because the promise of Social Security should be kept; but let us not cloud this debate by what is really going on here.

□ 2030

This resolution rejects the principal purpose and the principal finding of the President's Commission on Social Security which was set up in order to push a privatization proposal, which now we know is the wrong thing for America.

Mr. SHAW. Mr. Speaker, I yield as much time as he may consume to the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means for purposes of a colloquy.

Mr. THOMAS. Mr. Speaker, first of all, I want to thank the chairman of the Subcommittee on Social Security for bringing this particular resolution to the floor. My concern goes beyond the particulars of this resolution, but clearly underscored in all of the discussion that we have about Social Security is the sensitivity in terms of the money that people pay into the payroll tax.

That is why I was stunned today to hear a prominent Member of the other body announce on the floor that he was willing to accept an idea that would mean an immediate $40 billion loss in payroll taxes to the trust funds that we have all showed we have great concern about.

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

Mr. THOMAS. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Speaker, I, too, do not understand and was quite amazed and disappointed to see when this Senator was willing to ask Social Security to bear the burden of the economic stimulus, when the program is facing its own serious financial challenges.

Mr. THOMAS. Apart from the obvious in immediate lost to the trust funds, there has been some concern about the ability to execute the proposal. The loss of funds is bad enough, but when we strip it to the essentials of the proposal, those organizations which are charged with the responsibility of dealing with the way in which payroll taxes are paid and accounting procedures are dealt with, the American Payroll Association, the American Society for Payroll Management, the National Payroll Reporting Consortium and the Society for Human Resource Management, all agree that it would take 6 months or more to try to get it correct in making this scheme work, but they had no guarantee that it would, in fact, be sound.

Mr. SHAW. Mr. Speaker, as a former certified public accountant, I can assure my colleague that making such a change would dramatically increase the risk of error in reporting Social Security wages. These wage reports must be accurate in order to assure beneficiaries receive their full and correct benefits in a timely way. This is very important.

Mr. THOMAS. Of course, it does not even address the game playing that would go on if we were able to set up a system and we were losing $40 billion out of the trust fund. We would have employees negotiating with employers where particular benefits or amounts were going to be given so that they would just happen to fall within this holiday period, further complicating an attempt to make this system work.

Mr. SHAW. Not only would the employer be faced with employees trying to shift their wages to the payroll tax holiday month, employers would also have to contend with implementing a payroll tax holiday at the same time they are preparing W–2s and 1099s to meet the January 31 requirement as provided as a deadline. Having employers having to deal with these changes at once would only risk incorrect reporting of Social Security wages. It could only risk incorrect reporting of income for Federal tax purposes.

Mr. THOMAS. In addition, of course, not everybody has the luxury of a large

staff being paid to manage payroll and computers to deal with it. So we do not know the uneven burden that is going to be placed on employers who would now have to add a temporary change to the difficult, ongoing structure that is necessary. Of course, that does not even address the precedent of taking an enormous amount of general fund money and then moving it over to cover the losses out of the trust fund in the first place.

Mr. SHAW. I agree. Even if the lost payroll taxes were replaced with general revenue funds, we would be obscuring the clear connection between a person's contribution and the benefits he will receive. This is what President Roosevelt intended when he established Social Security and set up this separate trust fund. We should not take lightly the idea of breaking this critical connection, this firewall, if I may. Otherwise, we will find ourselves looking to the payroll system for every economic fix that we need.

Mr. THOMAS. Especially when they are arguing that we need to do this very risky scheme, jeopardizing the ability to be accurate, and committing enormous general funds to the trust fund to replace the hole in the trust fund that would bring insolvency from 2017 to 2006, and argue that they feel they need to do it for stimulus purposes. There are a whole lot better ways to stimulate the economy. The legislation passed by the House, the discussion between, just as recently today, a moderate group of Senators, both Democrats and Republicans and the President, none of those discussions involved risky schemes like this exposure of the payroll tax.

Mr. SHAW. My colleague is once again right. Now is the time for us to act wisely and not overreact. Several excellent ideas have been put forth by both parties. A payroll tax holiday was not in the House passed bill. The Senate has never passed such a bill and should not, at any time, be used in a stimulus package passed by either body.

Mr. THOMAS. Mr. Speaker, I want to thank the chairman of the Subcommittee on Social Security for the colloquy, and I want to praise him for his continued vigilance in not allowing people to play with the trust fund as was proposed by a prominent Senator just today.

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

Mr. LEVIN. Mr. Speaker, I yield myself such time as I shall consume.

I was listening with interest to my distinguished colleagues, and I think their colloquy was an example of true bipartisanship in this sense. As I heard them, I think what they were describing was initially proposed by a Senator from their party. I hope they will send their colloquy to that gentleman.

Mr. SHAW. Mr. Speaker, will the gentleman yield on that?

Mr. LEVIN. No. Let us talk about this resolution. The gentleman used the time to talk about something that is not relevant to this resolution, and I thought that I would just put it in some perspective. Let me talk about this resolution, if I might.

The resolution before the House has very little to do with strengthening Social Security, which is indeed necessary, and it has very much to do with providing political distance to some Member of the majority party.

Does anyone seriously believe that it is a coincidence, a coincidence, that this resolution is being brought to the House floor on the very same day that the President's hand-picked Social Security Commission unanimously adopted its recommendations? The recommendations of the Commission should come as a surprise to no one. From the day the President appointed a one-sided commission, I do not, for a moment, challenge the views in terms of the integrity of their point of view, but it was very one-sided and the outcome was predetermined.

Indeed, the President's spokesman, Ari Fleischer, said it very clearly very early on in quotes, ''The Commission will, of course, be comprised of people who share the President's view that private retirement accounts are the way to save Social Security.''

This is the spokesperson of the President of the United States. It is now apparent from the Commission's recommendations that privatization would result in cuts in Social Security benefits. That is clear from the two plans of the Commission that spell out how to pay for privatization. Any doubt on this score has vanished over the course of the last year with the depletion, I think, the reckless depletion of the non-Social Security surplus. But this resolution wants to have it both ways.

It refers appropriately to the vital nature of Social Security, its guaranteed lifetime benefits, its COLAs, its important anti-poverty role and its special protections for women, low earners and minorities. It also says it rejects benefits cuts but it does not reject, it does not reject the misguided policy that would necessitate benefit reductions, the Bush administrations quest to privatize Social Security.

I urge my colleagues to vote for this resolution because it reaches the right conclusion. To vote no would only confuse the picture. But no one should believe that voting yes will make the President's privatization quest go away. That horse already left the barn.

The public deserves a thorough discussion of the Commission's privatization plans. The impact of these plans can not be obscured by any smoke screen. As true in this instance, they are too transparent to work.

I want to just say a couple of other words in response to what my friend, the gentleman from Florida (Mr. SHAW) had to say. He said that this resolution is not a repudiation of privatization. Maybe I will let those words stand. I wish it had repudiated but it is silent.

Mr. SHAW. If the gentleman would yield, I would like to correct his statement as to my statement. I said a repudiation of private accounts, not privatization. There is a big difference.

Mr. LEVIN. All right. We will see as time unfolds if there is a difference. I do not see it. Indeed, in reference to the railroad retirement bill I think is misplaced. There are not individual accounts. The retirement monies are allowed to be invested as a whole. They are allowed to be invested. That is not privatization, nor is it private accounts.

So I think we need to understand what is going on here today with this resolution. We should vote for it. But we should not be misguided as to what is really going on here. I do not think there is any way in the end to duck the issue of strengthening Social Security. The President embraced privatization. He appointed members of a commission that embraced privatization. There was no effort to have any diversity on that key issue on the Commission.

So essentially, the President and his party have ended up with a Commission report that supports privatization, and in the only plans that spell out how they would pay for it, they provide for benefit cuts; and I do not know any way out of that equation. I do not think there is any way for anybody to explain it away. I think we owe it to the public to have a forthright discussion as to how we should strengthen Social Security. And those who favor privatization or private accounts should simply say so, indicate how they would be structured, indicated how they would be paid for; if they want to suggest general funds when those general funds by their own plans have been diminished, indeed I think destroyed, they can do so.

But if we are going to move ahead in strengthening Social Security, we are going to have to really tell the American people what we really mean and like it is.

So I support this resolution with the qualifications that I have mentioned.

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

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

Mr. Speaker, I would remind the gentleman from Michigan (Mr. LEVIN) that the Commission was made up of half Democrats and half Republicans. Only one former Republican Member of Congress and one Democratic former Member of Congress and one Democratic former Senator, and so that is a 2-to-1 Democratic, as far as elected officials are concerned.

I would also say that no one in this body that I know of and the Commission report certainly did not endorse privatizing Social Security. That idea is not even out there and is not even under consideration.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY), a member of the Committee on Ways and Means.

Mr. BRADY of Texas. Mr. Speaker, Social Security needs to be preserved once and for all. By passing this legislation which was introduced by the chairman of the Social Security subcommittee, the gentleman from Florida (Mr. SHAW), the House of Representatives will make a strong statement that we do support reforming Social Security and ensuring its solvency once and for all without cutting benefits, increasing taxes on people whose payroll check does not go far enough as it is today.

□ 2045

We may have different ideas, but let us first agree that the current system is not financially sound for the baby boomers and the generations that follow. Common sense tells us that we must transition from this pay-as-you-go system that will run out of money to a traditional retirement plan where our money grows over time into a bigger nest egg. The only question is how and how soon. And let us agree that we ought to keep our Social Security promises, cost-of-living increases each year that really do reflect the cost of living for seniors, and keeping our promise on benefits and not increasing taxes.

Some people in Washington do not want to face up to this issue. They want to make it an election campaign issue. They want to run ads; they want to scare seniors with the phrase of privatization. Well, I think people in America want us to work on Social Security. They want to hear the good ideas. They want to be part of this process. And when we ask people up here who do not want to touch Social Security, who do not want to tackle Social Security, what their plan is for preserving it once and for all, there is nothing but silence.

I applaud the President for appointing this commission. They are tackling issues that we really need to tackle. This was an important first step in getting Congress and Washington to focus on preserving Social Security once and for all. Do not get me wrong, while I support the urgency, I strongly disagree with the committee's recommendations that reductions in benefits will be necessary to ensure Social Security's future solvency. I hope President Bush rejects those ideas.

Nonetheless, I look forward as a member of the committee to working with my colleagues in the House, the President, my Democratic colleagues, and others in moving the ball forward on Social Security and preserving Social Security once and for all.

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

The chairman of the subcommittee mentioned bipartisanship, and I just want to say a word about that.

I do not challenge or question the sincerity of the members of the commission. Indeed, very distinguished people. But true bipartisanship means, I think, if it is going to be at all effective, a reflection of the mainstream within each party. This commission, as Ari Fleischer said, had on it people who favored privatization. And that is what Mr. Fleischer said; these were his terms, private retirement accounts. All of them share the President's views that these accounts are the way to save Social Security.

So what we put in, we get out. And when we put in a uniform point of view that does not encompass the mainstream of both parties, we are going to get out of it deep division.

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

Mr. SHAW. May I ask the Speaker how much time remains on both sides?

The SPEAKER pro tempore (Mr. OSE). The gentleman from Florida (Mr. SHAW) has 5 minutes remaining, and the gentleman from Michigan (Mr. LEVIN) has 4½ minutes remaining.

Mr. SHAW. Mr. Speaker, I yield 2½ minutes to the gentleman from Michigan (Mr. SMITH), who has worked long and hard on the problem of trying to do something with Social Security.

(Mr. SMITH of Michigan asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, everybody talks so calmly about Social Security. Let me just stress that the greatest danger is doing nothing.

I would suggest to the gentleman from Michigan (Mr. LEVIN) that everyone that criticizes anybody else's plan should come up with their own plan that is going to keep Social Security solvent. Look, we all agree this is a great program. Fifty percent of the people on retirement today would be at the poverty level if they did not have Social Security. So what are we going to do?

I just feel so strongly, and it is somewhat irritating that it is easy to criticize, to nit and pick. But I would humbly suggest that everybody that criticizes anybody else's plans, including the commission's, should come up with their own prompt proposal that keeps Social Security solvent.

Now, some people say, well, look, just pay back what we owe the trust fund and we will still be able to pay 70 percent of the benefits in 2034. Well, it is all going to take money. After there is less revenues coming in starting in 2018 than is required to pay benefits, the money has to come from someplace. So we will come up with the money and pay back everything we owe the trust fund and then benefits are going to be cut 30 percent, and then, a few years later, 65 percent. That is not acceptable. The longer we put off a decision, the more drastic the changes are going to have to be made.

Let me suggest that nobody is suggesting privatizing Social Security. The commission came up with three proposals today. The middle proposal says, for example, an individual can invest, and it is optional, it is all optional, an individual can invest 4 percent of their taxable earnings, if they want to, into their privately owned account. So if they die before 65, it goes into their estate and not back to the government; and they are going to offset future benefits, assuming that they get a 2 percent rate of return on that interest. Even government bonds can do better than that.

Let us move ahead, let us be positive, let us come up with proposals that will save Social Security. Things have changed so much since I introduced my first Social Security bill in 1994. Now we are talking about the reality of a problem. America is becoming better informed. But until America realizes where their Social Security checks come from, we are probably not going to convince most Americans that we need to fix the problem.

Where it comes from is existing workers. It is a Ponzi game. Existing workers today put in their money, and it is immediately sent out to existing retirees. That needs to be changed over time, and let us get with it.

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

Opposing private retirement accounts is not nitpicking. It is a major issue. And among Democrats and some Republicans there is deep resistance to it.

In terms of specific proposals, I would suggest, as was true in the early 1980s, if we are going to have a commission, let it be diverse, let it have a broad range of opinions. Do not have anybody, whether it is the President or the Congress, picking people who agree with them; in the President's case, people who believe in private retirement accounts, which is, I think, a legitimate privatization method in terms of what we call it. I do not think it is legitimate, but we can legitimately call it privatization.

Mr. Speaker, I believe the issues really are clear. I think the discussion here has been even more to the point than I expected in terms of what this resolution is all about and what is behind it. And therefore, within those qualifications, I suggest Members come here and vote, if a vote is called for.

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

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

The gentleman from Michigan and I worked for many years on welfare reform. The President vetoed my bill twice. In the end, we came together and we worked together, and America is better off for it. We supported it in a bipartisan way. We can do the same with Social Security.

The gentleman does not like the idea of investment in the private sector. If he has a better idea, bring it to me. I will have hearings on it. And if it is better than the investment in the private sector, I will support it.

The reason we are looking at investment in the private sector through individual retirement accounts is that is the only way we figured out we can get

a sufficient return that is going to leave the program there strong enough for our kids and our grandkids.

What we are talking about tonight is working together to preserve that program in a bipartisan way, to preserve it so that our kids and our grandkids are going to get a fair deal. Can we go to our kids and our grandkids, can I go home and tell them they are going to pay 12.4 percent of their wages and FICA taxes and, oh, by the way, you are going to take a cut after taking care of my generation and our Social Security benefits? That is wrong. That is wrong. And we do not need to do it. But if we continue the partisan bickering, we will need to do it.

I would challenge my friends on the other side of the aisle to come forward with a plan. The reaction has been absolutely absent. There are not even phantom plans out there to deal with this. We have to work together. Come forward with a plan, sponsor a plan, have it programmed and say that it is going to save Social Security for all time and we will work with it and have it scored that way. For us to continue the bickering on both sides of the aisle with regard to this is terrible.

This commission has worked hard, and as the gentleman correctly pointed out, they are distinguished individuals. They worked hard. Maybe the gentleman does not like the results, maybe I do not like the results, I think we can do better; but their job was not to legislate. Their job was to come forth with ideas, and this is what they have done.

I commend the President for putting together this bipartisan commission to come back to us. They have shown there is a problem out there. This resolution very clearly states that the Social Security System is going to be in trouble in 2016. So tomorrow when we get a big vote, and I am going to ask for a recorded vote, this is going to be an acknowledgment by the Congress that there is a problem that must be faced.

Let us face it now and let us face it together.

Mr. ENGLISH. Mr. Speaker, I rise in strong support of H. Con. Res. 282, Keeping the Social Security Promise Initiative. This resolution simply reaffirms Congress's resolve to strengthen the Social Security program for future generations without lowering benefits or increasing taxes. Mr. Speaker, Social Security provides essential retirement security for more than 45 million Americans. With each paycheck, workers send their hard-earned payroll taxes to Social Security with the promise of security in their retirement. In reforming the system Congress should not do anything that will jeopardize that security or break our promises to America's seniors.

President Bush has recognized that Social Security cannot sustain the imminent retirement of the baby boomers and future generations. He should be commended for creating a bipartisan Commission to Strengthen Social Security. The final report is due on December 21, 2001. The Commission has proposed three options to date, two of which would reduce benefits.

The responsibility for reforming Social Security ultimately lies with the Congress. I believe we can protect Social Security's commitment to our current and future retirees without lowering benefits or raising taxes while providing cost-of-living adjustments. With Social Security anticipated to run a deficit in 2016, now is the time for Congress and the President to work together in a bipartisan fashion to put Social Security on sound financial footing for generations to come.

I ask my colleagues to support H. Con. Res. 282.

Mr. FORBES. Mr. Speaker, I rise in strong support of H. Con. Res. 282, which reiterates Congress' commitment to our seniors to keep the promise of Social Security.

For years now, Congress and the public have known that Social Security would soon be facing serious financing challenges due to shifting demographics. With the aging of the baby boom generation, the number of retiring Americans receiving benefits is beginning to overwhelm the number of working Americans paying into the Social Security system. In addition, thanks to important medical advances and healthy behavioral changes, Americans are living longer. The result of these factors is that beginning in 2016, Social Security payments will exceed worker contributions into the trust funds.

This is a scary prospect for the millions of Americans who receive Social Security benefits. Many of those individuals depend upon their monthly Social Security checks to survive. As we fight our global war on terrorism, we must not lose sight of the fact that terror can come in many forms. It is every bit as frightening to an elderly man or woman that the Social Security check might be late—and far more real. Too many of these people are living from one check to the next and balancing food against medicine. As their Representatives in Congress, we should at least provide them with the security of the promise of Social Security.

It is also a scary prospect, Mr. Speaker, for the millions of Americans who are approaching retirement. They have been paying into the Social Security trust funds because they have to, not because they believe in Social Security. In fact, numerous studies have shown that more young Americans believe in UFOs than in their future Social Security checks.

It is clear that Social Security in its current form—the form it has had since the Great Depression—is unsustainable. If we are to keep the promise that so many seniors and working Americans have relied upon for years, we must reform this program. There are many possibilities for reform, including adding personal investment options. The President appointed a commission of experts from business, think tanks, and government to explore these alternatives and to make recommendations to Congress for change. They are expected to vote on their final report today, and Congress should consider their recommendations with due deliberative speed. We must act quickly, but more importantly, we must act right.

But throughout our deliberations, Mr. Speaker, we must maintain our steadfastness to keep the promise of Social Security. We should not raise Social Security taxes and we should not cut benefits. We must use the innovative spirit that is America's hallmark to meet this challenge and find a way to strengthen and improve Social Security.

Building upon the Social Security lock box legislation that this body has already approved, this resolution lays the groundwork for our coming debate, reaffirming our commitment to Social Security's beneficiaries, in particular, the most vulnerable beneficiaries—the low-income, the women, and minorities. I look forward to reviewing these issues with my colleagues and developing a real solution to this challenge.

I urge all my colleagues to support H. Con. Res. 282.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. SHAW) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 282.

The question was taken.

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

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

The yeas and nays were ordered.

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

## GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of House Concurrent Resolution 282.

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

There was no objection.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3295, HELP AMERICA VOTE ACT OF 2001

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–331) on the resolution (H. Res. 311) providing for consideration of the bill (H.R. 3295) to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT ON H.R. 2883, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2002

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–332) on the resolution (H. Res. 312) waiving points of order against the conference report to accompany the bill (H.R. 2883) to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## HOMESTEAD NATIONAL MONUMENT OF AMERICA ADDITIONS ACT

Mr. McINNIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 38) to provide for additional lands to be included within the boundaries of the Homestead National Monument of America in the State of Nebraska, and for other purposes, as amended.

The Clerk read as follows:

H.R. 38

*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 ''Homestead National Monument of America Additions Act''.*

***SEC. 2. DEFINITIONS.***

*In this Act:*

*(1) MAP.—The term ''map'' means the map entitled ''Proposed Boundary Adjustment, Homestead National Monument of America, Gage County, Nebraska'', numbered 368/80036 and dated March 2000.*

*(2) MONUMENT.—The term ''Monument'' means the Homestead National Monument of America, Nebraska.*

*(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.*

***SEC. 3. ADDITIONS TO HOMESTEAD NATIONAL MONUMENT OF AMERICA.***

*(a) IN GENERAL.—The Secretary may acquire, by donation or by purchase with appropriated or donated funds, from willing sellers only, the privately-owned property described in paragraphs (1) and (2) of subsection (b). The Secretary may acquire, by donation only, the State-owned property described in paragraphs (3) and (4) of subsection (b).*

*(b) PARCELS.—The parcels referred to in subsection (a) are the following:*

*(1) GRAFF PROPERTY.—The parcel consisting of approximately 15.98 acres of privately-owned land, as depicted on the map.*

*(2) PIONEER ACRES GREEN.—The parcel consisting of approximately 3 acres of privately-owned land, as depicted on the map.*

*(3) SEGMENT OF STATE HIGHWAY 4.—The parcel consisting of approximately 5.6 acres of State-owned land including Nebraska State Highway 4, as depicted on the map.*

*(4) STATE TRIANGLE.—The parcel consisting of approximately 8.3 acres of State-owned land, as depicted on the map.*

*(c) BOUNDARY ADJUSTMENT.—Upon acquisition of a parcel described in subsection (b), the Secretary shall modify the boundary of the Monument to include the parcel. Any parcel included within the boundary shall be administered by the Secretary as part of the Monument.*

*(d) DEADLINE FOR ACQUISITION OF CERTAIN PROPERTY.—If the property described in subsection (b)(1) is not acquired by the Secretary from a willing seller within 5 years after the date of the enactment of this Act, the Secretary shall no longer be authorized to acquire such property pursuant to this Act and such property shall not become part of the Monument pursuant to this Act.*

*(e) AVAILABILITY OF MAP.—The map shall be on file in the appropriate offices of the National Park Service.*

*(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act $400,000.*

***SEC. 4. COOPERATIVE AGREEMENTS.***

*The Secretary may enter into cooperative agreements with the State of Nebraska, Gage County, local units of government, private groups, and individuals for operation, maintenance, interpretation, recreation, and other purposes related to the proposed Homestead Heritage Highway to be located in the general vicinity of the Monument.*

The SPEAKER pro tempore (Mr. JOHNSON of Illinois). Pursuant to the rule, the gentleman from Colorado (Mr. McINNIS) and the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. McINNIS).

□ 2100

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

Mr. Speaker, H.R. 38 introduced by the gentleman from Nebraska (Mr. BEREUTER) would authorize the expansion of Homestead National Monument of America in Beatrice, Nebraska, by 30 acres.

The monument, which currently encompasses 189 acres, was established to commemorate the Homestead Act of 1862, one of the significant and enduring events in the western expansion of the United States. The Act granted 160 acres of free land to claimants willing to live on the frontier. The monument includes the site of one of the first homesteads claimed, located in the tallgrass prairie landscape that so many pioneers settled and traversed.

Mr. Speaker, the 30 acres would be acquired from willing sellers, two privately owned and two owned by the State of Nebraska. The bill also authorizes $400,000 to purchase the parcels of land. The bill is supported by the National Park Service and the majority and minority of the committee.

Mr. Speaker, I urge my colleagues to support H.R. 38, as amended.

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

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this legislation. The Homestead National Monument of America was created in 1936 to commemorate the Homestead Act of 1862 and its significant role in the settlement of the American west.

The monument includes the first parcel of land claimed under the Homestead Act as well as the Freeman School, an original, one-room schoolhouse adjacent to that parcel. The monument is listed in the National Register of Historic Places.

H.R. 38 authorizes the Secretary to acquire two specific parcels of private property, either by donation or purchase from willing sellers, and two parcels of State-owned land, by donation only. Once the land is acquired, the Secretary would be authorized to alter the boundaries of the monument to include these new properties.

It is our understanding that this expansion will allow the National Park Service to better protect the monument's historic resources from potential flood damage and aid in interpretation of the site.

Mr. Speaker, I support passage of H.R. 38.

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of H.R. 38, a bill this Member re-introduced on January 3, 2001, as during the prior 106th Congress, this Member introduced the same legislation.

This Member would like to begin by thanking the distinguished gentleman from California (Mr. RADANOVICH), the Chairman of the National Parks, Recreation, and Public Lands Subcommittee, and the distinguished gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), the ranking Member of the Subcommittee, for their work in bringing this bill to the Floor. This Member would also like to express his appreciation to the distinguished gentleman from Utah (Mr. HANSEN), the Chairman of the Resources Committee, and the distinguished gentleman from West Virginia (Mr. RAHALL), for their efforts to move this legislation forward.

This legislation, the Homestead National Monument of America Additions Act, is a straightforward bill. It is also noncontroversial. The bill would simply adjust the boundaries of Homestead National Monument of America and allow a small amount of additional land to be included within its boundaries. It is also important to note that the funding necessary to implement this bill was appropriated last fiscal year.

The legislation being considered today reflects the recommendations in the recently completed General Management Plan (GMP) calling for a minor boundary expansion for Homestead National Monument. Unfortunately, the current visitor center is located in a 100-year flood plain. The acquisition of land outside the existing boundaries as recommended in the GMP would allow a new ''Homestead Heritage Center'' to be constructed outside the floodplain. This location would offer greater protection to the Monument's collections, interpretive exhibits, public research facilities, and administrative offices.

As the bill makes clear, the land for the Heritage Center would be acquired on a willing-seller basis It is this Member's understanding that all of the individuals who would be involved in the boundary adjustment have expressed a willingness to sell for a negotiated price.

Homestead National Monument of America commemorates the lives and accomplishments of all pioneers and the changes to the land an the people as a result of the Homestead Act of 1862, which is recognized as one of the

most important laws in U.S. history. This Monument was authorized by legislation enacted in 1936. The FY96 Interior Appropriations Act directed the National Park Service to complete a General Management Plan to begin planning for improvements at Homestead. The General Management Plan, which was completed last year, made recommendations for improvements that are needed to help ensure that Homestead is able to reach its full potential as a place where Americans can more effectively appreciate the Homestead Act and its effects upon the nation.

Homestead National Monument of America is truly a unique treasure among the National Park Service jewels. The authorizing legislation makes it clear that Homestead was intended to have a special place among Park Service units. According to the original legislation:

It shall be the duty of the Secretary of the Interior to lay out said land in a suitable and enduring manner so that the same may be maintained as an appropriate monument to retain for posterity a proper memorial emblematic of the hardships and the pioneer life through which the early settlers passed in the settlement, cultivation, and civilization of the great West. It shall be his duty to erect suitable buildings to be used as a museum in which shall be preserved literature applying to such settlement and agricultural implements used in bringing the western plains to its present state of high civilization, and to use the said tract of land for such other objects and purposes as in his judgment may perpetuate the history of this country mainly developed by the homestead law.

Clearly, this authorizing legislation sets some lofty goals. This Member believes that H.R. 38 would help the Monument achieve the potential which was first described in its authorizing legislation.

This Member urges his colleagues to support H.R. 38.

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

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

The SPEAKER pro tempore (Mr. JOHNSON of Illinois). The question is on the motion offered by the gentleman from Colorado (Mr. MCINNIS) that the House suspend the rules and pass the bill, H.R. 38, as amended.

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

A motion to reconsider was laid on the table.

## JAMES PEAK WILDERNESS AND PROTECTION AREA ACT

Mr. MCINNIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1576) to designate the James Peak Wilderness and Protection Area in the Arapaho and Roosevelt National Forests in the State of Colorado, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1576

*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 ''James Peak Wilderness and Protection Area Act''.*

***SEC. 2. WILDERNESS DESIGNATION.***

*(a) INCLUSION WITH OTHER COLORADO WILDERNESS AREAS.—Section 2(a) of the Colorado Wilderness Act of 1993 (Public Law 103–77; 107 Stat. 756; 16 U.S.C. 1132 note) is amended by adding at the end the following new paragraph:*

*''(21) Certain lands in the Arapaho/Roosevelt National Forest which comprise approximately 14,000 acres, as generally depicted on a map entitled 'Proposed James Peak Wilderness', dated September 2001, and which shall be known as the James Peak Wilderness.''.*

*(b) ADDITION TO THE INDIAN PEAKS WILDERNESS AREA.—Section 3 of the Indian Peaks Wilderness Area and Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (Public Law 95–450; 92 Stat. 1095; 16 U.S.C. 1132 note) is amended by adding at the end the following new subsections:*

*''(c) The approximately 2,232 acres of Federal lands in the Arapaho/Roosevelt National Forest generally depicted on the map entitled 'Ranch Creek Addition to Indian Peaks Wilderness' dated September 2001, are hereby added to the Indian Peaks Wilderness Area.*

*''(d) The approximately 963 acres of Federal lands in the Arapaho/Roosevelt National Forest generally depicted on the map entitled 'Fourth of July Addition to Indian Peaks Wilderness' dated September 2001, are hereby added to the Indian Peaks Wilderness Area.''.*

*(c) MAPS AND BOUNDARY DESCRIPTIONS.—As soon as practicable after the date of the enactment of this Act, the Secretary of Agriculture (hereafter in this Act referred to as the ''Secretary'') shall file with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and a boundary description of the area designated as wilderness by subsection (a) and of the area added to the Indian Peaks Wilderness Area by subsection (b). The maps and boundary descriptions shall have the same force and effect as if included in the Colorado Wilderness Act of 1993 and the Indian Peaks Wilderness Area and Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act, respectively, except that the Secretary may correct clerical and typographical errors in the maps and boundary descriptions. The maps and boundary descriptions shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture and in the office of the Forest Supervisor of the Arapaho/Roosevelt National Forest.*

***SEC. 3. DESIGNATION OF JAMES PEAK PROTECTION AREA, COLORADO.***

*(a) FINDINGS AND PURPOSE.—*

*(1) FINDINGS.—The Congress finds the following:*

*(A) The lands covered by this section include important resources and values, including wildlife habitat, clean water, open space, and opportunities for solitude.*

*(B) These lands also include areas that are suitable for recreational uses, including use of snowmobiles in times of adequate snow cover as well as use of other motorized and nonmotorized mechanical devices.*

*(C) These lands should be managed in a way that affords permanent protection to their resources and values while permitting continued recreational uses in appropriate locales and subject to appropriate regulations.*

*(2) PURPOSE.—The purpose of this section is to provide for management of certain lands in the Arapaho/Roosevelt National Forest in a manner consistent with the 1997 Revised Land and Resources Management Plan for this forest in order to protect the natural qualities of these areas.*

*(b) DESIGNATION.—The approximately 16,000 acres of land in the Arapaho/Roosevelt National Forest generally depicted on the map entitled ''Proposed James Peak Protection Area'', dated September 2001, are hereby designated as the James Peak Protection Area (hereafter in this Act referred to as the ''Protection Area'') .*

*(c) MAP AND BOUNDARY DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary shall file with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and a boundary description of the Protection Area. The map and boundary description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the map and boundary description. The map and boundary description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture, and in the office of the Forest Supervisor of the Arapaho/Roosevelt National Forest.*

*(d) MANAGEMENT.—*

*(1) IN GENERAL.—Except as otherwise provided in this section, the Protection Area shall be managed and administered by the Secretary in the same manner as the management area prescription designations identified for these lands in the 1997 Revision of the Land and Resource Management Plan for the Arapaho/Roosevelt National Forest and the Pawnee National Grasslands. Such management and administration shall be in accordance with the following:*

*(A) GRAZING.—Nothing in this Act, including the establishment of the Protection Area, shall affect grazing on lands within or outside of the Protection Area.*

*(B) MINING WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Protection Area and all land and interests in land acquired for the Protection Area by the United States are withdrawn from—*

*(i) all forms of entry, appropriation, or disposal under the public land laws;*

*(ii) location, entry, and patent under the mining laws; and*

*(iii) the operation of the mineral leasing, mineral materials, and geothermal leasing laws, and all amendments thereto.*

*Nothing in this subparagraph shall be construed to affect discretionary authority of the Secretary under other Federal laws to grant, issue, or renew rights-of-way or other land use authorizations consistent with the other provisions of this Act.*

*(C) MOTORIZED AND MECHANIZED TRAVEL.—*

*(i) REVIEW AND INVENTORY.—Not later than two years after the date of the enactment of this Act, the Secretary, in consultation with interested parties, shall complete a review and inventory of all roads and trails in the Protection Area on which use was allowed on September 10, 2001, except those lands managed under the management prescription referred to in subparagraph (F). During the review and inventory, the Secretary may—*

*(I) connect existing roads and trails in the inventoried area to other existing roads and trails in the inventoried area for the purpose of mechanized and other nonmotorized use on any lands within the Protection Area as long as there is no net gain in the total mileage of either roads or trails open for public use within the Protection Area; and*

*(II) close or remove roads or trails within the Protection Area that the Secretary determines to be undesirable, except those roads or trails managed pursuant to paragraph (2) of this subsection or subsection (e)(3).*

*(ii) AFTER COMPLETION OF INVENTORY.—After completion of the review and inventory required by clause (i), the Secretary shall ensure that motorized and mechanized travel within the Protection Area shall be permitted only on those roads and trails identified as open to use in the inventory or established pursuant to subparagraph (D).*

*(D) NEW ROADS AND TRAILS.—No new roads or trails shall be established within the Protection*

*Area except those which the Secretary shall establish as follows:*

*(i) Roads and trails established to replace roads or trails of the same character and scope which have become nonserviceable through reasons other than neglect.*

*(ii) Nonpermanent roads as needed for hazardous fuels reduction or other control of fire, insect or disease control projects, or other management purposes.*

*(iii) Roads determined to be appropriate for reasonable access under section 4(b)(2).*

*(iv) A loop trail established pursuant to section 6.*

*(v) Construction of a trail for nonmotorized use following the corridor designated as the Continental Divide Trail.*

*(E) TIMBER HARVESTING.—No timber harvesting shall be allowed within the Protection Area except to the extent needed for hazardous fuels reduction or other control of fire, insect or disease control projects, or protection of public health or safety.*

*(F) SPECIAL INTEREST AREA.—The management prescription applicable to the lands described in the 1997 Revision of the Land and Resource Management Plan as the James Peak Special Interest Area shall also be applicable to all the lands in the Protection Area that are bounded on the north by Rollins Pass Road, on the east by the Continental Divide, and on the west by the 11,300 foot elevation contour as shown on the map referred to in subsection (b). In addition, motorized vehicle use shall not be permitted on any part of the Rogers Pass trail.*

*(2) NATURAL GAS PIPELINE.—The Secretary shall allow for maintenance of rights-of-ways and access roads located within the Protection Area to the extent necessary to operate the natural gas pipeline permitted under the Arapaho/Roosevelt National Forest master permit numbered 4138.01 in a manner that avoids negative impacts on public safety and allows for compliance with Federal pipeline safety requirements. Such maintenance may include vegetation management, road maintenance, ground stabilization, and motorized vehicle access.*

*(3) PERMANENT FEDERAL OWNERSHIP.—All right, title, and interest of the United States, held on or acquired after the date of the enactment of this Act, to lands within the boundaries of the Protection Area shall be retained by the United States.*

*(e) ISSUES RELATED TO WATER.—*

*(1) STATUTORY CONSTRUCTION.—*

*(A) Nothing in this Act shall constitute or be construed to constitute either an express or implied reservation of any water or water rights with respect to the lands within the Protection Area.*

*(B) Nothing in this Act shall affect any conditional or absolute water rights in the State of Colorado existing on the date of the enactment of this Act.*

*(C) Nothing in this subsection shall be construed as establishing a precedent with regard to any future protection area designation.*

*(D) Nothing in this Act shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State of Colorado and other States.*

*(2) COLORADO WATER LAW.—The Secretary shall follow the procedural and substantive requirements of the law of the State of Colorado in order to obtain and hold any new water rights with respect to the Protection Area.*

*(3) WATER INFRASTRUCTURE.—Nothing in this Act (including the provisions related to establishment or management of the Protection Area) shall affect, impede, interfere with, or diminish the operation, existence, access, maintenance, improvement, or construction of water facilities and infrastructure, rights-of-way, or other water-related property, interests, and uses, (including the use of motorized vehicles and equipment existing or located on lands within the Protection Area) on any lands except those lands managed under the management prescription referred to in subsection (d)(1)(F).*

***SEC. 4. INHOLDINGS.***

*(a) STATE LAND BOARD LANDS.—If the Colorado State Land Board informs the Secretary that the Board is willing to transfer to the United States some or all of the lands owned by the Board located within the Protection Area, the Secretary shall promptly seek to reach agreement with the Board regarding terms and conditions for acquisition of such lands by the United States by purchase or exchange.*

*(b) JIM CREEK INHOLDING.—*

*(1) ACQUISITION OF LANDS.—The Secretary shall enter into negotiations with the owner of lands located within the portion of the Jim Creek drainage within the Protection Area for the purpose of acquiring the lands by purchase or exchange, but the United States shall not acquire such lands without the consent of the owner of the lands.*

*(2) LANDOWNER RIGHTS.—Nothing in this Act shall affect any rights of the owner of lands located within the Jim Creek drainage within the Protection Area, including any right to reasonable access to such lands by motorized or other means as determined by the Forest Service and the landowner consistent with applicable law and relevant and appropriate rules and regulations governing such access.*

*(c) REPORT.—*

*(1) IN GENERAL.—The Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report concerning any agreement or the status of negotiations conducted pursuant to—*

*(A) subsection (a), upon conclusion of an agreement for acquisition by the United States of lands referred to in subsection (a), or 1 year after the date of the enactment of this Act, whichever occurs first; and*

*(B) subsection (b), upon conclusion of an agreement for acquisition by the United States of lands referred to in subsection (b), or 1 year after the date of the enactment of this Act, whichever occurs first.*

*(2) FUNDING INFORMATION.—The report required by this subsection shall indicate to what extent funds are available to the Secretary as of the date of the report for the acquisition of the relevant lands and whether additional funds need to be appropriated or otherwise made available to the Secretary for such purpose.*

*(d) MANAGEMENT OF ACQUISITIONS.—Any lands within the James Peak Wilderness or the Protection Area acquired by the United States after the date of the enactment of this Act shall be added to the James Peak Wilderness or the Protection Area, respectively, and managed accordingly.*

***SEC. 5. JAMES PEAK FALL RIVER TRAILHEAD.***

*(a) SERVICES AND FACILITIES.—Following the consultation required by subsection (c), the Forest Supervisor of the Arapaho/Roosevelt National Forest in the State of Colorado (in this section referred to as the ''Forest Supervisor'') shall establish a trailhead and corresponding facilities and services to regulate use of National Forest System lands in the vicinity of the Fall River basin south of the communities of Alice Township and St. Mary's Glacier in the State of Colorado. The facilities and services shall include the following:*

*(1) Trailhead parking.*

*(2) Public restroom accommodations.*

*(3) Trailhead and trail maintenance.*

*(b) PERSONNEL.—The Forest Supervisor shall assign Forest Service personnel to provide appropriate management and oversight of the area described in subsection (a).*

*(c) CONSULTATION.—The Forest Supervisor shall consult with the Clear Creek County commissioners and with residents of Alice Township and St. Mary's Glacier regarding—*

*(1) the appropriate location of facilities and services in the area described in subsection (a); and*

*(2) appropriate measures that may be needed in this area—*

*(A) to provide access by emergency or law enforcement vehicles;*

*(B) for public health; and*

*(C) to address concerns regarding impeded access by local residents.*

*(d) REPORT.—After the consultation required by subsection (c), the Forest Supervisor shall submit to the Committee on Resources and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate a report regarding the amount of any additional funding required to implement this section.*

***SEC. 6. LOOP TRAIL STUDY; AUTHORIZATION.***

*(a) STUDY.—Not later than three years after funds are first made available for this purpose, the Secretary, in consultation with interested parties, shall complete a study of the suitability and feasibility of establishing, consistent with the purpose set forth in section 3(a)(2), a loop trail for mechanized and other nonmotorized recreation connecting the trail designated as ''Rogers Pass'' and the trail designated as ''Rollins Pass Road''.*

*(b) ESTABLISHMENT.—If the results of the study required by subsection (a) indicate that establishment of such a loop trail would be suitable and feasible, consistent with the purpose set forth in section 3(a)(2), the Secretary shall establish the loop trail in a manner consistent with that purpose.*

***SEC. 7. OTHER ADMINISTRATIVE PROVISIONS.***

*(a) BUFFER ZONES.—The designation by this Act or by amendments made by this Act of wilderness areas and the Protection Area in the State of Colorado shall not create or imply the creation of protective perimeters or buffer zones around any wilderness area or the Protection Area. The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area or Protection Area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area or the Protection Area.*

*(b) ROLLINS PASS ROAD.—If requested by one or more of the Colorado Counties of Grand, Gilpin, and Boulder, the Secretary shall provide technical assistance and otherwise cooperate with respect to repairing the Rollins Pass road in those counties sufficiently to allow two-wheel-drive vehicles to travel between Colorado State Highway 119 and U.S. Highway 40. If this road is repaired to such extent, the Secretary shall close the motorized roads and trails on Forest Service land indicated on the map entitled ''Rollins Pass Road Reopening: Attendant Road and Trail Closures'', dated September 2001.*

***SEC. 8. WILDERNESS POTENTIAL.***

*(a) IN GENERAL.—Nothing in this Act shall preclude or restrict the authority of the Secretary to evaluate the suitability of lands in the Protection Area for inclusion in the National Wilderness Preservation System or to make recommendations to Congress for such inclusion.*

*(b) EVALUATION OF CERTAIN LANDS.—In connection with the first revision of the land and resources management plan for the Arapaho/Roosevelt National Forest after the date of the enactment of this Act, the Secretary shall evaluate the suitability of the lands managed under the management prescription referred to in section 3(d)(1)(F) for inclusion in the National Wilderness Preservation System and make recommendations to Congress regarding such inclusion.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. MCINNIS) and the gentleman from Colorado (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. MCINNIS).

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

Mr. Speaker, H.R. 1576 introduced by the gentleman from Colorado (Mr. UDALL) establishes the James Peak Wilderness Area, adds to the existing Indian Peaks Wilderness Area, and designates a James Peak Protection Area, all within the Arapaho-Roosevelt National Forest located in the State of Colorado.

As the gentleman from Colorado (Mr. UDALL) knows, I have a particular interest in this piece of legislation. That is because the majority of land impacted by the proposal actually falls within the boundary of the Third Congressional District of the State of Colorado, my district. The area in question is truly spectacular. There is no denying that it deserves special protection. That is something that all sides have agreed on for some period of time. Where there has not been agreement over the years is on the question of actually how and under what congressional designation the James Peak area should be managed.

While Gilpin, Clear Creek and Boulder Counties all fall in the district of the gentleman from Colorado (Mr. UDALL), I have long supported the wilderness designation for these lands within the borders of their counties; Grand County, in my district, has not. Grand County's opposition is the primary reason that this bill did not progress in either the 105th or the 106th Congress. Today, thanks to the good-faith efforts of a number of Members, we have been able to overcome the differences that have stalled this bill in the past and reached a consensus agreement that enjoys wide-spread local support.

The agreement was submitted in the form of an amendment I offered to the bill at full committee markup earlier this year. The compromise is a simple and straightforward one. For those communities that have expressed support for the wilderness designation, my amendment would establish exactly that, wilderness.

For those lands where a local consensus for wilderness has not emerged, the amendment would statutorily lock in the existing management framework as established in the local forest plan, a highly protective regime that will afford substantial protections for this landscape, while allowing certain recreational activities and important other access considerations to continue. This is the protection area.

Within the protection area, the bill includes language protecting access and maintenance rights for existing water facilities in the area, a critical element and an issue that was overlooked in the bill as it was originally introduced. It requires the Federal Government to acquire any new water rights in the protection area under the substantive and procedural requirements of Colorado water law. I repeat, under the substantive and procedural requirements under Colorado water law. It directs the Forest Service to sit down with mountain biking enthusiasts and environmentalists to decide which recreational trails should remain open, and which should be closed.

Finally, it leaves open an opportunity for the Forest Service and the affected local communities to reconsider wilderness designation for the lands in the protection area some time down the road.

Mr. Speaker, I note that the acreage numbers in the bill are estimates, and reaffirm the fact that the map accompanying this legislation is intended to be the controlling statement on the boundary issue. At a subcommittee meeting earlier this year, I promised the gentleman from Colorado (Mr. UDALL) and my friends in the environmental community that if they would support my compromise proposal, I would do everything I could to see that this bill made its way through the House of Representatives before the end of year. With their support in hand, Mr. Speaker, today I fulfill that promise.

In closing, Mr. Speaker, I would like to offer special thanks to the gentleman from Colorado (Mr. UDALL); his staff; Dave Bull and Craig McGuire with the Forest Service; the Grand County commissioners, Duane Daily, James Newberry, and Bob Anderson; the Boulder, Clear Creek and Gilpin County commissioners, especially Web Sill; Steve Smith with the Colorado Sierra Club; Sara Duncan with the Denver Water Board; the Headwaters Trail Alliance; the International Mountain Biking Alliance; Lisa Daly with legislative counsel; and my staff and the Committee on Resources staff.

Mr. Speaker, I salute our former colleague, David Skaggs, who first introduced this measure during the 105th Congress and was very dedicated to the proposition. These people have all put forth a lot of effort and energy into this legislation today. They deserve real credit. I would also like to thank the majority leader and his staff for scheduling this vote.

Mr. Speaker, I urge Members to support H.R. 1576.

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

Mr. UDALL of Colorado. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. UDALL of Colorado. Mr. Speaker, I rise in strong support of this bill. I begin by thanking the chairman of the subcommittee, the gentleman from Colorado (Mr. MCINNIS), as well as the chairman of the Committee on Resources, the gentleman from Utah (Mr. HANSEN), and the gentleman from West Virginia (Mr. RAHALL) for making it possible for the House to be considering it today. In particular, the hard work and leadership of the gentleman from Colorado (Mr. MCINNIS) have been essential, and I appreciate all the gentleman has done in connection with this legislation which will provide additional protection for a key part of the high alpine environment along Colorado's Continental Divide.

Rising to 13,294 feet above sea level, James Peak is a dramatic feature of this part of the front range section of our State. It is a dominant feature in a 26,000-acre roadless area within the Arapaho-Roosevelt National Forest that straddles this part of the Continental Divide. The peak itself was named after Dr. Edwin James, a prominent botanist and journalist with the Stephen H. Long expedition to Colorado way back in 1820.

During that expedition, James became the first Anglo-American to climb a 14,000 foot peak in the continental United States, the one that is now known as Pike's Peak near Colorado Springs. That name, of course, referred to Zebulon Pike, who had earlier seen and described but never climbed that peak.

In fact, historians say Long tried to change the name of Pike's Peak in honor of Dr. James' ascent, but by the time of the Long expedition, the name Pike's Peak was too well established. As an alternative, the more northerly peak, visible from many places in the Denver metro area, was named after Dr. James in the 1860s.

As my colleague has mentioned, the James Peak roadless area includes lands within four counties. Three of those counties, Boulder, Clear Creek and Gilpin, are on the east side of the divide, within Colorado's Second Congressional District. The other, Grand County, is on the western side in the Third Congressional District.

The area offers outstanding recreational opportunities for hiking, skiing, fishing and backpacking. It includes a dozen spectacular alpine lakes, including the Forest Lakes, Arapaho Lakes, and Heart Lake. It is one of the highest rated areas for biological diversity on the entire Arapaho National Forest. It includes unique habitat for wildlife, miles of riparian corridors, stands of old growth forests, and it is home to some threatened and endangered species.

Adding James Peak to the chain of protected lands from Berthoud Pass to the Wyoming boundary will promote movement of sensitive species such as wolverine, lynx, and pine marten, and improve the chances of these and similar species that only thrive in wilderness settings.

Currently, this is the largest wilderness area on the Northern Front Range that has no specific statutory protection. Under current law it is open to mining claims and other developments that can occur on general national forest lands. In my opinion, these roadless lands are eminently qualified for and deserve to be added to the National Wilderness Preservation System, and that is the view of many Coloradans as well.

My predecessor, David Skaggs, introduced a James Peak Wilderness bill,

but action on it was not completed. Since my first election to Congress, I have been working to protect the wilderness qualities of the James Peak area. I introduced a bill in the 106th Congress that would have designated about 22,000 acres of the James Peak roadless areas as wilderness, including about 8,000 acres in Grand County.

The proposal was designed to renew discussions for the appropriate management of these lands that qualify for wilderness consideration, and that discussion certainly has taken place. In fact, the bill before us today has been shaped by nearly 2 years of discussions with county officials, interested groups and the general public. The previous bill had broad support. However, after its introduction, the Grand County commissioners, which includes the western side of James Peak, expressed some concerns with the proposed wilderness designation for the land in that county. So I undertook to work with the Grand County commissioners and interested residents of that part of the State.

We held several discussions, including a public meeting in Grand County. After that, the Grand County commissioners put forth a suggestion for designation of a James Peak Protection Area that would include both the Grand County part of the roadless area and additional lands as well. That suggestion is a key part of the bill now before the House.

Mr. Speaker, the bill introduced earlier this year included wilderness designation of about 14,000 acres of the James Peak roadless area in Boulder, Clear Creek and Gilpin Counties. It also included a designation of about 18,000 acres in Grand County as the James Peak Protection Area, and would have added 2,000 acres in Grand County to the Indian Peaks Wilderness Area in accordance with the recommendation of the Forest Service. Within the protection area, there would have been an 8,000 acre wilderness study area. I included the wilderness study provision after the Grand County commissioners indicated that they would not oppose having the Forest Service again review the lands involved for possible wilderness designation.

□ 2115

They indicated that they were aware that the Forest Service had reviewed this area in the past and could have recommended it for wilderness but did not do so. The commissioners also indicated that if the Forest Service were to review the area again, they would respect that process.

I thought, and still think, that the bill as introduced was a sound, balanced measure that deserved their support and the support of the Congress. However, the bill before us today differs in several ways from the version I introduced earlier. Instead, as it comes to the House, the bill incorporates a number of changes developed through negotiations between the chairman of the subcommittee, the gentleman from Colorado (Mr. MCINNIS), and myself.

One of those changes is that the bill before us does not provide for an immediate wilderness study of any of the lands in the protection area. And there are other changes as well, including an increase in the additions to existing wilderness. In short, this bill is a compromise but it is a good compromise. It does not do everything I would have liked, but it probably does more than some others would have liked. That is what a compromise is all about.

In particular, as I have mentioned, it does not designate as much wilderness as I would have preferred on the western side of the James Peak area. But it also does not preclude the Forest Service from revisiting that issue in the future, and in fact it makes it clear that at least part of these lands on the west side will be reviewed for possible wilderness recommendations.

In any event, some of these lands on the west side, the ones designated in the bill as the James Peak protection area and specifically the ''special interest area'' lands within this designation, are to be managed by the Forest Service for their pristine and roadless qualities. Furthermore, the present forest plan restrictions for this area are to be locked in place with the additional restrictions prohibiting commercial logging, land exchanges, mining activities, and new recreational trail development.

This ''protection area'' designation has been designed especially for these lands. It should not be seen as something that necessarily can be applied elsewhere in Colorado or elsewhere as a substitute for wilderness designation where that designation is appropriate. But I think it is appropriate in the way it addresses the management of the lands involved.

On one related point, I want to compliment what my colleague, the gentleman from Colorado (Mr. MCINNIS), also said, it should be noted that it is the intention that the final map and boundary description will make clear that the existing water diversion and impoundment facilities owned by the Denver Water Board and other entities are not within the protection area because the boundary is set back so that these facilities, including an aqueduct, are excluded from the designation. I would also like to take this opportunity to acknowledge and thank all of the people who made this legislation possible. There are too many of them for me to mention them all, and I am deeply grateful for all their contributions; but let me highlight some who made particular contributions:

All of the county commissioners in the four counties, Boulder, Clear Creek, Gilpin and Grand, deserve thanks for their support and input. I want to especially thank Gilpin County Commissioner Web Sill. I would also recognize and applaud the passion and perseverance of the local conservationists who saw the value of these lands early on. These include Bill Ikler of Nederland, Colorado; Kirk Cunningham and Linda Batlin of Boulder, Colorado; Sue Howell of Idaho Springs, Colorado; and Matt Sugar of Winter Park, Colorado.

I also must thank Sierra Club regional representative Steve Smith. Steve was a member of the staff of my predecessor, Congressman David Skaggs, and has been involved in land protection in Colorado for over 20 years. His understanding of the issues as well as his tenacity and diplomacy were indispensable to working out these compromises. Finally, I want to add a special note of appreciation for the work of Doug Young of my staff. His dedication, persistence and expertise were crucial in the process that has brought us to this point.

Mr. Speaker, the James Peak area is indeed special. With the continuing pressure of population growth along Colorado's Front Range, I am concerned that if we do not protect these lands now, we could lose a critical resource for future generations.

In closing, again I want to thank my colleague particularly, the gentleman from Colorado (Mr. MCINNIS), the chairman of the subcommittee, for his invaluable assistance and leadership and his friendship. I look forward to working with him in the future when we have the opportunity. I urge passage of this much-needed bill.

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

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

Mr. Speaker, there are a couple of points here I would like to make very clear. First of all, there are a couple of other thank-you's I want to make: Josh Penry on my staff, Melissa Simpson and a couple of others in the staff, Christopher and some others, put a lot of effort into this. I understand the gentleman's comment in regards to model. I think this should be a piece of model legislation or legislation on which to model future compromises, the reason being is that this bill required a lot of local effort.

The gentleman from Colorado (Mr. UDALL) was involved at the grassroots level in putting that compromise together. That is the exact kind of model for the future of Colorado that we should look forward to. As the gentleman from Colorado (Mr. UDALL) realizes, between the two of us and our staffs, we were able to go to Colorado and bring these various factions together. Wilderness will never receive further designation in Colorado in my opinion if it is going to be black and white, that clear. It can never be that clear a line. There has to be compromise, and there has to be local support. I think that was recognized by my colleague, the gentleman from Colorado (Mr. UDALL). But I want to make it clear on the record that this should

be a model piece of legislation for future discussions in regards to wilderness.

I also want to point out that this bill was introduced in the 105th session and in the 106th session. It never received a hearing. It never got a vote. The reason that it is here on the floor today is because the gentleman from Colorado (Mr. UDALL) and the communities and myself were able to come together. I would hope that as a result of what we saw, the compromise that came here tonight that brought this bill to the floor, we will also see the same kind of, I guess, courtesies, or reciprocation from the gentleman from Colorado (Mr. UDALL) in regards to the Deep Creek wilderness.

As he knows, these bills were close to being companion bills. The Deep Creek bill still has some work in regards to description and so on before we can get it to hearing, but I would hope that my colleague will also put forth his efforts and energies as I did with his bill; I hope he puts the same kind of energy and efforts to making my bill on the Deep Creek wilderness become a reality.

Mr. UDALL of Colorado. Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. I yield to the gentleman from Colorado.

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentleman for yielding. I wanted to make the statement that I look forward to working with him on the Deep Creek wilderness proposal. Also if I could, I might just point out, I think the process was a model, first and foremost. We brought people together on an ongoing basis. Nobody walked away from the table. We had differences of opinion and differences of approaches over, as he points out, almost a 3-year or arguably a longer period of time given that Congressman Skaggs introduced the bill back in the 105th Congress. But nobody walked away from the process. People were trusting of other people's motives even though there was perhaps a difference in approach and opinion.

I hope that we can bring that model not only to our State, Colorado, but around the West as we continue to have to deal with some of these thorny issues that surround the use of public lands. People operated in good faith. I thank the chairman again for his support and work, and I look forward to working with him in the future.

Mr. MCINNIS. I would point out to the gentleman from Colorado that, yes, people were at the table, but it required leadership to get something done at the table. They were willing to sit at the table, they were willing to sit politely and have a discussion; but it took your leadership, it took my leadership, it took the leadership of these county commissioners to come in with this kind of compromise. It also took some resistance on our part for people who at the last minute want to pull off the table or try and squash the deal by always moving the goal posts. I am afraid we are going to see that in Deep Creek. I would hope, as I said, that you would reciprocate with the same kind of leadership that I showed, I think, with your bill, that you would show with my bill. But I think you have done a tremendous job. I also want to commend Mr. Sloss and his efforts. We both live close there.

Mr. UDALL of Colorado. If the gentleman will yield further, if I might, I was remiss in not acknowledging the tremendous staff work on the part of Stan Sloss who anybody who works with the Committee on Resources knows is an institution and is a great resource not just to Democrats but to Republicans as well and is a tremendous resource to all of us. I thank the gentleman for acknowledging Stan Sloss and the great work that he does.

Mr. MCINNIS. On a lighter moment, as the gentleman knows, Mr. Sloss' mother was my school teacher many years ago, so I walked the straight line as a result of the lessons I learned from that fine lady.

Mr. Speaker, I ask for favorable consideration of the bill.

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

The SPEAKER pro tempore (Mr. JOHNSON of Illinois). The question is on the motion offered by the gentleman from Colorado (Mr. MCINNIS) that the House suspend the rules and pass the bill, H.R. 1576, as amended.

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

A motion to reconsider was laid on the table.

## NATIVE AMERICAN CULTURAL CENTER AND MUSEUM AUTHORIZATION ACT

Mr. MCINNIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2742) to authorize the construction of a Native American Cultural Center and Museum in Oklahoma City, Oklahoma.

The Clerk read as follows:

H.R. 2742

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

**SECTION 1. OKLAHOMA NATIVE AMERICAN CULTURAL CENTER AND MUSEUM.**

(a) FINDINGS.—Congress makes the following findings:

(1) In order to promote better understanding between Indian and non-Indian citizens of the United States, and in light of the Federal Government's continuing trust responsibilities to Indian tribes, it is appropriate, desirable, and a proper function of the Federal Government to provide grants for the development of a museum designated to display the heritage and culture of Indian tribes.

(2) In recognition of the unique status and history of Indian tribes in the State of Oklahoma and the role of the Federal Government in such history, it is appropriate and proper for the museum referred to in paragraph (1) to be located in the State of Oklahoma.

(b) GRANT.—

(1) IN GENERAL.—The Secretary shall offer to award financial equaling not more than $33,000,000 and technical assistance to the Authority to be used for the development and construction of a Native American Cultural Center and Museum in Oklahoma City, Oklahoma.

(2) AGREEMENT.—To be eligible to receive a grant under paragraph (1), the appropriate official of the Authority shall—

(A) enter into a grant agreement with the Secretary which shall specify the duties of the Authority under this section, including provisions for continual maintenance of the Center by the Authority without the use of Federal funds; and

(B) demonstrate, to the satisfaction of the Secretary, that the Authority has raised, or has commitments from private persons or State or local government agencies for, an amount that is equal to not less than 66 percent of the cost to the Authority of the activities to be carried out under the grant.

(3) LIMITATION.—The amount of any grant awarded under paragraph (1) shall not exceed 33 percent of the cost of the activities to be funded under the grant.

(4) IN-KIND CONTRIBUTION.—When calculating the cost share of the Authority under this Act, the Secretary shall reduce such cost share obligation by the fair market value of the approximately 300 acres of land donated by Oklahoma City for the Center, if such land is used for the Center.

(c) DEFINITIONS.—For the purposes of this Act:

(1) AUTHORITY.—The term ''Authority'' means the Native American Cultural and Educational Authority of Oklahoma, and agency of the State of Oklahoma.

(2) CENTER.—The term ''Center'' means the Native American Cultural Center and Museum authorized pursuant to this section.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to grant assistance under subsection (b)(1), $8,250,000 for each of fiscal years 2003 through 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. MCINNIS) and the gentleman from Oklahoma (Mr. CARSON) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. MCINNIS).

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

H.R. 2742 is legislation introduced by the gentleman from Oklahoma (Mr. CARSON) which directs the Secretary of the Interior to grant $33 million in financial assistance grants and technical assistance to the Native American Cultural and Educational Authority for the development of the Native American Cultural Center and Museum in Oklahoma City, Oklahoma. The bill authorizes appropriations to the Secretary of the Interior for $8.25 million for the fiscal years 2003 through 2006.

The committee held a hearing on October 17, 2001, and favorably reported it out of full committee by unanimous consent on November 28, 2001. The Oklahoma delegation, the 39 tribes recognized by the State of Oklahoma and the Oklahoma State legislature all support H.R. 2742.

Mr. Speaker, I respectfully request an affirmative vote on the passage of

this important bill for the State of Oklahoma.

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

Mr. CARSON of Oklahoma. Mr. Speaker, I yield myself such time as I may consume.

I would like to begin by expressing my sincere appreciation to Chairman HANSEN of the Committee on Resources, Ranking Member RAHALL and the entire Committee on Resources staff for their leadership and hard work in bringing H.R. 2742 to the floor of the House of Representatives. I would like to especially single out the gentleman from Colorado (Mr. MCINNIS) for his leadership on this issue as well as my indispensable aide, Jessica Werner, whose passion for this issue and whose expertise is greater than my own. I rise in support of H.R. 2742, a bill to authorize, as the gentleman from Colorado said, the construction of a Native American Cultural Center and Museum in Oklahoma City, Oklahoma. As an enrolled member of the Cherokee tribe and representing the most Native American district in the entire country, H.R. 2742 and the Native American Cultural Center and Museum planned for Oklahoma City, Oklahoma, carry great significance for me.

The area encompassed by the boundaries of the State of Oklahoma, often referred to as ''Native America,'' has had a special relationship with Indian nations since long before it became a State in 1907. Beginning in the 1820s, the five civilized tribes from the southeastern United States were relocated to Indian Territory over numerous routes, the most famous being the Cherokee Trail of Tears. Forced off their ancestral lands by State and Federal governments, the tribes suffered great hardships during the rigorous trips west. This forced march of eastern tribes to the West under the Indian Removal Act of 1830 is the best known movement of American Indians to what is now Oklahoma. Thirty-nine tribes are recognized by the State, including both tribes forced to Oklahoma and tribes native to the plains.

These tribes collectively and individually have played an invaluable role in the evolution of the State of Oklahoma. Indeed, the culture and history of Oklahoma are inseparable from that of the 39 tribes. Nevertheless, before the creation of the Native American Cultural and Educational Authority of Oklahoma, there has been little statewide effort to recognize the contributions and sacrifices made by the tribes, and no Federal effort in my State.

In 1994, the Oklahoma legislature created the Native American Cultural and Educational Authority to promote the history of Native Americans for the mutual benefit of the State of Oklahoma and its Indian and non-Indian citizens. By that legislation, the authority was authorized and empowered to construct and operate a cultural center and museum on a chosen site in Oklahoma. Since 1994, various entities, including the authority, the State legislature, the Office of the Governor, Native American groups, and a stellar design team have worked together and developed an impressive and extensive plan for the creation of the Native American Cultural Center and Museum in Oklahoma City, which three cities in Oklahoma initially bid for.

□ 2130

The approximately 300-acre site donated by Oklahoma City where the center will be located will have a Great Promontory, a Court of Nations, a Court of the Wind, a Hall of the People, Permanent and Temporary Galleries, a ''Who We Are'' Theater, a Multi-Purpose Theater, a Demonstration Gallery, Family Center, Study Center, Discovery Center, a Lodge, Hotel and Conference Center, a Visitor Center and Dancing Grounds.

As an affiliate of the Smithsonian Institute, the museum will be able to rotate exhibits with the Native American Smithsonian Institute being built not far from where I stand here in Washington, enriching both of the museum's collections.

Some of the main goals tied to the creation of the Native American Cultural Center and Museum are, first, to link the past, present and future of Indian Nations and present them to the visitor in a way that he or she can experience and understand fully; second, to preserve and promote the living cultures of Native Americans, in language and history, dance, arts, cultural values and spirituality; and, third, to strive for economic self-sufficiency and to engender the principles of environmental sustainability.

This massive endeavor, representing and promoting all 39 tribes in Oklahoma, is truly awe-inspiring and worthy of Federal financial and technical support. The design team includes Ralph Appelbaum, whose achievements include the United States Holocaust Museum, and Bill Fain, who helped design the TransAmerica Building in San Francisco. The world class team has enjoyed the strong support of Governor Frank Keating of Oklahoma, as well as Senator NICKLES and Senator INHOFE, and Senator CAMPBELL of Colorado, as well as the Oklahoma State Legislature, and the gentleman from Oklahoma (Mr. WATKINS), the gentleman from Oklahoma (Mr. WATTS), the gentleman from Oklahoma (Mr. LARGENT) and the gentleman from Oklahoma (Mr. ISTOOK), to name just a few.

H.R. 2742, as the gentleman from Colorado (Mr. MCINNIS) noted, would authorize the appropriation of $33 million over a period of four fiscal years beginning in 2003. However, appropriation of Federal dollars is contingent upon private, city and State sources, accounting for 66 percent of the total cost. Thus, the center is neither wholly dependent upon Federal funds nor given access to Federal funds until a local commitment has been adequately demonstrated.

Nevertheless, Federal funds are necessary and reasonable. Given the Federal Government's significant role, indeed determining role, in relocating many of the 39 tribes now a part of Oklahoma, it seems more than appropriate for the Federal Government to award grants to the Native American Cultural and Educational Authority for the development of this museum, committed to preserving the history and culture of these tribes.

Furthermore, a precedent has been set for the Federal funding of State museums. To name a few examples, from 1986 to 1994, the Steamtown Railroad Museum in Pennsylvania was appropriated more than $80 million in Federal funds. From 1996 to 1997, the Hispanic Cultural Center in New Mexico was appropriated $16 million. Under the Omnibus Indian Advancement Act of the 106th Congress, appropriations amounting to over $18 million were authorized for the Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota.

The construction of this museum and, hence, this legislation, is not only necessary for the preservation of Indian cultures, but carries deep significance in the State of Oklahoma and, I believe, to the Nation too. Felix Cohen, in his landmark treatise on Indian law, remarked that, ''like the miner's canary, the Indian marks the shift from fresh air to poison gas in our political atmosphere; and our treatment of Indians, even more than our treatment of other minorities, reflects the rise and fall in our democratic faith.''

With this bill, in a State formed by the cruelties of our Nation's Indian policy, we build finally a monument to all which has endured. We now celebrate what was once despised, and we now preserve what our Nation for too long tried to eradicate.

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

Mr. MCINNIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Speaker, I thank the gentleman for yielding me time. I want to especially express my appreciation to my colleague, the gentleman from Oklahoma (Mr. CARSON) for offering H.R. 2742. I certainly rise in support of it.

As the gentleman from Oklahoma (Mr. CARSON) mentioned, he is an enrolled member of the Cherokee Tribe. In fact, there are some 67 tribes that originally inhabited what became known as Indian Territory, and now is known as the State of Oklahoma.

Through a chapter in our Nation's history, of which we cannot be proud, we had the Trail of Tears with the movement of Indian Tribes across the country, from eastern parts of the Nation, from Florida and Alabama and other states in the Southeast in particular, moved by the U.S. Government to Oklahoma.

Now we need to recognize what they built there, what they established

under adverse conditions, in a good land but not the land that was originally theirs, but the land that became theirs. It is fitting and proper that the Federal Government participate in establishing this center about the education, the culture and the history of the Tribes that were moved across the country to become the homeland of now the State of Oklahoma.

Mr. Speaker, this legislation, which is supported by the Tribes to preserve their heritage in the lands which became theirs, is a partnership piece of legislation. It states that the money to be provided by the Federal Government will be matched two-to-one by funds being provided by State and local and private sources.

Indeed, the State legislature has already appropriated $6.5 million. There has been a grant of land from the City of Oklahoma City of some 300 acres, in the prime location where Interstates 40 and 35 come together next to downtown Oklahoma City on the banks of the North Canadian River. In that prime location will be erected the proud monument and preservation of the history and culture of the Indian Tribes that inhabited so much of the country and came to rest in the State of Oklahoma.

Private donations are being solicited. We are not asking for the Federal Government to assume the cost of operating this. We are not asking the Federal Government to even bear the lion's share of the funding for this. We are saying that State, local and private sources will provide two-thirds of the funding, and the Federal Government is only being asked to provide one-third. That is more than fair, Mr. Speaker, and it is just that we provide this funding, that we authorize it today, and appropriate it over this 4-year period, as the bill calls to be done.

I want to express my appreciation for the partnership of the many people and several Indian Tribes involved in this, the civic leaders in the city of Oklahoma City, the State legislators. I want to single out one member of the State legislature in particular, State Senator Enoch Kelly Haney, a Native American who was responsible for much of the vision regarding this center. In fact, he is also an artist. He is a sculpture. He is donating his work of the statue of a Native American to be the new statue atop the new dome being put on the Oklahoma State Capitol.

I also want to express appreciation to Governor Bill Anaotubby of the Chickasaw Nation, Principle Chief Perry Beaver of the Muscogee Creek Nation, Former Chief Joe Byrd of the Cherokee Nation, Former Chief Elmer Manatowa of the Sac & Fox Nation, and Dr. Bud Sahmaunt of the Kiowa Tribe. They have all served on the Board of Directors of the Native American Cultural and Educational Authority and have been involved in the planning for this museum.

I again want to express my special appreciation to my colleague, the gentleman from Oklahoma (Mr. CARSON), for sponsoring this legislation, knowing that it is not just a matter of things that are important to the people in his district, but also that are important to the people throughout the State of Oklahoma and to the preservation of Native American history and culture for people throughout the United States of America as well.

AMENDMENT OFFERED BY MR. MCINNIS

Mr. MCINNIS. Mr. Speaker, I ask unanimous consent on page 2, line 21 of the bill, that the word ''assistance'' be inserted after the word ''financial.''

The SPEAKER pro tempore (Mr. JOHNSON of Illinois). Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. MCINNIS. Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Oklahoma (Mr. WATKINS).

(Mr. WATKINS of Oklahoma asked and was given permission to revise and extend his remarks.)

Mr. WATKINS of Oklahoma. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, first I would like to express my thanks to the gentleman from the Second Congressional District of Oklahoma (Mr. CARSON), for his tremendous work in this area of Native Americans and also on this particular bill. He has done a great job putting this bill together, bringing it to light and moving it forward to where we are tonight.

I am delighted to be a cosponsor with the gentleman and with other Oklahomans. It is so fitting that this museum honoring the Native Americans be in Oklahoma City. To a lot of people, they may not realize that the word ''Oklahoma'' means ''red man,'' and that in Oklahoma we have more Native Americans per capita than any other State in the Nation. We have one of the largest populations, of course.

I am delighted to say that, even in my own family, that I have a child that is part Cherokee. I also have grandchildren that are part Cherokee and part Creek, two of them are part Creek, so in our family we have a lot of discussions from time to time about the various cultural activities and other things that we feel like need to be done for the socioeconomic conditions of Native Americans.

Mr. Speaker, I myself have grown up with and among the Choctaw Indians. I am always delighted to say I was the only non-Native American on the baseball team when I was growing up, and also the only non-Native American on the basketball team in my little hometown of Bennington, Oklahoma, which was one of the early-time headquarters of Native Americans and one of the largest populations of Native Americans of Choctaw background.

In my immediate family, I spent probably more time with the Native American families, spending nights there and spending many days working in their culture and understanding the culture of the Native Americans in my district.

But we have longed for the time, I think, where we should hold up and honor the Native Americans for their tremendous sacrifice, for their tremendous contributions, not only to our State of Oklahoma, but to this Nation and to really our freedoms that we enjoy today. Probably there is no one any more American that feels the patriotism of being American than our Native American brothers and sisters.

So, for this particular legislation to come forth concerning this Native American museum, to hold this up, I want to commend my good friend, the gentleman from Oklahoma (Mr. CARSON) for his efforts. I am sincere about that, what the gentleman is doing along these lines.

So without anything else, I would like to say I appreciate the time of the chairman. I know, Mr. Chairman, in Colorado you have a lot of Native Americans in your fine State also.

I rise today in support of H.R. 2742. This legislation will authorize a grant for the development and construction of a Native American Cultural Center and Museum in Oklahoma City, Oklahoma. I thank the gentleman from Oklahoma, Brad Carson, for his work on behalf of Native Americans and also for offering this legislation that I am proud to co-sponsor.

Oklahoma has one of the largest American Indian populations of any state. Currently, Oklahoma is home to 39 recognized Indian Tribes. We are very proud in Oklahoma of our Native American heritage. In fact, Oklahoma means ''red man.'' I know from my personal experience Native Americans in my area of Oklahoma make a major contribution to the state.

In 1994, the Oklahoma Legislature created the Native American Cultural and Educational Authority (NACEA) ''to promote the history and culture of Native Americans for the mutual benefit of the state of Oklahoma and its American Indian and non-Indian citizens.'' That legislation authorized the NACEA to construct and operate a Cultural Center and Museum on a chosen site in Oklahoma City. I know the Center will promote the proud history and culture of Oklahoma Native Americans.

I want to again thank my colleague for his tremendous work and role in bringing this legislation to the floor and urge passage of this important bill.

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

Mr. Speaker, I might add, Native Americans are well protected by the gentleman from Oklahoma (Mr. WATKINS) in Oklahoma as well. He watches out for all of them.

Mr. Speaker, I ask for favorable consideration of the bill.

Mr. LARGENT. Mr. Speaker, I rise today encouraged by the congressional support for the Native American Cultural Center and Museum to be built in Oklahoma City. Oklahoma, which boasts the highest Native American population in this country, has long needed a starting point from which to guide interested persons through our rich history. I believe that travelers passing through Oklahoma's crossroads will now encounter a facility so reflective of our

State heritage, that their curiosity will be piqued. It is my hope that education and healing will occur as the pains and triumphs of our people are experienced on the grounds of this meeting place.

The Center's central location will not only benefit the heart of our people, but will also spur on the Oklahoma economy by providing new opportunities for Native American entrepreneurs and other local businesses. Furthermore, travelers will have a great place to begin their study of the intriguing native people who have ancestral roots throughout our nation. I believe in this way, visitors will experience the true Native America.

It is always wise to build upon existing strengths. It is obvious that Oklahoma's strength lies in the incredible people who have shaped its history. I look forward to the new strengths to be revealed through the creation of this native American center.

Mr. KILDEE. Mr. Speaker, as Co-Chair of the Congressional Native American Caucus, I rise in strong support of H.R. 2742, a bill that authorizes the Secretary of Interior to award financial assistance grants and technical assistance grants to the Native American cultural and educational authority for the construction of a Native American cultural center and museum in Oklahoma City, Oklahoma.

The bill authorizes a Federal appropriation of $33 million over a period of four fiscal years beginning in 2003. The Federal appropriation, however, is contingent upon private, city and State sources accounting for 66 percent of the total cost of the project.

Mr. Speaker, support for a Native American Cultural Center and Museum in a state that has one of the largest Native American population of any state is long overdue. This bill has the bipartisan support of the Congressional Native American Caucus, the Oklahoma Congressional Delegation and the State's elected officials too.

Mr. Speaker, I ask my colleagues to support this bill.

Mr. RAHALL. Mr. Speaker, I want to congratulate our colleague, BRAD CARSON of Oklahoma, for all his hard work and sponsorship of H.R. 2741.

Promised as the original Indian Territory, the State of Oklahoma has clearly been enriched through its Indian heritage from the Trail of Tears which moved eastern Indian tribes into the state, through the settlements of the Oklahoma Sooners, to the 39 tribes living within its border today.

It is truly a story worth telling and I look forward to one day visiting the Native American Cultural Center and Museum we are authorizing today.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. MCINNIS) that the House suspend the rules and pass the bill, H.R. 2742, as amended.

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

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. MCINNIS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the 3 bills just considered, H.R. 38, H.R. 1576 and H.R. 2742.

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

There was no objection.

## BASIC PILOT EXTENSION ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3030) to extend the ''Basic Pilot'' employment verification system, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3030

*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 ''Basic Pilot Extension Act of 2001''.

**SEC. 2. EXTENSION OF PROGRAMS.**

Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking ''4-year period'' and inserting ''6-year period''.

**SEC. 3. EFFECTIVE DATE.**

The amendment made by this Act shall take effect on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3030.

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

There was no objection.

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

Mr. Speaker, the Immigration Reform and Control Act of 1986 made it unlawful for employers to knowingly hire or employ aliens not eligible to work and required employers to check the identity and work eligibility documents of all new employees. Under this Act, if the documents provided by an employee reasonably appear on their face to be genuine, the employer has met its document review obligations.

The easy availability of counterfeit documents has made a mockery of the Immigration Reform and Control Act.

□ 2145

Fake documents are produced by the millions and can be obtained cheaply.

Congress responded to this dilemma in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 by instituting employment eligibility confirmation pilot programs for volunteer employers that were to last for 4 years.

Under the basic pilot, the Social Security numbers and alien identification numbers of new hires are checked against Social Security Administration and Immigration and Naturalization Service records in order to weed out documents containing counterfeit numbers and real numbers used by multiple individuals. Operation of the pilot program commenced in November of 1997 and expires this month.

The 1996 Act required that the INS provide a report to Congress on the operation of the pilot programs within 3 months after the end of the third and fourth year in which the programs are in effect. The reports were to, one, assess the benefits of the pilot programs to employers and the degree to which they assist in the enforcement of the rules regarding the employment of aliens; and, two, to include recommendations on whether or not the pilot program should be continued or modified.

The INS has not complied. That is no surprise. The agency provided Congress with no report after the third year of operation of the basic pilot program, despite being mandated to do so by law, and there is no assurance that one will be provided within the time limits specified by law after the fourth year of operation. The INS' failure to obey the law and to provide the reports as required by law is unfortunately a frequent failing of this agency. It can only be hoped that once the immigration functions of the Justice Department are restructured and the INS is abolished will such negligence and/or malfeasance be a thing of the past.

In any event, Congress must now decide upon the reauthorization of the basic pilot program in the absence of the agency reports, required by law, on the program. We have received word from industry implementing the basic pilot program that it has been a great success and that industry representatives favor a 2-year extension of the program.

The committee has received no adverse comment regarding the basic pilot program. In light of the continuing relevance of the original goals of the basic pilot program, and the evidence of its successful operation, we all should support a 2-year extension. H.R. 3030, introduced by our colleague, the gentleman from Iowa (Mr. LATHAM), provides that extension.

I can only hope that when we are again called upon to consider the merits of this pilot program we will have in hand an evaluation of the program's operation from the Justice Department. The INS is supposed to enforce

the law. The Justice Department is the agency in the executive branch to ensure that the law is being enforced; and unfortunately, the law is not being complied with, and the reports we asked for in 1996 by law have not been submitted by the Immigration and Naturalization Service.

I urge my colleagues to support H.R. 3030; and let me say that I hope at the end of 2 years the immigration service will read laws passed by Congress and signed by the President so that once again the Congress is not put in this embarrassing situation of legislating without required reports.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

I rise with great enthusiasm on supporting the extension with respect to H.R. 3030, a bill to extend the basic pilot employment verification system. I would imagine if we were to take a survey of all of the legal immigrants in the United States, we would find a minuscule proportion engaged in any illegal and/or terroristic activities. However, since September 11, a new page has been turned as relates to immigration laws and those who are immigrants.

Congress created the program that we speak of tonight as part of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 to help employers comply with laws that bar them from knowingly hiring ineligible workers. I would venture to say that most Americans would agree that it is important to assure that as employers are hiring, that they have the necessary information to hire those who are here in the United States legally.

At the same time, I believe that under the leadership of our new Commissioner Ziglar that we will also begin to be able to confront issues of terrorism and those who would promote it, would come into this country illegally, and separate that from the necessity of improving our immigration laws overall and addressing those individuals that want to access immigration legally with dignity.

I am supporting this legislation, but I hope as well this House and the other body will be able to move forward to address a number of issues that have been put on the table. As a co-chair of the Democratic Task Force on Immigration, I hope we will be able to look at the issue of family reunification, earned access to legalization, increase our review of border safety and protection, look at the enhanced temporary worker program; and yes, I think it is important to end unfair discrimination against legal immigrants.

As my colleagues know, in this instance, this particular pilot bill, the Congress is exploring new ways and methods and techniques to assure the security and integrity of the way in which we admit and track aliens who apply for nonimmigrant visas. We do live in dangerous times, as I have already noted.

This bill is extending a pilot program that will improve and ensure integrity in the employment verification process. I believe that this is a process that no one disagrees with. Those who want to access legalization, those who want to support family reunification, and certainly those legal immigrants who are seeking employment, they have their documentation and they have no problem with the employers verifying that documentation.

This bill introduced by the gentleman from Iowa (Mr. LATHAM) extends the basic pilot employment verification point under expedited procedures. The basic employment verification system is a program that many companies use to ensure that new companies are legal. This program is a voluntary electronic employment verification system which allows employers to verify I–9 documents. Companies with facilities in any of the pilot States may use the verification program throughout all of their facilities, including States outside the program. That is a very important aspect of this particular legislation.

Approximately 2,000 employers are presently using the basic pilot program, which creates a very valid data processing system that allows accuracy in access to determine if the individual that they want to hire, the person that is presenting themselves as a legal immigrant, has the documentation and does have the required legal documentation.

In title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Congress authorized the Immigration and Naturalization Service to conduct voluntary pilot programs that allow these participating employers to access by computer certain governmental databases for purposes of new employment verification. This program allows employers signing a memorandum of understanding with the INS to query an INS Social Security Administration database regarding the work authorization status of a new employment applicant instead of simply recording and retaining the number of documents that such applicants choose to submit.

The basic pilot program provides greater ease of verification for employers and employees and greater deterrence of the use of fraudulent INS and SSA documents. We need a system like this system-wide in the INS in order to be able to address the differentiation between those who want to access legalization rightly and those who want to be in this country illegally.

Industries, such as meat packing and food processing, have stated an interest in cooperating with the INS to maximize its ability to assure its interests in cooperating with the INS in order to make sure that their workforce is authorized. Many believe that while the program does not provide 100 percent deterrence of persons seeking unauthorized employment, it is far superior to the current practice of recording I–9 forms, the number of documents physically presented by new employees.

This gives something for the employers to rely upon. This puts the onus and responsibility on the INS to have a database on which they can rely. This moves immigration into the 21st century.

I support this legislation because it is needed, because section 401(b) of the 1996 Act states that the Attorney General shall terminate the pilot program at the end of the 4-year period beginning on the first day the pilot program is in effect. H.R. 3030 extends the life of the program by 2 years, from 4 years to 6 years, giving us, as the chairman indicated, additional data so that we can again respond to those who wish to access legalization and as well maintain legal documentation and be in this country as we would want them to be in a country that believes in the diversity as well as the responsibility of those who seek access to legalization in treating them fairly.

This pilot program enhances the current I–9 form employment verification process by providing employers with greater assurances that they are not hiring unauthorized aliens and by establishing larger obstacles to aliens seeking to work illegally, but thereby rewarding those who seek to access the right documentation and to follow the laws of this Nation.

Again, I hope that we will support this legislation. We are a country of immigrants and a country of laws.

Mr. Speaker. I am gratified to be here today to vote on a bill that will improve the employment verification process. As you know, the Congress is exploring new ways, methods, and techniques to ensure the security and integrity of the way in which we admit and track aliens who apply for non-immigrant visas. We do live in dangerous times. This bill is extending a pilot program that would improve and ensure integrity in the employment verification process.

This bill, introduced by Congressman TOM LATHAM, extends the Basic Pilot employment verification program under expedited procedures. The Basic employment verification system is a program that many companies use to ensure that new companies are legal. This program is a voluntary electronic employment verification system, which allow employers to verify I–9 documents. Companies with facilities in any of the ''pilot'' states may use the verification program throughout all of their facilities, including states outside the program. Approximately 2,000 employers are presently using the Basic Pilot Program.

In Title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Congress authorized the Immigration and Naturalization Service to conduct voluntary pilot programs that allow these participating employers to access by computer certain governmental databases for purposes of new employment verification. This program allows employers signing a memorandum of understanding (MOU) with the INS to query an INS-Social Security Administration (SSA) data

base regarding the work-authorization status of new employment applicants, instead of simply recording and retaining the numbers of documents that such applicants chose to submit. The Basic Pilot Program provides greater ease of verification for employers and employees and greater deterrence of the use of fraudulent INS and SSA documents.

Industries such as meat packing and food processing have stated an interest in cooperating with the INS to maximize its ability to ensure its interest in cooperating with the INS to maximize its ability to ensure its workforce is authorized. Many believe that while the program does not provide 100 percent deterrence of persons seeking unauthorized employment, it is far superior to the current practice of recording in I-9 forms the numbers of documents physically presented by new employees.

I support this legislation because it is needed because Section 401(b) of the 1996 Act states that "the . . . Attorney General shall terminate a pilot program at the end of the 4-year period beginning on the first day the pilot program is in effect." H.R. 3030 extends the life of the program by two years, from four years to six years. This pilot program enhances the current I-9 form employment verification process by providing employers with greater assurances that they are not hiring unauthorized aliens and by establishing larger obstacles to aliens seeking to work illegally. I support this legislation.

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

Mr. SENSENBRENNER. Mr. Speaker, I have no further speakers, and I am prepared to yield back if the gentlewoman from Texas (Ms. JACKSON-LEE) does the same.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Let me just conclude by simply adding that I hope as we pass this legislation we will be able to as well bring to finalization 245(I) that helps with family unification; that we will realize that immigration issues are separated from those who would promote and do harm to the United States versus those who are hungry to be in a country that provides opportunity and democracy.

I would hope that we would look to the issues of earned access to legalization as we look to border safety and protection, work of the enhanced temporary worker program and continue to work against unfair discrimination against legal immigrants as we look to put this country on sure footing, fighting the terrible terrorists, but as well recognizing the value of immigrants who have come to this country and contributed with hard work and sincere commitment to our values and our principles.

I ask that my colleagues support H.R. 3030.

Mr. LATHAM. Mr. Speaker, today I rise to commend the judiciary committee on a job well done and ask for the expedient passage of H.R. 3030, a bill to extend the basic pilot employment verification program. This bill will reauthorize the recently expired program for an additional two years at minimal cost to the government.

H.R. 3030 will further the aims of this body by encouraging greater cooperation between industry and the federal government—something I believe my colleagues on both sides of the aisle can support.

This program, originally the brain-child of my good friend Representative KEN CALVERT, allows eligible employers to use a joint Immigration and Naturalization Service (INS)—Social Security Administration (SSA) database to verify that prospective employees are employable under existing law. Furthermore, it has the desirable effect of providing greater ease of verification for employers and greater deterrence to those who would fraudulently use legal documents.

Currently used by approximately 1,758 companies in the states of California, Florida, Illinois, Nebraska, New York, and Texas, as well as facilities owned by these companies in states not explicitly covered, this program has been beneficial to industries ranging from meat packing to direct mail.

As we continue to debate INS reform, I believe it is incumbent upon us that we reauthorize programs that have been successful and recognize these programs as the model for such future efforts.

Mr. CALVERT. Mr. Speaker, I stand today in strong support of this important legislation. In 1994, during my first term in Congress I introduced a bill to create a system now known as the Basic Pilot Program. Representing a district very close to the U.S./Mexico border, I heard from many INS agents dissatisfied with the tools they were given to track illegal immigrants and from employers who wanted a way to verify the employment eligibility of prospective employees. As we discussed the means to develop such a system, one idea that kept cropping up was a simple 1–800 telephone number that businesses could use to verify the Social Security numbers of people they had hired.

In 1996, I was successful in getting the Basic Pilot Program included in the Immigration Reform Act and I am pleased that companies across the country are now using the toll free verification line. I applaud my friend from Iowa for moving to extend the program. Now, more than ever, it is clear that we need to provide tools that will help the INS track people in this country illegally.

Even while this program continues, we will be working together to ensure that the INS meets the requirements of the 1996 law. I have asked INS to complete their report on the Basic Pilot Program and will work with the Service, the gentleman from Iowa and the Chairman of the Committee on ways to improve and expand the program to all fifty states.

Again, I would like to thank the gentleman from Iowa for introducing this key legislation and would urge all my colleagues to vote for its passage.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. JOHNSON of Illinois). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3030, as amended.

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

The title of the bill was amended so as to read: "A bill to extend the basic pilot program for employment eligibility verification, and for other purposes.".

A motion to reconsider was laid on the table.

## ANTI-HOAX TERRORISM ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3209) to amend title 18, United States Code, with respect to false communications about certain criminal violations, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3209

*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 "Anti-Hoax Terrorism Act of 2001".*

***SEC. 2. HOAXES AND RECOVERY COSTS.***

*(a) PROHIBITION ON HOAXES.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1036 the following:*

***"§ 1037. False information and hoaxes***

*"(a) CRIMINAL VIOLATION.—Whoever engages in any conduct, with intent to convey false or misleading information, under circumstances where such information may reasonably be believed and where such information concerns an activity which would constitute a violation of section 175, 229, 831, or 2332a, shall be fined under this title or imprisoned not more than 5 years, or both.*

*"(b) CIVIL ACTION.—Whoever engages in any conduct, with intent to convey false or misleading information, under circumstances where such information concerns an activity which would constitute a violation of section 175, 229, 831, or 2332a, is liable in a civil action to any party incurring expenses incident to any emergency or investigative response to that conduct, for those expenses.*

*"(c) REIMBURSEMENT.—The court, in imposing a sentence on a defendant who has been convicted of an offense under subsection (a), shall order the defendant to reimburse any party incurring expenses incident to any emergency or investigative response to that conduct, for those expenses. A person ordered to make reimbursement under this subsection shall be jointly and severally liable for such expenses with each other person, if any, who is ordered to make reimbursement under this subsection for the same expenses. An order of reimbursement under this subsection shall, for the purposes of enforcement, be treated as a civil judgment.".*

*(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 47 of title 18, United States Code, is amended by adding after the item for section 1036 the following:*

*"1037. False information and hoaxes.".*

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

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all

Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3209, the bill presently under consideration.

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

There was no objection.

□ 2200

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

Mr. Speaker, H.R. 3209 would impose civil and criminal penalties to deter and punish a person or persons for perpetrating a hoax that others could reasonably believe is or may be a biological, chemical, nuclear attack, or an attack using some other type of weapon of mass destruction.

Mr. Speaker, today is a very important day to this Nation in many respects. It has been 3 months since New York and the Pentagon were turned into Ground Zero and our national innocence was shattered. Since that time, anthrax and the U.S. mail have become synonymous; monthly Federal warnings about new terrorist attacks have become expected; and a heightened level of alertness on the part of the American people has become necessary.

In the wake of September 11, 2001, and the anthrax attacks, the news media has graphically described the likely devastation caused by chemical, biological, or nuclear attacks on our citizens and on our country. America is in a state of high alert, and this has brought both apprehension and new responsibility.

Due to these concerns, Americans are responsibly reporting suspicious behavior and events to the authorities. This is necessary to protect our country and our freedoms. Unfortunately, while our emergency responders and law enforcement are stretched to the limits responding to real threats, they have had to respond to an increased number of hoaxes. These hoaxes are not meant to be funny; rather, they are meant to terrorize and to frighten.

These hoaxes distract Federal, State, and local law enforcement, criminal investigators, and emergency responders from real crises and real threats. As a result, they place both the public and our national security at risk.

Amazingly, the criminal code does not always cover such crimes. While under current law it is a felony to commit a hoax with regard to tampered food products, it is not necessarily a felony to commit a hoax that scares the public into believing that they have been exposed to a deadly disease such as anthrax, a disease that has been militarized and used to kill innocent Americans since September 11.

H.R. 3209, the Anti-hoax Terrorism Act of 2001, closes the existing gap. This is important and necessary legislation, as it will make it a felony to perpetrate a hoax related to biological, chemical, nuclear, and weapons of mass destruction attacks. The person or persons committing such a hoax will be subject to civil and criminal penalties and responsible for reimbursement of any emergency or investigative expense due to the hoax.

The Department of Justice and the FBI have testified before the Subcommittee on Crime and made it clear that these types of hoaxes threaten the health and safety of the American public and our national security.

Mr. Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

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

Mr. Speaker, I want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for his leadership on this issue, and I would also like to extend my appreciation to the chairman of the Subcommittee on Crime, the gentleman from Texas (Mr. SMITH), for introducing this bill and for all of his leadership on this issue.

I am proud to serve as a member of the Subcommittee on Crime where the bill was first heard, and also to be a cosponsor of H.R. 3209.

Mr. Speaker, our communities are struggling every day to meet the demands of our citizens and prepare for all kinds of potential terrorist attacks. They are working around the clock to develop and strengthen protocols to respond swiftly and safely in the event of an attack.

But our communities are doing all of this with very limited resources. Every time a threat is identified, authorities spring into action, donning protective gear, bolstering hospital staffing, coordinating local, State, and Federal efforts, and calling upon additional law enforcement personnel to respond.

These reports from our citizens are critical. We certainly want to encourage people to continue to be vigilant and report suspicious activity. A false alarm, however, is a false alarm. But every time a suspected threat turns out to be a hoax, it costs the taxpayers an enormous amount.

In Los Angeles, a man who phoned in an anthrax threat because he wanted to avoid appearing in bankruptcy court that day, his call succeeded in shutting down the court and the courthouse, and cost taxpayers $600,000.

In addition to closing down the very functioning of government, it is a tremendous waste of our precious resources. The resources that could be going into prevention and training are wasted. The manpower that is required to respond to a hoax is wasted. The funding that could be used to hire additional emergency personnel is wasted.

While millions of dollars are going into the effort to combat terrorism, we frankly do not have a dollar to waste. We simply cannot allow reports that come from hoaxes to clog up the investigation of other potentially life-threatening dangers. Our citizens need to be acutely aware that hoaxes have consequences. It shakes our sense of safety; the fear that many citizens are struggling to cope with continues to grow as a result of hoaxes; there are financial consequences; and there are community consequences. There ought to be criminal consequences.

The Anti-Hoax Terrorism Act of 2001, H.R. 3209, would create criminal and civil penalties for falsely reporting a chemical, biological, or nuclear threat. This would include threats that are in written or verbal form, as well as those communicated through physical actions. It is legislation that should not be necessary, but, regrettably, is certainly needed now. Those who would prey on the fears of the American public should be punished.

As America works to regain its footing and return to as much of a normal life as possible, hoaxes only serve as a cruel joke on the American public. Those who would commit the ultimate prank on this Nation must be aware that they are, in effect, serving as accomplices to terrorism. They are interrupting murder investigations, and they are obstructing justice.

According to the FBI, there are an estimated 7,000 agents spread out across the country investigating possible sources and suspects in the anthrax attacks. Can we really afford to have even one of those agents pulled off the killer's trail because of a hoax?

Mr. Speaker, we cannot allow these hoaxes to go unchallenged. We do not have a minute to waste, we do not have a dollar to waste, we do not have an investigator to waste, we do not have a citizen to waste. The time for anti-hoax legislation is now. I urge the House to adopt the strongest possible measure.

Again, I want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Texas (Chairman SMITH) for bringing this bill to the floor today.

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

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, this is a good bill. I rise to support this legislation.

I met with my emergency first responders a few days after September 11 and then sometime after the beginning of the anthrax scares around the Nation. The hazardous materials team in my Houston Fire Department in just a couple of days had some 75 calls of individuals who thought they saw or thought they were reporting the sight of anthrax.

Those are innocent calls, but they do take up a lot of the resources of our first responders and our community resources. Those individuals, however, should not be prosecuted.

My concern with this legislation is to ensure that that does not happen. I am hoping that the legislative history and the debate in the committee will make

it clear that our intent in this legislation is to ensure that those with criminal intent, to do harm by calling in hoaxes and frightening communities, should be punished. I agree with that.

I offered an amendment, however, to be sure that that was the case; that the hoax would be perpetrated with malicious intent. That amendment was not approved, but I believe there was sufficient discussion in the committee to suggest that those that we are attempting to prosecute are those with criminal intent.

For example, we would hope that the incident of a local prosecutor in Chicago who recently placed an envelope containing sugar on a colleague's desk, who was administratively punished by being forced to resign from his job, would not be subject to this particular legislation. The prank demonstrates poor taste and bad judgment, but he should not be subject to Federal prosecution.

Likewise, our youth should not be subject to Federal prosecution if they are engaged in a prank, of course, that we would not approve of, but certainly that did not have the criminal intent.

I think it is important, Mr. Speaker, that as we move through these very trying times, that we can be aware that we can balance legislative intent with protecting Americans. I hope that this House will have an opportunity to address some of the executive orders that deal with the violation of the sixth amendment that allows the Justice Department to listen in on those who are addressing or having a relationship with their attorney.

At the same time, I hope we will be able to address the question of the thousands of detainees who are being detained by the Justice Department, and I hope we will also have an ability to address in this House military tribunals. We can protect Americans, provide legislation that makes sense, and at the same time, uphold our Constitution, our Bill of Rights, and our values.

I support the Anti-Hoax Terrorism Act of 2001. It is a well-thought-out bill. It has had hearings in the Committee on the Judiciary. I think we need to do more as it relates to other offerings of legal representations that have not had the oversight of the United States Congress.

Mr. Speaker, I rise in support of H.R. 3209, the Anti-Hoax Terrorism Act of 2001. I feel this bill could have been more narrowly tailored as it went through the Subcommittee on Crime, and subsequently the full Committee on the Judiciary. However, in light of the exponentially increasing amounts of bioterrorism threats that have occurred since September 11, I strongly favor a Federal anti-hoax provision now more than ever.

H.R. 3209 creates a Federal criminal penalty and a civil cause of action for anyone who conveys intentionally any false information about a threat involving biological, chemical, or nuclear weapons or weapons of mass destruction.

Mr. Speaker, the purpose of this bill should not be to prosecute innocent mistakes or someone making a report concerning a suspected substance, but rather to deliberate and malicious hoaxes reported by individuals who know they are disseminating false information.

In Committee, I offered an amendment that would require the government to prove that the hoax was perpetrated with ''malicious'' intent. This requirement would have been analogous with the mens rea requirement of similar legislation introduced in the Senate by Senator LEAHY, Chairman of the Senate Committee on the Judiciary.

H.R. 3209, as written, does not require that the offenses be committed with malicious intent. This could result in Federal prosecutions of individuals who simply disseminate erroneous information about potential acts of terrorism.

Also subject to Federal prosecution under this bill would be incidents that amount to nothing more than mere jokes. A local prosecutor in Chicago recently placed an envelope containing sugar on a colleague's desk. He was administratively punished by being forced to resign from his job. While I believe this prank demonstrates poor taste and bad judgment, this should not be subject to Federal prosecution.

The language in my amendment would have given prosecutors a means to distinguish between a person who is actually threatening to use anthrax on a victim on one hand, and a person who never intends to use it, but truly wants the victim or police to think they have done so. The latter is what we are trying to prevent.

My colleagues on the other side have said we should simply ''trust'' and ''have hope'' that Federal prosecutors will exercise their discretion and avoid prosecuting hoax cases. I don't believe we should rely on a ''hope'' for good judgment and discretion when this bill could have been more narrowly tailored to avoid capriciousness.

Nevertheless, Mr. Speaker, especially in this time of national crisis, I support the effort to punish people who perpetrate hoaxes involving biological, chemical, or nuclear materials or other weapons of mass destruction. We must act immediately to provide law enforcement with the tools it needs to address this problem.

Mr. SMITH of Texas. Mr. Speaker, as Chairman of the Subcommittee on Crime, I support H.R. 3209, the ''Anti-Hoax Terrorism Act of 2001,'' a bipartisan bill I introduced along with Chairman SENSENBRENNER and ranking Members Mr. CONYERS and SCOTT.

Tragically, some have used the shadow of fear cast by the September 11th and the subsequent anthrax attacks to terrorize others with hoaxes of biological and chemical attacks.

The purpose of H.R. 3209 is to address this serious and growing problem. Under current law, it is a felony to perpetrate a hoax such as falsely saying there is a bomb on an airplane. It is also a felony to communicate a threat over interstate commerce threatening personal injury to another.

However, if the hoax pertains to a biological or chemical weapons attack instead of a bomb or does not contain a specific threat, then the law may not apply. This is clearly a gap in existing law that must be closed.

If someone places white powder on a computer with a note that ''this is anthrax'' or send white powder through the mail, such conduct may cause panic but not violate Federal law. And no federal law is violated when the government spends time, money, and effort responding to such hoaxes. But public safety is threatened when resources are diverted from investigating legitimate threats.

This legislation makes it a felony to perpetrate a hoax related to biological, chemical, and nuclear attacks. If a hoax causes a hospital to be evacuated, people could die; if a hoax causes a business to close, people could lose their jobs; and if a hoax preoccupies law enforcement officials, the public is denied protection from other crimes.

A hoax of terrorism threatens public safety and national security, overburdens law enforcement officials and emergency workers and chips away at the Nation's morale.

As we are reminded today, the three-month anniversary of the attacks against the World Trade Center and the Pentagon, America is engaged in a war on terrorism. Those who rely on fear as a weapon, should be held responsible for their actions.

H.R. 3209 imposes criminal and civil penalties that reflect the serious nature of these hoax crimes.

I urge my colleagues to support H.R. 3209.

Mr. BRADY of Texas. Mr. Speaker, I would like to express my strong support for H.R. 3209, ''The Anti-Hoax Terrorism Act of 2001.'' I am a co-sponsor of this important and necessary legislation which was introduced by my good friend and fellow Texan, LAMAR SMITH and is a step in the right direction. Making it a felony to perpetrate a hoax related to a biological, chemical or nuclear attack and making those who engage in this conduct liable for the expenses caused as a result of their fraudulent action brings these criminals to justice and makes them responsible for their terrible actions. It is important that our nation address this issue so that those misguided individuals who choose to perform such fraudulent acts are prosecuted to the fullest extent of the law and those that consider performing these same acts are deterred from doing so.

I know from first hand experience how costly these fake anthrax hoaxes can be. On October 15th, The Memorial Hermann Hospital, in my hometown of The Woodlands, Texas, was closed for several hours after a false anthrax scare. Sandee Sherf, a resident of Magnolia, Texas and a constituent of the 8th Congressional District, received a strange package at her place of business. When she opened the package, a white substance flew up in her face and she inhaled it. She immediately went to the emergency room at Memorial Hermann, where the whole hospital subsequently shut down for about five hours as a precautionary measure.

Fortunately, the tests for the substance suspected of being anthrax proved to be negative but the cost of responding to this false incident has proved to be costly financially and in other ways. The Federal Bureau of Investigation and the Shenandoah Police Department both expended valuable man hours investigating this incident. The Woodlands Fire Department had to decontaminate the entire area where the incident occurred and the emergency room where Ms. Sherf went for treatment. Most disturbing was the fact that Memorial Hermann Hospital had to withhold its valuable services from the community for several hours while decontaminating its facilities. Patients in need of medical treatment with real illness were

turned away and had to go seek treatment many miles away just so the emergency responders could properly decontaminate the facilities to ensure the public's safety. What a tragedy it would have been if someone with a real emergency had perished because Memorial Hermann had been closed and couldn't offer its help.

Regrettably, the same thing that happened in The Woodlands is happening in other areas of our country. The FBI reported that between October 1st to October 15th, their agency had received more than 2,300 reports of incidents or suspected incidents involving anthrax. We cannot afford in these trying times to have the valuable resources of our police agencies being wasted in dealing with these hoaxes. These false claims have become a serious headache for law enforcement officials, who are overwhelmed with calls from worried Americans concerned about possible anthrax contamination.

It is for these reasons that I co-sponsored this valuable legislation and fully support its passage here in the House of Representatives. We, as Americans, cannot afford to continue to waste valuable time and resources fighting these hoaxes when they can be used for better purposes such as making sure our communities across our nation are safe from true terrorist attacks in the future.

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

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3209, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

## CORRECTIONS CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Corrections Calendar.

The Clerk will call the bill on the Corrections Calendar.

## COMMUNITY RECOGNITION ACT OF 2001

The Clerk called the bill (H.R. 1022) to amend title 4, United States Code, to make sure the rules of etiquette for flying the flag of the United States do not preclude the flying of flags at half mast when ordered by city and local officials.

The Clerk read the bill, as follows:

H.R. 1022

*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 ''Community Recognition Act of 2001''.

**SEC. 2. FLAG CODE AMENDMENT.**

Section 7(m) of title 4, United States Code, is amended by inserting after the sentence beginning ''In the event of the death of a present or former official of the government of any State'' the following: ''In the event of the death of a present or former official of any city or locality, the chief elected official of that locality may proclaim that the National flag shall be flown at half staff.''.

The SPEAKER pro tempore. Pursuant to the rule, the bill is considered read for amendment.

COMMITTEE AMENDMENT

The SPEAKER pro tempore. The Clerk will report the amendment recommended by the Committee on the Judiciary.

The Clerk read as follows:

Committee Amendment:

Page 2 line 9 insert ''other.''

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) will each control 30 minutes.

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

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 1022, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 1022, which amends the flag code to make sure that the rules of etiquette for flying the flag of the United States do not preclude the flying of flags at half mast when ordered by city and local officials. This is an omission in the current flag code.

On June 28, 2001, the Corrections Day Advisory Group met and recommended that H.R. 1022 be placed upon the Corrections Calendar and the Judiciary Committee passed it by voice vote on November 15.

Unfortunately, as of late, we have had increased occasion to visit the rules and etiquette in place for the honoring of public servants. Although at the time which Mr. DOOLITTLE of California introduced H.R. 1022 the calamity of September 11 was far off, the content of this legislation rings more loudly after the events of that day, and affords Congress an opportunity to visit the laws involving recognition of those who provide public service to us all.

Currently, under the Flag Code, authority is granted only to the President of the United States or the Governor of any State, territory, or possession to order that the national flag be flown at half staff in recognition of the death of a current or former official of the government, including public safety officers.

Under this existing law, in the event of the death of a local official who is chosen to be honored by having the national flag lowered, direct permission must be sought by local officials from either the President or their Governor. The result of the current practice is a chain of communication which is not always timely and can result in the missed opportunity to honor some of these deceased public servants.

By passing H.R. 1022 today, we can solve this problem by granting authority directly to the locally elected leaders to call for and approve such recognition. Immediate authorization will be granted at the local level, ensuring that no local hero passes without the community support and recognition which he or she deserves. I urge all Members to support H.R. 1022.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation, H.R. 1022, and I am delighted that the Committee on the Judiciary has taken this legislation up to ensure a correction.

I do not believe particularly that we need this legislation, but I do think it is important to correct and to resolve the concerns of some local leaders who are under the mistaken impression that they cannot now fly the flag of the United States at half-staff to honor the passing of a local official.

In fact, as the Supreme Court has ruled on several occasions, Congress does not have the power to prohibit any expression using the flag. The Court has gone so far as to strike down laws prohibiting the burning of the flag as a sign of disrespect. Certainly, if that is the case, then a local government may honor a local official, which is certainly an appropriate and uplifting use of the flag, who has served his or her community by flying the flag at half-staff. We hope they will do so.

Nonetheless, title IV of the United States Code does provide rules for flag etiquette. While those rules have no force of law, they do provide a guide for those seeking to display the flag in accordance with the accepted rules of conduct.

In fact, I commend those rules to my colleagues. I think some may be surprised to learn that using the flag on advertising and others matters common to political campaigns are also technically prohibited by Federal law. Although local officials are not now prohibited from using the flag to honor a deceased local official, it will certainly do no harm to make clear that there is no reason why my colleagues should not support it. I would commend that to the local officials.

I hope that since we have obviously found time to pass laws permitting that which should already be permitted, perhaps we will also in the future be able to tackle some of our vital issues dealing with, of course, INS reform and other issues that I think are extremely important.

Mr. Speaker, I rise in support of this legislation, not because there is any great need for

it, but because it will resolve the concerns of some local leaders who are under the mistakened impression that they cannot now fly the flag of the United States at half staff to honor the passing of a local official.

In fact, as the Supreme Court has ruled on several occasions, Congress does not have the power to prohibit any expression using the flag. The Court has gone so far as to strike down laws prohibiting the burning of the flag as a sign of disrespect. Certainly, if that is the case, then a local government may honor a local official who has served his or her community by flying the flag at half staff.

Nonetheless, title 4 of the United States Code does provide rules for flag etiquette. While these rules have no force of law, they do provide a guide for those seeking to display the flag in according to accepted rules of conduct. In fact, I commend those rules to my colleagues. I think that some of you may be surprised to learn that using the flag on advertising and in other manners common to political campaigns are also technically prohibited by federal law. Although local officials are not now prohibited from using the flag to honor a deceased local official it will certainly do no harm to make that clear, and there is no reason why my colleagues should not support it.

I hope that, since we have obviously found time to pass a law permitting that which is already permitted, perhaps we can next tackle some of the even more pressing issues affecting our constituents and their communities: providing health insurance for working families, extending unemployment insurance for the victims of this current recession, and creating new jobs at living wages so that working families can have the dignity of work without seeing their children grow up in poverty as is too often the case these days.

I am pleased to join in voting for this measure.

Ms. JACKSON-LEE of Texas. Mr. Speaker, Chairman SENSENBRENNER and Ranking Member CONYERS.

I rise in support of H.R. 1022, which simply authorizes the chief elected official of a locality, in the event of the death of a present or former official of that locality, to proclaim that the national flag shall be flown at half staff. This bill amends Title 4, United States Code, ensuring that the important rules of etiquette for flying the flag of the United States do not preclude the flying of flags at half mast when ordered by city and local officials.

This Section currently gives such explicit authority only to the President or, for certain purposes, the Governor of the state. This language is unnecessary and technically confusing because the subsection also reads in part that the flag may be flown at half staff ''in accordance with recognized customs or practices not inconsistent with law.''

The U.S. Supreme Court has, on two occasions, held that display of the flag, or the burning of the flag, are forms of expression protected by the First Amendment to the Constitution. As such, laws that mandate appropriate flag etiquette are unenforceable.

This bill simply clarifies that there should be no such interference in such instances.

I urge my colleagues to support it.

Mr. CAMP. Mr. Speaker, I rise today in strong support of H.R. 1022, the Community Recognition Act of 2001.

As chairman of the Speaker's advisory group on corrections, it was my pleasure to work with Congressman DOOLITTLE, the members of the corrections day advisory group and the Judiciary Committee to expedite consideration of this legislation.

On June 28th, Mr. DOOLITTLE brought H.R. 1022 before the Speaker's advisory group, where it received unanimous support. In order for a bill to be placed on the Corrections Calendar it must be recommended by the advisory group and favorably reported from the committee of jurisdiction.

I am proud that we are able to highlight the Community Recognition Act today by using the Corrections Calendar. This is truly a technical correction and is fitting for consideration on the Corrections Calendar.

H.R. 1022 amends the U.S. Code, regarding rules of etiquette for flying the flag. Current law only grants the authority to order that the flag be flown at half mast to the President and State Governors. In the event of the death of a current or former local official, many communities want the flag to be lowered as a way to pay tribute to those who so honorably served. However, it can often prove difficult to obtain proper authority in the timely manner needed.

This oversight in the U.S. Code has prevented communities across America from the right to honor their fellow citizens without having to receive the express and time consuming permission of either the President or their Governor. I urge my colleagues to join with me today to correct this burdensome requirement.

The Corrections Calendar was created to fix small technical corrections, such as this. I would like to thank Chairman SENSENBRENNER for moving this bill through the committee and Congressman DOOLITTLE for introducing the legislation and for utilizing the Corrections Calendar.

Mr. Speaker, this is a straightforward, bipartisan bill that ''corrects'' an inefficient and burdensome law. I urge my colleagues to support the bill.

Mr. DOOLITTLE. Mr. Speaker, I rise today because the last duty performed to honor a local hero should not be thwarted by a technical flaw in the law. Let me explain. The Federal Flag Code provides guidelines for the display of the U.S. flag, but grants only the president and governors the authority to fly the flag at half-mast. While this code does not expressly outlaw local government officials from lowering the flag to half-staff, it does not expressly permit it. This technicality has upset local officials across the country who believe that communities should have the right to honor their fellow citizens without permission from their respective governors or the President of the United States.

This quirk in the Federal Flag Code came to my attention when my friend and constituent, former Mayor George Magnuson of Rocklin, California sought to honor his friend and fellow volunteer firefighter, Cliff Graves, who died in the line of duty. Shortly after speaking to Mayor Magnuson I realized that this needless hurdle had to be corrected. That prompted me to introduce H.R. 1022, The ''Community Recognition Act.'' This simple, yet important, legislation authorizes the chief elected official of a locality, in the event of a death of a present or former official of that locality, to proclaim that the national flag be flown at half staff.

Mr. Speaker, at the time I introduced H.R. 1022, the tragedy of September 11th was unfathomable. But, in light of the thousands of men and women who perished in those barbaric attacks now more than ever this simple correction needs to be made so they can be mourned in an appropriate fashion without undue delay.

I thank the Chairman of the House Judiciary Committee, Mr. SENSENBRENNER, for shepherding H.R. 1022 through his committee in an expeditious manner, and I urge my colleagues to support this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask my colleagues to support H.R. 1022, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. TERRY). Pursuant the rule, the previous question is ordered on the amendment recommended by the Committee on the Judiciary and on the bill.

The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

## SMALL BUSINESS INVESTMENT COMPANY AMENDMENTS ACT OF 2001

Mr. MANZULLO. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the House amendment to S. 1196, to amend the Small Business Investment Act of 1958, and for other purposes.

The Clerk read as follows:

Senate Amendment to House Amendment:

Page 13 of the House engrossed amendment, strike out all after line 8 over to and including line 2 on page 16 and insert:

***SEC. 6. REDUCTION OF FEES.***

*(a) TWO-YEAR REDUCTION OF SECTION 7(a) FEES.—*

*(1) GUARANTEE FEES.—Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended by adding at the end the following:*

*''(C) TWO-YEAR REDUCTION IN FEES.—With respect to loans approved during the 2-year period beginning on October 1, 2002, the guarantee fee under subparagraph (A) shall be as follows:*

*''(i) A guarantee fee equal to 1 percent of the deferred participation share of a total loan amount that is not more than $150,000.*

*''(ii) A guarantee fee equal to 2.5 percent of the deferred participation share of a total loan amount that is more than $150,000, but not more than $700,000.*

*''(iii) A guarantee fee equal to 3.5 percent of the deferred participation share of a total loan amount that is more than $700,000.''.*

*(2) ANNUAL FEES.—Section 7(a)(23)(A) of the Small Business Act (15 U.S.C. 636(a)(23)(A)) is amended by adding at the end the following: ''With respect to loans approved during the 2-year period beginning on October 1, 2002, the annual fee assessed and collected under the preceding sentence shall be in an amount equal to 0.25 percent of the outstanding balance of the deferred participation share of the loan.''.*

*(b) REDUCTION OF SECTION 504 FEES.—Section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697) is amended—*

*(1) in subsection (b)(7)(A)—*

*(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and moving the margins 2 ems to the right;*

*(B) by striking ''not exceed the lesser'' and inserting ''not exceed—*

*''(i) the lesser''; and*

*(C) by adding at the end the following:*

*''(ii) 50 percent of the amount established under clause (i) in the case of a loan made during the 2-year period beginning on October 1, 2002, for the life of the loan; and''; and*

*(2) by adding at the end the following:*

*''(i) TWO-YEAR WAIVER OF FEES.—The Administration may not assess or collect any up front guarantee fee with respect to loans made under this title during the 2-year period beginning on October 1, 2002.''.*

*(c) BUDGETARY TREATMENT OF LOANS AND FINANCINGS.—Assistance made available under any loan made or approved by the Small Business Administration under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or financings made under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), during the 2-year period beginning on October 1, 2002, shall be treated as separate programs of the Small Business Administration for purposes of the Federal Credit Reform Act of 1990 only.*

*(d) USE OF FUNDS.—The amendments made by this section to section 503 of the Small Business Investment Act of 1958, shall be effective only to the extent that funds are made available under appropriations Acts, which funds shall be utilized by the Administrator to offset the cost (as such term is defined in section 502 of the Federal Credit Reform Act of 1990) of such amendments.*

*(e) EFFECTIVE DATE.—The amendments made by this section shall become effective on October 1, 2002.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. MANZULLO) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, the purpose of this bill is to keep venture capital flowing to small businesses during this critical time to our Nation's economic recovery. The main purpose of S. 1196 is to adjust the fees charged to participate in security SBICs from 1 percent to 1.38 percent. This change is necessary because there is no funding for the participating securities SBICs program.

The other provision of S. 1196 modestly lowers the fees in the other main access to capital programs of the SBA, the 7(a) General Business Loan Program and the 504 Certified Development Company CDC program.

Last month the SBA administrator sent me a letter in support of this and revitalized the 7(a) and 504 programs. Mr. Speaker, the text of that letter is as follows:

U.S. SMALL BUSINESS ADMINISTRATION,
*Washington, DC, November 27, 2001.*

The Hon. DONALD MANZULLO,
*Chairman, Committee on Small Business, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The purpose of this letter is to express the U.S. Small Business Administration's (SBA) views on S. 1196, the Small Business Investment Company (SBIC) Amendments Act of 2001.

SBA applauds the Congress on passing the President's proposed legislation that enables the SBIC Participating Securities Program to flourish and expand without additional discretionary appropriations. SBA also applauds the Congress for including the technical amendments that were included in the President's proposal to further enhance the program.

SBA agrees with the concept that we must revitalize the 7(a) and 504 programs. Over the past several years the number of loans to women, Hispanic, African American, and veteran small business owners has either decreased or remained relatively flat. Furthermore, these groups receive a low percentage of the loans, with women receiving 21 percent, Hispanics 8 percent, African Americans 4 percent, and veterans 11 percent. More than 60 percent of the loans made to women, Hispanics and African Americans, the fastest growing small business population, are less than $150,000. In addition, most businesses are started with less than $150,000. Yet the legislation fails to specifically target fee reduction in 7(a) loans of $150,000 or less.

SBA feels very strongly that because of limited resources, and the statistics set forth above, that fee reductions should be targeted to those small businesses seeking loans under $150,000.

The Office of Management and Budget advises that there is no objection from the standpoint of the President's program to the submission of these views for the consideration of Congress.

SBA welcomes the opportunity to work with Congress to revitalize the 7(a) and 504 programs for the benefit of small businesses.

Sincerely,

HECTOR V. BARRETO,
*Administrator.*

Mr. Barreto suggested that any fee reduction should be weighted to smaller loan borrowers and I agree. That is why I concur with the Senate's action that makes a few changes to House Amendment 7(a) Program.

I rise in support of S. 1196 and concur with the Senate to House amendment and I urge my colleagues to support these needed changes to these SBA programs.

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

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

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

Ms. VELÁZQUEZ. Mr. Speaker, I rise in strong support of S. 1196, the Small Business Technical Correction Act of 2001. This legislation will make much needed improvement here to the Small Business Investment Company Program, the Small Business Administration's General Loan Program, and the Certified Development Company Program to ensure that they are able to meet the new challenges facing this Nation's small businesses.

Mr. Speaker, recent reports reflect that the economy is heading into a recession and small businesses now more than ever need access to capital at an affordable rate. Surveys of senior loan officers have reported tightening of credit. No one sector of the economy is hurt more by this restriction than small business. Today, through changes to the SBIC program, we will expand the programs size and volume to include an entirely new array of opportunities for small business to receive equity investment.

The SBIC program has invested nearly $15 billion in more than 90,000 small businesses. And more importantly, $600 million in businesses in low and moderate income areas throughout the Nation. Thanks to the SBIC program, such successes like Intel, FedEx, America Online and Staples launched themselves into the universe of Fortune 500 companies.

While this does raise the fees on the SBIC program, it also puts the program on a footing where no Federal subsidies are going to be required. This has created some concern that these changes will put equity investment out of reach for many small business. To offset this we have included a reduction in the fee of the SBA general loan program. This will bring some equity into a program that has according to Congressional Budget Office estimates overcharged both lenders and small businesses by at least a billion dollars.

Today with the passage of S. 1196 we will make the SBA 7(a) loan program more accessible and affordable to small businesses by drastically reducing the cost of the program. These changes will immediately free up millions of dollars for more lending spuring much needed economic revitalization. I strongly encourage my colleagues to support this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in support of S. 1196, the Small Business Investment Company Amendments Act. This legislation achieves a number of objectives for small businesses in their goal of obtaining ready sources of growth capital. This program is a true investment partner for entrepreneurs providing critical equity capital to new and existing companies.

Indeed, SBICs have invested nearly $15 billion in long term debt and equity capital to more than 90,000 small businesses. At the same time, they have provided growth and startup capital totalling more than $600 million to businesses in low and moderate income areas throughout the Nation.

After 10 years of solid economic growth, America has entered an economic downturn. For the first time in a decade, the economic indicators benchmark showing where we are and where we are going have gone 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 has taken a huge hit as profits and employment figures head into a free fall. Part of the solution for 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 percent of America's employers, it can play a vital role in bringing America out of this economic downturn.

To help American small businesses survive this economic downturn, the small business administration must engage all available resources in facilitating entrepreneurship development, provide low and no interest loans and more technical assistance programs to small businesses. S. 1196 is one approach that can assist the small business administration, and I urge all of my colleagues to support S. 1196.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, this has been a long process and I want to thank my staff, particularly Mr. Michael Day, and Mr. Manzullo's staff for their tremendous effort in getting this bill done.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. MANZULLO) that the House suspend the rules and concur in the Senate amendment to the House amendment to S.1196.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment to the House amendment was concurred in.

A motion to reconsider was laid on the table.

## PUBLIC HEALTH SECURITY AND BIOTERRORISM RESPONSE ACT OF 2001

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3448) to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies

The Clerk read as follows:

H.R. 3448

*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 ''Public Health Security and Bioterrorism Response Act of 2001''.

(b) TABLE OF CONTENTS.—The table of contents of the Act is as follows:


Sec. 1. Short title; table of contents.

TITLE I—NATIONAL PREPAREDNESS FOR BIOTERRORISM AND OTHER PUBLIC HEALTH EMERGENCIES

Subtitle A—National Preparedness and Response Planning, Coordinating, and Reporting

Sec. 101. National preparedness and response.
Sec. 102. Assistant Secretary for Emergency Preparedness; National Disaster Medical System.
Sec. 103. Improving ability of Centers for Disease Control and Prevention with respect to bioterrorism and other public health emergencies; facilities.
Sec. 104. Advisory committees and communications.
Sec. 105. Education of health care personnel; training regarding pediatric issues.
Sec. 106. Grants regarding shortages of certain health professionals.
Sec. 107. Emergency system for verification of credentials of health professions volunteers.
Sec. 108. Enhancing preparedness activities for bioterrorism and other public health emergencies.
Sec. 109. Improving State and local core public health capacities.
Sec. 110. Antimicrobial resistance program.
Sec. 111. Study regarding communications abilities of public health agencies.
Sec. 112. Supplies and services in lieu of award funds.
Sec. 113. Additional amendments.
Sec. 114. Study regarding local emergency response methods.

Subtitle B—National Stockpile; Development of Priority Countermeasures

Sec. 121. National stockpile.
Sec. 122. Accelerated approval of priority countermeasures.
Sec. 123. Use of animal trials in approval of certain drugs and biologics; issuance of rule.
Sec. 124. Security for countermeasure development and production.
Sec. 125. Accelerated countermeasure research and development.
Sec. 126. Evaluation of new and emerging technologies regarding bioterrorist attack and other public health emergencies.
Sec. 127. Potassium iodide.

Subtitle C—Emergency Authorities; Additional Provisions

Sec. 131. Expanded authority of Secretary of Health and Human Services to respond to public health emergencies.
Sec. 132. Streamlining and clarifying communicable disease quarantine provisions.
Sec. 133. Emergency waiver of Medicare, Medicaid, and SCHIP requirements.
Sec. 134. Provision for expiration of public health emergencies.
Sec. 135. Designated State public emergency announcement plan.
Sec. 136. Expanded research by Secretary of Energy.
Sec. 137. Agency for Toxic Substances and Disease Registry.
Sec. 138. Expanded research on worker health and safety.
Sec. 139. Technology opportunities program support.

Subtitle D—Authorization of Appropriations

Sec. 151. Authorization of Appropriations.

TITLE II—ENHANCING CONTROLS ON DANGEROUS BIOLOGICAL AGENTS AND TOXINS

Sec. 201. Regulation of certain biological agents and toxins.

TITLE III—AMENDMENTS TO FEDERAL FOOD, DRUG, AND COSMETIC ACT

Subtitle A—Protection of Food Supply

Sec. 301. Protection against intentional adulteration of food.
Sec. 302. Administrative detention.
Sec. 303. Permissive debarment regarding food importation.
Sec. 304. Maintenance and inspection of records for foods.
Sec. 305. Registration.
Sec. 306. Prior notice of imported food shipments.
Sec. 307. Authority to mark articles refused admission into United States.
Sec. 308. Prohibition against port shopping for importation.
Sec. 309. Notices to States regarding imported food.
Sec. 310. Grants to States for inspections; response to notice regarding adulterated imported food.

Subtitle B—Protection of Drug Supply

Sec. 311. Annual registration of foreign manufacturers; shipping information; drug and device listing.
Sec. 312. Requirement of additional information regarding import components intended for use in export products.

TITLE IV—DRINKING WATER SECURITY AND SAFETY

Sec. 401. Amendment of the Safe Drinking Water Act.


## TITLE I—NATIONAL PREPAREDNESS FOR BIOTERRORISM AND OTHER PUBLIC HEALTH EMERGENCIES

### Subtitle A—National Preparedness and Response Planning, Coordinating, and Reporting

**SEC. 101. NATIONAL PREPAREDNESS AND RESPONSE.**

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following title:

**''TITLE XXVIII—NATIONAL PREPAREDNESS FOR BIOTERRORISM AND OTHER PUBLIC HEALTH EMERGENCIES**

**''Subtitle A—National Preparedness and Response Planning, Coordinating, and Reporting**

**''SEC. 2801. NATIONAL PREPAREDNESS PLAN.**

''(a) IN GENERAL.—

''(1) PREPAREDNESS AND RESPONSE REGARDING PUBLIC HEALTH EMERGENCIES.—The Secretary shall further develop and implement a coordinated strategy, building upon the core public health capabilities established pursuant to section 319A, for carrying out health-

related activities to prepare for and respond effectively to bioterrorism and other public health emergencies, including the preparation of a plan under this section. The Secretary shall periodically thereafter review and as appropriate revise the plan.

''(2) CONSULTATION.—The Secretary shall carry out paragraph (1) in consultation with the Secretary of Defense, the Director of the Federal Emergency Management Agency, the Secretary of Veterans Affairs, the Attorney General, the Secretary of Agriculture, the Secretary of Energy, the Secretary of Labor, and the Administrator of the Environmental Protection Agency, and with other appropriate public and private entities.

''(3) NATIONAL APPROACH.—In carrying out paragraph (1), the Secretary shall collaborate with the States toward the goal of ensuring that the activities of the Secretary regarding bioterrorism and other public health emergencies are coordinated with activities of the States, including through local governments, such that there is a national plan for preparedness for and responding effectively to such emergencies.

''(4) EVALUATION OF PROGRESS.—The plan under paragraph (1) shall provide for specific benchmarks and outcome measures for evaluating the progress of the Secretary and the States, including local governments, with respect to the plan under paragraph (1), including progress toward achieving the goals specified in subsection (b).

''(b) PREPAREDNESS GOALS.—The plan under subsection (a) shall include provisions for achieving the following goals with respect to preparedness for and responding effectively to bioterrorism and other public health emergencies:

''(1) Providing effective assistance to State and local governments in the event of such an emergency.

''(2) Ensuring that State and local governments have adequate and appropriate capacity to detect and respond effectively to such emergencies, including capacities for the following:

''(A) Effective public health surveillance and reporting mechanisms at the State and local levels.

''(B) Adequate laboratory readiness.

''(C) Properly trained and equipped emergency response, public health, and medical personnel.

''(D) Health and safety protection of workers involved in responding to such an emergency.

''(E) Public health agencies that are prepared to coordinate health services (including mental health services) during and after such emergencies.

''(F) Participation in communications networks that can effectively disseminate relevant information in a timely and secure manner to appropriate public and private entities and to the public.

''(3) Developing and maintaining medical countermeasures (such as drugs, vaccines and other biological products, and medical devices) against biological agents that may be used in such emergencies.

''(4) Ensuring coordination and minimizing duplication of Federal, State, and local planning, preparedness, and response activities, including among agencies during the investigation of a suspicious disease outbreak.

''(5) Ensuring adequate readiness of hospitals and other health care facilities to respond effectively to such emergencies.

''(c) EVALUATION OF USING VA R&D CAPABILITIES.—The Secretary shall evaluate the feasibility of using the biomedical research and development capabilities of the Department of Veterans Affairs, in conjunction with that Department's affiliations with health-professions universities, as a means to assist the Secretary in achieving the goals specified in subsection (b).

''(d) REPORTS TO CONGRESS.—

''(1) INITIAL REPORT TO CONGRESS.—Not later than one year after the date of the enactment of the Public Health Security and Bioterrorism Response Act of 2001, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, a report concerning progress with respect to the plan under subsection (a), including progress toward achieving the goals specified in subsection (b).

''(2) BIENNIAL REPORTS.—Not later than 2 years after the date on which the report under paragraph (1) is submitted, and biennially thereafter, the Secretary shall submit to each of the committees specified in such paragraph a report concerning the progress made with respect to the plan under subsection (a), including the goals under subsection (b).

''(3) ADDITIONAL AUTHORITY.—Reports submitted under paragraph (2) by the Secretary shall make recommendations concerning—

''(A) any additional legislative authority that the Secretary determines is necessary for fully implementing the plan under subsection (a), including meeting the goals under subsection (b); and

''(B) any additional legislative authority that the Secretary determines is necessary under section 319 to protect the public health in the event that a condition described in section 319(a) occurs.

''(e) OTHER REPORTS.—Not later than one year after the date of the enactment of the Public Health Security and Bioterrorism Response Act of 2001, the Secretary shall submit to each of the committees specified in paragraph (1) a report concerning—

''(1) the recommendations and findings of the EPIC Advisory Committee under section 319F(c)(3);

''(2) the characteristics that may render a rural community uniquely vulnerable to a biological attack, including distance, lack of emergency transport, hospital or laboratory capacity, lack of integration of Federal or State public health networks, workforce deficits, or other relevant conditions;

''(3) the characteristics that may render areas or populations designated as medically underserved populations (as defined in section 330) uniquely vulnerable to a biological attack, including significant numbers of low-income or uninsured individuals, lack of affordable and accessible health care services, insufficient public and primary health care resources, lack of integration of Federal or State public health networks, workforce deficits, or other relevant conditions; and

''(4) the recommendations of the Secretary with respect to additional legislative authority that the Secretary determines is necessary to effectively strengthen rural communities, or medically underserved populations (as defined in section 330).

''(f) RULE OF CONSTRUCTION.—This section may not be construed as expanding or limiting any of the authorities of the Secretary that, on the day before the date of the enactment of the Public Health Security and Bioterrorism Response Act of 2001, were in effect with respect to preparing for and responding effectively to bioterrorism and other public health emergencies.''.

**SEC. 102. ASSISTANT SECRETARY FOR EMERGENCY PREPAREDNESS; NATIONAL DISASTER MEDICAL SYSTEM.**

(a) IN GENERAL.—Title XXVIII of the Public Health Service Act, as added by section 101 of this Act, is amended by adding at the end the following subtitle:

**''Subtitle B—Emergency Preparedness and Response**

**''SEC. 2811. COORDINATION OF PREPAREDNESS FOR AND RESPONSE TO BIOTERRORISM AND OTHER PUBLIC HEALTH EMERGENCIES.**

''(a) ASSISTANT SECRETARY FOR EMERGENCY PREPAREDNESS.—

''(1) IN GENERAL.—There is established within the Department of Health and Human Services the position of Assistant Secretary for Emergency Preparedness. The President, by and with the advice and consent of the Senate, shall appoint an individual to serve in such position. Such Assistant Secretary shall report to the Secretary.

''(2) DUTIES.—Subject to the authority of the Secretary, the Assistant Secretary for Emergency Preparedness shall carry out the following duties:

''(A) Coordinate on behalf of the Secretary—

''(i) all interagency interfaces between the Department of Health and Human Services (referred to in this paragraph as the 'Department') and other departments, agencies and offices of the United States, including the activities of the joint interdepartmental working groups under subsections (a) and (b) of section 319F; and

''(ii) all interfaces between the Department and State and local entities with responsibility for emergency preparedness.

''(B) Coordinate the operations of the National Disaster Medical System and any other emergency response activities within the Department of Health and Human Services that are related to bioterrorism or public health emergencies.

''(C) Coordinate the efforts of the Department to bolster State and local emergency preparedness for a bioterrorist attack or other public health emergency, and evaluate the progress of such entities in meeting the benchmarks and other outcome measures contained in the national plan and in meeting the core public health capabilities established pursuant to 319A.

''(D) Coordinate the activities of the Department with respect to research and development of priority vaccines, other biological products, drugs, and devices useful for detecting or responding to a bioterrorist attack or other public health emergency.

''(E) Coordinate the activities of the Department with respect to public education, awareness, and information relating to bioterrorism or other public health emergencies, including the activities and recommendations of the EPIC Advisory Committee under section 319F(c)(3).

''(F) Coordinate all other functions within the Department of Health and Human Services relating to emergency preparedness, including matters relating to bioterrorism and other public health emergencies that are addressed in the national plan under section 2801.

''(G) Any other duties determined appropriate by the Secretary.

''(b) NATIONAL DISASTER MEDICAL SYSTEM.—

''(1) IN GENERAL.—The Secretary shall provide for the operation in accordance with this section of a system to be known as the National Disaster Medical System (in this section referred to as the 'National System'). The Secretary shall designate the Assistant Secretary for Emergency Preparedness as the head of the National System, subject to the authority of the Secretary.

''(2) FEDERAL AND STATE COLLABORATIVE SYSTEM.—

''(A) IN GENERAL.—The National System shall be a coordinated effort by the Federal agencies specified in subparagraph (B), working in collaboration with the States and other appropriate public or private entities,

to carry out the purposes described in paragraph (3).

''(B) PARTICIPATING FEDERAL AGENCIES.—The Federal agencies referred to in subparagraph (A) are the Department of Health and Human Services, the Federal Emergency Management Agency, the Department of Defense, and the Department of Veterans Affairs.

''(3) PURPOSE OF SYSTEM.—

''(A) IN GENERAL.—The Secretary may activate the National System to—

''(i) provide health services, health-related social services, other appropriate human services, and appropriate auxiliary services to respond to the needs of victims of a public health emergency (whether or not determined to be a public health emergency under section 319); or

''(ii) be present at locations, and for periods of time, specified by the Secretary on the basis that the Secretary has determined that a location is at risk of a public health emergency during the time specified.

''(B) ONGOING ACTIVITIES.—The National System shall carry out such ongoing activities as may be necessary to prepare for the provision of services described in subparagraph (A) in the event that the Secretary activates the National System for such purposes.

''(C) TEST FOR MOBILIZATION OF SYSTEM.—During the one-year period beginning on the date of the enactment of the Public Health Security and Bioterrorism Response Act of 2001, the Secretary shall conduct an exercise to test the capability and timeliness of the National System to mobilize and otherwise respond effectively to a bioterrorist attack or other public health emergency that affects two or more geographic locations concurrently. Thereafter, the Secretary may periodically conduct such exercises regarding the National System as the Secretary determines to be appropriate.

''(c) CRITERIA.—

''(1) IN GENERAL.—The Secretary shall establish criteria for the operation of the National System.

''(2) EDUCATION AND TRAINING OF PERSONNEL.—In carrying out paragraph (1), the Secretary shall establish criteria regarding the education and training of individuals who provide emergency services through the National System. In the case of permanent, full-time positions in the Department of Health and Human Services that involve significant supervisory roles within the National System, the criteria shall require that individuals in such positions have completed appropriate education or training programs as determined by the Secretary.

''(3) PARTICIPATION AGREEMENTS FOR NONFEDERAL ENTITIES.—In carrying out paragraph (1), the Secretary shall establish criteria regarding the participation of States and private entities in the National System, including criteria regarding agreements for such participation. The criteria shall include the following:

''(A) Provisions relating to the custody and use of Federal personal property by such entities, which may in the discretion of the Secretary include authorizing the custody and use of such property on a reimbursable basis to respond to emergency situations for which the National System has not been activated by the Secretary pursuant to subsection (b)(3)(A).

''(B) Provisions relating to circumstances in which an individual or entity has agreements with both the National System and another entity regarding the provision of emergency services by the individual. Such provisions shall address the issue of priorities among the agreements involved.

''(d) INTERMITTENT DISASTER-RESPONSE PERSONNEL.—

''(1) IN GENERAL.—For the purpose of assisting the National System in carrying out duties under this section, the Secretary may appoint individuals to serve as intermittent personnel of such System in accordance with applicable civil service laws and regulations.

''(2) LIABILITY.—For purposes of section 224(a) and the remedies described in such section, an individual appointed under paragraph (1) shall, while acting within the scope of such appointment, be considered to be an employee of the Public Health Service performing medical, surgical, dental, or related functions. With respect to the participation of individuals appointed under paragraph (1) in training programs authorized by the Assistant Secretary for Emergency Preparedness or a comparable official of any Federal agency specified in subsection (b)(2)(B), acts of individuals so appointed that are within the scope of such participation shall be considered within the scope of the appointment under paragraph (1) (regardless of whether the individuals receive compensation for such participation).

''(e) CERTAIN EMPLOYMENT ISSUES REGARDING INTERMITTENT APPOINTMENTS.—

''(1) INTERMITTENT DISASTER-RESPONSE APPOINTEE.—For purposes of this subsection, the term 'intermittent disaster-response appointee' means an individual appointed by the Secretary under subsection (d).

''(2) COMPENSATION FOR WORK INJURIES.—An intermittent disaster-response appointee shall, while acting in the scope of such appointment, be considered to be an employee of the Public Health Service performing medical, surgical, dental, or related functions, and an injury sustained by such an individual shall be deemed 'in the performance of duty', for purposes of chapter 81 of title 5, United States Code, pertaining to compensation for work injuries. With respect to the participation of individuals appointed under subsection (d) in training programs authorized by the Assistant Secretary for Emergency Preparedness or a comparable official of any Federal agency specified in subsection (b)(2)(B), injuries sustained by such an individual, while acting within the scope of such participation, also shall be deemed 'in the performance of duty' for purposes of chapter 81 of title 5, United States Code (regardless of whether the individuals receive compensation for such participation). In the event of an injury to such an intermittent disaster-response appointee, the Secretary of Labor shall be responsible for making determinations as to whether the claimant is entitled to compensation or other benefits in accordance with chapter 81 of title 5, United States Code.

''(3) EMPLOYMENT AND REEMPLOYMENT RIGHTS.—

''(A) IN GENERAL.—Service as an intermittent disaster-response appointee when the Secretary activates the National System or when the individual participates in a training program authorized by the Assistant Secretary for Emergency Preparedness or a comparable official of any Federal agency specified in subsection (b)(2)(B) shall be deemed 'service in the uniformed services' for purposes of chapter 43 of title 38, United States Code, pertaining to employment and reemployment rights of individuals who have performed service in the uniformed services (regardless of whether the individual receives compensation for such participation). All rights and obligations of such persons and procedures for assistance, enforcement, and investigation shall be as provided for in chapter 43 of title 38, United States Code.

''(B) NOTICE OF ABSENCE FROM POSITION OF EMPLOYMENT.—Preclusion of giving notice of service by necessity of Service as an intermittent disaster-response appointee when the Secretary activates the National System shall be deemed preclusion by 'military necessity' for purposes of section 4312(b) of title 38, United States Code, pertaining to giving notice of absence from a position of employment. A determination of such necessity shall be made by the Secretary, in consultation with the Secretary of Defense, and shall not be subject to judicial review.

''(4) LIMITATION.—An intermittent disaster-response appointee shall not be deemed an employee of the Department of Health and Human Services for purposes other than those specifically set forth in this section.

''(f) DEFINITION.—For purposes of this section, the term 'auxiliary services' includes mortuary services, veterinary services, and other services that are determined by the Secretary to be appropriate with respect to the needs referred to in subsection (b)(3)(A).

''(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of providing for the Assistant Secretary for Emergency Preparedness and the operations of the National System, other than purposes for which amounts in the Public Health Emergency Fund under section 319 are available, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2002 through 2006.''.

(b) SENSE OF CONGRESS REGARDING RESOURCES OF NATIONAL SYSTEM.—It is the sense of the Congress that the Secretary of Health and Human Services should provide sufficient resources to individuals and entities tasked to carry out the duties of the National Disaster Medical System for reimbursement of expenses, operations, purchase and maintenance of equipment, training, and other funds expended in furtherance of such National System.

**SEC. 103. IMPROVING ABILITY OF CENTERS FOR DISEASE CONTROL AND PREVENTION WITH RESPECT TO BIOTERRORISM AND OTHER PUBLIC HEALTH EMERGENCIES; FACILITIES.**

Section 319D of the Public Health Service Act (42 U.S.C. 247d–4) is amended to read as follows:

**''SEC. 319D. REVITALIZING THE CENTERS FOR DISEASE CONTROL AND PREVENTION.**

''(a) FINDINGS.—Congress finds that the Centers for Disease Control and Prevention have an essential role in defending against and combatting public health threats of the 21st century and requires secure and modern facilities, and expanded and improved capabilities related to biological threats or attacks or other public health emergencies, sufficient to enable such Centers to conduct this important mission.

''(b) IMPROVING THE CAPACITIES OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION.—

''(1) IN GENERAL.—The Secretary shall expand, enhance, and improve the capabilities of the Centers for Disease Control and Prevention relating to preparedness for and responding effectively to bioterrorism and other public health emergencies. Activities that may be carried out under the preceding sentence include—

''(A) expanding or enhancing the training of personnel;

''(B) improving communications facilities and networks;

''(C) improving capabilities for public health surveillance and reporting activities;

''(D) improving laboratory facilities related to bioterrorism, including increasing the security of such facilities; and

''(E) such other activities as the Secretary determines appropriate.

''(2) IMPROVING PUBLIC HEALTH LABORATORY CAPACITY.—

''(A) IN GENERAL.—The Secretary, directly or through awards of grants, contracts, or cooperative agreements, shall provide for the

establishment of a coordinated network of public health laboratories, that may, at the discretion of the Secretary, include laboratories that serve as regional reference laboratories.

''(B) PRIORITY.—In carrying out subparagraph (A), the Secretary shall give priority to projects that include State or local government financial commitments, that seek to incorporate multiple public health and safety services or diagnostic databases into an integrated public health or regional reference laboratory, and that cover geographic areas lacking advanced diagnostic and safety-level laboratory capabilities.

''(3) NATIONAL PUBLIC HEALTH COMMUNICATIONS AND SURVEILLANCE NETWORK.—

''(A) IN GENERAL.—The Secretary, directly or through awards of grants, contracts, or cooperative agreements, shall provide for the establishment of integrated public health communications and surveillance networks between and among—

''(i) Federal, State, and local public health officials;

''(ii) public and private health-related laboratories, hospitals, and other health care facilities; and

''(iii) any other entities determined appropriate by the Secretary.

''(B) REQUIREMENTS.—The Secretary shall ensure that networks under subparagraph (A) allow for the timely sharing and discussion, in a secure manner, of essential information concerning a bioterrorist attack or other public health emergency, or recommended methods for responding to such an attack or emergency.

''(4) CONTINUITY OF EFFORT.—To the maximum extent practicable, the Secretary, in conducting activities under paragraphs (1) through (3), shall administer such activities in a manner that intensifies, expands, or enhances activities being carried out on the date of enactment of this subsection.

''(c) FACILITIES.—

''(1) IN GENERAL.—The Director of the Centers for Disease Control and Prevention may design, construct, and equip new facilities, renovate existing facilities (including laboratories, laboratory support buildings, scientific communication facilities, transshipment complexes, secured and isolated parking structures, office buildings, and other facilities and infrastructure), and upgrade security of such facilities, in order to better conduct the capacities described in section 319A, and for supporting related public health activities.

''(2) MULTIYEAR CONTRACTING AUTHORITY.—For any project of designing, constructing, equipping, or renovating any facility under paragraph (1), the Director of the Centers for Disease Control and Prevention may enter into a single contract or related contracts that collectively include the full scope of the project, and the solicitation and contract shall contain the clause 'availability of funds' found at section 52.232–18 of title 48, Code of Federal Regulations.

''(d) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—For the purposes of achieving the mission of the Centers for Disease Control and Prevention described in subsection (a), for carrying out subsection (b), for better conducting the capacities described in section 319A, and for supporting related public health activities, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2002 through 2006.

''(2) FACILITIES.—For the purpose of carrying out subsection (c), there are authorized to be appropriated $300,000,000 for each of the fiscal years 2002 and 2003, and such sums as may be necessary for each of the fiscal years 2004 through 2006.''.

**SEC. 104. ADVISORY COMMITTEES AND COMMUNICATIONS.**

Section 319F of the Public Health Service Act (42 U.S.C. 247d–6) is amended—

(1) by redesignating subsections (c) through (i) as subsections (e) through (k), respectively; and

(2) by inserting after subsection (b) the following subsections:

''(c) ADVICE TO THE FEDERAL GOVERNMENT.—

''(1) REQUIRED ADVISORY COMMITTEES.—In coordination with the working groups under subsections (a) and (b), the Secretary shall establish advisory committees in accordance with paragraphs (2) and (3) to provide expert recommendations to assist such working groups in carrying out their respective responsibilities under subsections (a) and (b).

''(2) NATIONAL ADVISORY COMMITTEE ON CHILDREN AND TERRORISM.—

''(A) IN GENERAL.—For purposes of paragraph (1), the Secretary shall establish an advisory committee to be known as the National Advisory Committee on Children and Terrorism (referred to in this paragraph as the 'Advisory Committee').

''(B) DUTIES.—The Advisory Committee shall provide recommendations regarding—

''(i) the preparedness of the health care (including mental health care) system to respond to bioterrorism as it relates to children;

''(ii) needed changes to the health care and emergency medical service systems and emergency medical services protocols to meet the special needs of children; and

''(iii) changes, if necessary, to the national stockpile under section 121 of the Public Health Security and Bioterrorism Response Act of 2001 to meet the special needs of children.

''(C) COMPOSITION.—The Advisory Committee shall be composed of such Federal officials as may be appropriate to address the special needs of the diverse population groups of children, and child health experts on infectious disease, environmental health, toxicology, and other relevant professional disciplines.

''(D) TERMINATION.—The Advisory Committee terminates one year after the date of the enactment of the Public Health Security and Bioterrorism Response Act of 2001.

''(3) EMERGENCY PUBLIC INFORMATION AND COMMUNICATIONS ADVISORY COMMITTEE.—

''(A) IN GENERAL.—For purposes of paragraph (1), the Secretary shall establish an advisory committee to be known as the Emergency Public Information and Communications Advisory Committee (referred to in this paragraph as the 'EPIC Advisory Committee').

''(B) DUTIES.—The EPIC Advisory Committee shall make recommendations and report on appropriate ways to communicate public-health information regarding biological attacks to the public.

''(C) COMPOSITION.—The EPIC Advisory Committee shall be composed of individuals representing a diverse group of experts in public health, communications, behavioral psychology, and other areas determined appropriate by the Secretary.

''(D) DISSEMINATION.—The Secretary shall ensure that the recommendations of the EPIC Advisory Committee are widely disseminated to the media, State and local governments, poison control centers, and others as the Secretary determines appropriate.

''(E) TERMINATION.—The EPIC Advisory Committee terminates one year after the date of the enactment of the Public Health Security and Bioterrorism Response Act of 2001.

''(d) STRATEGY FOR COMMUNICATION OF INFORMATION REGARDING BIOLOGICAL ATTACK.—In coordination with the joint interdepartmental working group under subsection (b), the Secretary, acting through the Assistant Secretary for Emergency Preparedness, shall develop a strategy for effectively communicating information regarding a biological attack, and shall develop means by which to communicate such information. The Secretary may carry out the preceding sentence directly or through grants, contracts, or cooperative agreements.''.

**SEC. 105. EDUCATION OF HEALTH CARE PERSONNEL; TRAINING REGARDING PEDIATRIC ISSUES.**

Section 319F(g) of the Public Health Service Act, as redesignated by section 104(1) of this Act, is amended to read as follows:

''(g) EDUCATION; TRAINING REGARDING PEDIATRIC ISSUES.—

''(1) MATERIALS; CORE CURRICULUM.—The Secretary, in collaboration with members of the working group described in subsection (b), and professional organizations and societies, shall—

''(A) develop materials for teaching the elements of a core curriculum for the recognition and identification (including proficiency testing) of potential bioweapons and other agents that may create a public health emergency, and for the care of victims of such emergencies, recognizing the special needs of children and other vulnerable populations, to public health officials, medical professionals, emergency physicians and other emergency department staff, laboratory personnel, and other personnel working in health care facilities (including poison control centers);

''(B) develop a core curriculum and materials for community-wide planning by State and local governments, hospitals and other health care facilities, emergency response units, and appropriate public and private sector entities to respond to a bioterrorist attack or other public health emergency;

''(C) provide for dissemination and teaching of the materials described in subparagraphs (A) and (B) by all appropriate means, including telemedicine, long-distance learning, or other such means; and

''(D) to the extent practicable, establish and maintain an electronic database of individuals participating in training or education programs carried out under this section, for the purpose of providing continuing education materials and information to such participants.

''(2) GRANTS.—In carrying out paragraph (1), the Secretary may award grants to, or enter into cooperative agreements with, professional organizations and societies, private accrediting organizations, or other nonprofit institutions or entities meeting criteria established by the Secretary, and may enter into interagency cooperative agreements with other Federal agencies.

''(3) HEALTH-RELATED ASSISTANCE FOR EMERGENCY RESPONSE PERSONNEL TRAINING.—The Secretary, in consultation with the Attorney General and the Director of the Federal Emergency Management Agency, may provide assistance with respect to health-related aspects of emergency response personnel training carried out by the Department of Justice and the Federal Emergency Management Agency.''.

**SEC. 106. GRANTS REGARDING SHORTAGES OF CERTAIN HEALTH PROFESSIONALS.**

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 319G the following section:

**''SEC. 319H. GRANTS REGARDING TRAINING AND EDUCATION OF CERTAIN HEALTH PROFESSIONALS.**

''(a) IN GENERAL.—The Secretary may make awards of grants and cooperative agreements to appropriate public and nonprofit private health or educational entities,

including health professions schools and programs as defined in section 799B, for the purpose of providing low-interest loans, partial scholarships, partial fellowships, revolving loan funds, or other cost-sharing forms of assistance for the education and training of individuals in any category of health professions for which there is a shortage that the Secretary determines should be alleviated in order to prepare for or respond effectively to bioterrorism and other public health emergencies.

''(b) AUTHORITY REGARDING NON-FEDERAL CONTRIBUTIONS.—The Secretary may require as a condition of an award under subsection (a) that a grantee under such subsection provide non-Federal contributions toward the purpose described in such subsection.

''(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2002 through 2006.''.

**SEC. 107. EMERGENCY SYSTEM FOR VERIFICATION OF CREDENTIALS OF HEALTH PROFESSIONS VOLUNTEERS.**

Part B of title III of the Public Health Service Act, as amended by section 106 of this Act, is amended by inserting after section 319H the following section:

**''SEC. 319I. EMERGENCY SYSTEM FOR VERIFICATION OF HEALTH PROFESSIONS VOLUNTEERS.**

''(a) IN GENERAL.—The Secretary shall, directly or through an award of a grant, contract, or cooperative agreement, establish and maintain a system for verifying the credentials, licenses, accreditations, and hospital privileges of individuals, who during public health emergencies volunteer to serve as health professionals (referred to in this section as the 'verification system'). In carrying out the preceding sentence, the Secretary shall provide for an electronic database for the verification system.

''(b) CERTAIN CRITERIA.—The Secretary shall establish criteria regarding the verification system under subsection (a), including provisions regarding the promptness and efficiency of the system in collecting, storing, updating, and disseminating information on the credentials, licenses, accreditations, and hospital privileges of volunteers described in subsection (a).

''(c) ADVANCE REGISTRATION OF VOLUNTEERS.—In order to facilitate the availability of health professionals during a public health emergency, the Secretary shall provide for the advance registration with the system of health professionals who are willing to serve as volunteers described in subsection (a), and may carry out activities to encourage health professionals to register with the system.

''(d) OTHER ASSISTANCE.—The Secretary may make grants and provide technical assistance to States and other public or nonprofit private entities for activities relating to the verification system developed under subsection (a).

''(e) COORDINATION AMONG STATES.—The Secretary shall encourage each State to provide legal authority during a public health emergency for health professionals authorized in another State to provide certain health services to provide such health services in the State.

''(f) RULE OF CONSTRUCTION.—This section may not be construed as authorizing the Secretary to issue requirements regarding the provision by the States of credentials, licenses, accreditations, or hospital privileges.

''(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $2,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2006.''.

**SEC. 108. ENHANCING PREPAREDNESS ACTIVITIES FOR BIOTERRORISM AND OTHER PUBLIC HEALTH EMERGENCIES.**

Section 319F of the Public Health Service Act (42 U.S.C. 247d–6) is amended—

(1) by amending subsection (a) to read as follows:

''(a) WORKING GROUP ON PREPAREDNESS FOR ACTS OF BIOTERRORISM.—The Secretary, in coordination with the Secretary of Defense, the Director of the Federal Emergency Management Agency, the Attorney General, the Secretary of Veterans Affairs, the Secretary of Agriculture, the Secretary of Energy, and the Administrator of the Environmental Protection Agency shall establish a joint interdepartmental working group on preparedness and readiness for the medical and public health effects of a bioterrorist attack on the civilian population. Such joint working group shall—

''(1) coordinate and prioritize research on, and the development of countermeasures against, pathogens likely to be used in a bioterrorist attack on the civilian population;

''(2) facilitate the development, production, and regulatory review of priority countermeasures (as defined in subsection (h)(2)(C)) for a bioterrorist attack on the civilian population;

''(3) coordinate research and development into equipment to detect pathogens likely to be used in a bioterrorist attack on the civilian population and protect against infection from such pathogens;

''(4) develop shared standards for equipment to detect and to protect against infection from pathogens likely to be used in a bioterrorist attack on the civilian population; and

''(5) coordinate the development, maintenance, and procedures for the release and distribution of strategic reserves of vaccines, drugs, and medical supplies which may be needed rapidly after a bioterrorist attack upon the civilian population, including consideration of vulnerable populations (such as children, the elderly, and individuals with disabilities).'';

(2) in subsection (b)(1), by striking ''The Secretary'' and all that follows through ''shall establish'' and inserting the following: ''The Secretary, in collaboration with the Secretary of Defense, the Director of the Federal Emergency Management Agency, the Attorney General, the Secretary of Veterans Affairs, the Secretary of Agriculture, the Secretary of Labor, and the Administrator of the Environmental Protection Agency, shall establish'';

(3) in subsection (b)(2)—

(A) in subparagraph (A), by striking ''respond to a bioterrorist attack; and'' and inserting the following: ''respond to a bioterrorist attack, including the provision of appropriate safety and health training and protective measures for medical, emergency service, and other personnel responding to such attacks;'';

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

(C) by adding at the end the following subparagraph:

''(C) subject to compliance with other provisions of Federal law, clarify the responsibilities among Federal officials for the investigation of suspicious outbreaks of disease, and revise the interagency plan known as the Federal response plan accordingly.'';

(4) in subsection (b)(3), by striking ''Assistant Secretary for Health'' and inserting ''Assistant Secretary for Emergency Preparedness''; and

(5) in subsection (e) (as redesignated by section 104(1) of this Act)—

(A) in paragraph (1), by striking ''The Secretary'' and all that follows and inserting the following: ''In consultation with the working group established under subsection (b), the Secretary shall, based on criteria established by the Secretary, award grants to or enter into cooperative agreements with eligible entities to increase their capacity to detect, diagnose, and respond to acts of bioterrorism upon the civilian population.'';

(B) in paragraph (2)—

(i) by striking ''or'' after ''clinic,''; and

(ii) by inserting before the period the following: '', professional organizations and societies, schools or programs that train medical laboratory personnel, private accrediting organizations, or other nonprofit institutions or entities meeting criteria established by the Secretary'';

(C) in paragraph (3)—

(i) in the matter preceding subparagraph (A), by striking ''the priorities'' and inserting ''any priorities''; and

(ii) by striking subparagraphs (A) through (D) and inserting the following:

''(A) developing community-wide plans involving the public and private health care infrastructure to respond to bioterrorism or other public health emergencies, which are coordinated with the capacities of applicable national, State, and local health agencies;

''(B) training health care professionals and public health personnel to enhance the ability of such personnel to recognize the symptoms and epidemiological characteristics of exposure to a potential bioweapon, or other agents that may cause a public health emergency;

''(C) addressing rapid and accurate identification of potential bioweapons, or other agents that may cause a public health emergency;

''(D) coordinating medical care for individuals during public health emergencies, including bioterrorism;

''(E) conducting exercises to test the capability and timeliness of public health emergency response activities;

''(F) facilitating and coordinating rapid communication of data generated from a bioterrorist attack or public health emergency among national, State, and local health agencies, emergency response personnel, and health care providers and facilities; and

''(G) purchasing or upgrading equipment, supplies, pharmaceuticals or other countermeasures to enhance preparedness for and response to bioterrorism or other public health emergencies, consistent with a plan described in subparagraph (A).''; and

(D) in paragraph (4)—

(i) in subparagraph (A), by striking ''and'' after the semicolon at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following subparagraph:

''(C) coordinate grants under this subsection with grants under 319C.''.

**SEC. 109. IMPROVING STATE AND LOCAL CORE PUBLIC HEALTH CAPACITIES.**

Section 319C of the Public Health Service Act (42 U.S.C. 247d–3) is amended—

(1) in subsection (a), by striking ''competitive ''; and

(2) in subsection (c)—

(A) in paragraph (3), by striking ''health care providers; and'' and inserting ''health care providers, including poison control centers;'';

(B) by redesignating paragraph (4) as paragraph (7); and

(C) by inserting after paragraph (3) the following paragraphs:

''(4) purchase or upgrade equipment, supplies, pharmaceuticals or other countermeasures to enhance preparedness for and response to bioterrorism or other public health emergencies, consistent with a plan described in paragraph (3);

''(5) conduct exercises to test the capability and timeliness of public health emergency response activities;

''(6) within the meaning of part B of title XII, develop and implement the trauma care component of the State plan for the provision of emergency medical services; and'';

**SEC. 110. ANTIMICROBIAL RESISTANCE PROGRAM.**

Section 319E of the Public Health Service Act (42 U.S.C. 247d–5) is amended—

(1) in subsection (b)—

(A) by striking ''shall conduct and support'' and inserting ''shall directly or through awards of grants or cooperative agreements to public or private entities provide for the conduct of''; and

(B) by amending paragraph (4) to read as follows:

''(4) the sequencing of the genomes, or other appropriate DNA analysis, or other necessary comparative analysis, of priority pathogens (as determined by the Director of the National Institutes of Health in consultation with the task force established under subsection (a)), in collaboration and coordination with the activities of the Department of Defense and the Joint Genome Institute of the Department of Energy; and'';

(2) in subsection (e)(2), by inserting after ''societies,'' the following: ''schools or programs that train medical laboratory personnel,''; and

(3) in subsection (g), by striking ''and such sums'' and all that follows and inserting the following: ''$25,000,000 for each of the fiscal years 2002 and 2003, and such sums as may be necessary for each of the fiscal years 2004 through 2006.''.

**SEC. 111. STUDY REGARDING COMMUNICATIONS ABILITIES OF PUBLIC HEALTH AGENCIES.**

The Secretary of Health and Human Services, in consultation with the Federal Communications Commission, the National Telecommunications and Information Administration, and other appropriate Federal agencies, shall conduct a study to ensure that local public health entities have the ability to maintain communications in the event of a bioterrorist attack or other public health emergency. The study shall examine whether redundancies are required in the telecommunications system for public health entities to maintain systems operability and connectivity during such emergencies. The study shall also include recommendations to industry and public health entities about how to implement such redundancies if necessary.

**SEC. 112. SUPPLIES AND SERVICES IN LIEU OF AWARD FUNDS.**

Part B of title III of the Public Health Service Act, as amended by section 107 of this Act, is amended by inserting after section 319I the following section:

**''SEC. 319J. SUPPLIES AND SERVICES IN LIEU OF AWARD FUNDS**

''(a) IN GENERAL.—Upon the request of a recipient of an award under any of sections 319 through 319I or section 319K, the Secretary may, subject to subsection (b), provide supplies, equipment, and services for the purpose of aiding the recipient in carrying out the purposes for which the award is made and, for such purposes, may detail to the recipient any officer or employee of the Department of Health and Human Services.

''(b) CORRESPONDING REDUCTION IN PAYMENTS.—With respect to a request described in subsection (a), the Secretary shall reduce the amount of payments under the award involved by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.''.

**SEC. 113. ADDITIONAL AMENDMENTS.**

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq) is amended—

(1) in section 319A(a)(1), by striking ''10 years'' and inserting ''five years''; and

(2) in section 319B(a), in the first sentence, by striking ''10 years'' and inserting ''five years''.

**SEC. 114. STUDY REGARDING LOCAL EMERGENCY RESPONSE METHODS.**

The Secretary of Health and Human Services shall conduct a study of best-practices methods for the provision of emergency response services through local governments (including through contractors and volunteers of such governments) in a consistent manner in response to acts of bioterrorism or other public health emergencies. Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Congress a report describing the findings of the study.

## Subtitle B—National Stockpile; Development of Priority Countermeasures

**SEC. 121. NATIONAL STOCKPILE.**

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall maintain a stockpile or stockpiles of drugs, vaccines and other biological products, medical devices, and other supplies in such numbers, types, and amounts as are determined by the Secretary to be adequate to meet the health security needs of the United States, including consideration of vulnerable populations (such as children, the elderly, and individuals with disabilities), in the event of a bioterrorist attack or other public health emergency.

(b) PROCEDURES.—The Secretary, in managing the stockpile under subsection (a), shall—

(1) consult with the Director of the Federal Emergency Management Agency, the Secretary of Defense, the Secretary of Veterans Affairs, the Attorney General, the Secretary of Energy, and the Administrator of the Environmental Protection Agency;

(2) ensure that adequate procedures are followed with respect to such stockpile for inventory management and accounting, and for the physical security of the stockpile;

(3) in consultation with Federal, State, and local officials, take into consideration the timing and location of special events;

(4) review and revise, as appropriate, the contents of the stockpile on a regular basis to ensure that emerging threats, advanced technologies, and new countermeasures are adequately considered; and

(5) devise plans for the effective and timely distribution of the stockpile, in consultation with appropriate Federal, State and local agencies, and the public and private health care infrastructure.

(c) DEFINITION.—For purposes of subsection (a), the term ''stockpile'' includes—

(1) a physical accumulation (at one or more locations) of the supplies described in subsection (a); or

(2) a contractual agreement between the Secretary and a vendor or vendors under which such vendor or vendors agree to provide to the Secretary supplies described in subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $1,155,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.

**SEC. 122. ACCELERATED APPROVAL OF PRIORITY COUNTERMEASURES.**

(a) IN GENERAL.—The Secretary of Health and Human Services may designate a priority countermeasure as a fast-track product pursuant to section 506 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356). Such a designation may be made prior to the submission of—

(1) a request for designation by the sponsor; or

(2) an application for the investigation of the drug under section 505(i) of such Act or section 351(a)(3) of the Public Health Service Act. Nothing in this subsection shall be construed to prohibit a sponsor from declining such a designation.

(b) REVIEW OF PRIORITY COUNTERMEASURE NOT DESIGNATED AS FAST-TRACK PRODUCT.—A priority countermeasure shall be subject to the performance goals established by the Commissioner of Food and Drugs, unless it is designated as a fast-track product.

(c) DEFINITION.—For purposes of this section, the term ''priority countermeasure'' means a drug or biological product that is a countermeasure to treat, identify, or prevent infection by a biological agent or toxin listed pursuant to section 351A(a)(1) or harm from any other agent that may cause a public health emergency.

**SEC. 123. USE OF ANIMAL TRIALS IN APPROVAL OF CERTAIN DRUGS AND BIOLOGICS; ISSUANCE OF RULE.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall complete the process of rulemaking that was commenced with the issuance of the proposed rule entitled ''New Drug and Biological Drug Products; Evidence Needed to Demonstrate Efficacy of New Drugs for Use Against Lethal or Permanently Disabling Toxic Substances When Efficacy Studies in Humans Ethically Cannot be Conducted'' published in the Federal Register on October 5, 1999 (64 Fed. Reg. 53960).

**SEC. 124. SECURITY FOR COUNTERMEASURE DEVELOPMENT AND PRODUCTION.**

Part B of title III of the Public Health Service Act, as amended by section 112 of this Act, is amended by inserting after section 319J the following section:

**''SEC. 319K. SECURITY FOR COUNTERMEASURE DEVELOPMENT AND PRODUCTION.**

''The Secretary, in consultation with the Attorney General and the Secretary of Defense, may provide technical or other assistance to provide security to persons or facilities that conduct development, production, distribution, or storage of priority countermeasures (as defined in section 319F(h)(2)(C)).''.

**SEC. 125. ACCELERATED COUNTERMEASURE RESEARCH AND DEVELOPMENT.**

Section 319F(h) of the Public Health Service Act, as redesignated by section 104(1) of this Act, is amended—

(1) by redesignating paragraphs (1) through (4), as subparagraphs (A) through (D), respectively;

(2) by striking ''The Secretary'' and inserting the following:

''(1) IN GENERAL.—The Secretary'';

(3) by moving each of subparagraphs (A) through (D) (as so redesignated) two ems to the right; and

(4) by adding at the end the following:

''(2) ACCELERATED COUNTERMEASURE RESEARCH AND DEVELOPMENT.—

''(A) IN GENERAL.—With respect to pathogens of potential use in a bioterrorist attack, and other agents that may cause a public health emergency, the Secretary, taking into consideration any recommendations of the working group under subsection (a), shall conduct, and award grants, contracts, or cooperative agreements for, research, investigations, experiments, demonstrations, and studies in the health sciences relating to—

''(i) the epidemiology and pathogenesis of such pathogens;

''(ii) the development of new vaccines and therapeutics for use against such pathogens and other agents;

''(iii) the development of diagnostic tests to detect such pathogens and other agents; and

''(iv) other relevant areas of research;

with consideration given to the needs of children and other vulnerable populations.

''(B) ROLE OF DEPARTMENT OF VETERANS AFFAIRS.—In carrying out subparagraph (A), the Secretary shall consider using the biomedical research and development capabilities of the Department of Veterans Affairs, in conjunction with that Department's affiliations with health-professions universities. When advantageous to the Government in furtherance of the purposes of such subparagraph, the Secretary may enter into cooperative agreements with the Secretary of Veterans Affairs to achieve such purposes.

''(C) PRIORITY COUNTERMEASURES.—For purposes of this paragraph, the term 'priority countermeasure' means a countermeasure, including a drug, medical or other technological device, biological product, or diagnostic test, to treat, identify, or prevent infection by a biological agent or toxin listed pursuant to section 351A(a)(1) or harm from any other agent that may cause a public health emergency.''.

**SEC. 126. EVALUATION OF NEW AND EMERGING TECHNOLOGIES REGARDING BIOTERRORIST ATTACK AND OTHER PUBLIC HEALTH EMERGENCIES.**

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall promptly carry out a program to evaluate new and emerging technologies that are designed to improve or enhance the ability of public health or safety officials to detect, identify, diagnose, or conduct public health surveillance activities relating to a bioterrorist attack or other public health emergency.

(b) CERTAIN ACTIVITIES.—In carrying out this subsection, the Secretary shall—

(1) survey existing technology programs funded by the Federal Government for potentially useful technologies;

(2) promptly issue a request for information from non-Federal public and private entities for ongoing activities in this area; and

(3) evaluate technologies identified under paragraphs (1) and (2) pursuant to subsection (c).

(c) CONSULTATION AND EVALUATION.—In carrying out subsection (b)(3), the Secretary shall consult with the joint interdepartmental working group under section 319F(a) of the Public Health Service Act, as well as other appropriate public, nonprofit, and private entities, to develop criteria for the evaluation of such technologies and to conduct such evaluations.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, a report that provides a list of priority technologies whose development or deployment or both should be accelerated, and the estimated cost of doing so.

**SEC. 127. POTASSIUM IODIDE.**

(a) IN GENERAL.—Through the national stockpile under section 121, the Secretary of Health and Human Services (in this section referred to as the ''Secretary''), subject to subsection (b), shall make available to State and local governments potassium iodide tablets for stockpiling and for distribution as appropriate to public facilities, such as schools and hospitals, that are within 20 miles of a nuclear power plant, in quantities sufficient to provide adequate protection for the populations within such miles.

(b) STATE AND LOCAL PLANS.—Subsection (a) applies with respect to a State or local government if the government involved meets the following conditions:

(1) Such government submits to the Secretary, and to the Director of the Federal Emergency Management Agency, a plan for the stockpiling of potassium iodide tablets, and for the distribution and utilization of potassium iodide tablets in the event of a nuclear incident.

(2) The plan is accompanied by certifications by such government that—

(A) the government has not received sufficient quantities of potassium iodide tablets from the Nuclear Regulatory Commission; and

(B) in the case of a local government, such government has submitted the plan to the State involved.

(c) GUIDELINES.—In consultation with the Director of the Federal Emergency Management Agency and with the Nuclear Regulatory Commission, the Secretary shall establish guidelines for the stockpiling of potassium iodide tablets, and for the distribution and utilization of potassium iodide tablets in the event of a nuclear incident.

(d) INFORMATION.—The Secretary shall carry out activities to inform State and local governments of the program under this section.

(e) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary shall submit to the Congress a report—

(1) on whether potassium iodide tablets have been made available under subsection (a) and the extent to which State and local governments have established stockpiles of such tablets; and

(2) the measures taken by the Secretary to implement this section.

(f) APPLICABILITY.—Subsections (a) and (d) cease to apply as requirements if the Secretary determines that there is an alternative and more effective medical treatment to address adverse thyroid conditions that may result from the release of radionuclides from nuclear power plants.

**Subtitle C—Emergency Authorities; Additional Provisions**

**SEC. 131. EXPANDED AUTHORITY OF SECRETARY OF HEALTH AND HUMAN SERVICES TO RESPOND TO PUBLIC HEALTH EMERGENCIES.**

(a) TRANSFERS OF FUNDS.—Section 319 of the Public Health Service Act (42 U.S.C. 247d) is amended by adding at the end the following:

''(d) TRANSFERS OF FUNDS BETWEEN PROGRAMS AND ACCOUNTS.—

''(1) IN GENERAL.—At any time during a public health emergency declared by the Secretary under subsection (a), the Secretary may, subject to paragraph (2), transfer funds, to the extent authorized by law, between appropriations accounts administered by the Secretary under this Act, without regard to any waiting period imposed by any other provision of law, including any provision of an appropriations Act, except as provided in paragraphs (3) and (4).

''(2) AMOUNT OF TRANSFERS.—With respect to the public health emergency involved:

''(A) The Secretary may not make a transfer under paragraph (1) in an amount exceeding a reasonable estimate by the Secretary of the amount necessary to respond to the emergency involved for a period of 60 days.

''(B) Subsequent transfers under paragraph (1) may be made by the Secretary, subject to compliance with subparagraph (A).

''(3) NOTIFICATION.—Not later than 48 hours prior to making a transfer under paragraph (1), the Secretary shall submit a notice of the intent to make such transfer to the Committee on Appropriations of the House of Representatives, the Committee on Energy and Commerce of the House of Representatives, the Committee on Appropriations of the Senate, and the Committee on Health, Education, Labor, and Pensions of the Senate.

''(4) SCOPE.—Paragraph (1) shall apply, notwithstanding any other provision of law including any provision of an appropriations Act and any Act enacted after the date of enactment of this subsection, unless such provision specifically refers to and overrides this subsection.''.

(b) REPORTING DEADLINES.—Section 319 of the Public Health Service Act (42 U.S.C. 247d), as amended by subsection (a), is further amended by adding at the end the following:

''(e) DATA SUBMITTAL AND REPORTING DEADLINES.—In any case in which the Secretary determines that, wholly or partially as a result of a public health emergency that has been declared pursuant to subsection (a), individuals or public or private entities are unable to comply with deadlines for the submission to the Secretary of data or reports required under any law administered by the Secretary, the Secretary may, notwithstanding any other provision of law, grant such extensions of such deadlines as the circumstances reasonably require, and may waive, wholly or partially, any sanctions otherwise applicable to such failure to comply. Before or promptly after granting such an extension or waiver, the Secretary shall notify the Congress of such action and publish in the Federal Register a notice of the extension or waiver.''.

**SEC. 132. STREAMLINING AND CLARIFYING COMMUNICABLE DISEASE QUARANTINE PROVISIONS.**

(a) ELIMINATION OF PREREQUISITE FOR NATIONAL ADVISORY HEALTH COUNCIL RECOMMENDATION BEFORE ISSUING QUARANTINE RULES.—

(1) EXECUTIVE ORDERS SPECIFYING DISEASES SUBJECT TO INDIVIDUAL DETENTIONS.—Section 361(b) of the Public Health Act (42 U.S.C. 264(b)) is amended by striking ''Executive orders of the President upon the recommendation of the National Advisory Health Council and the Surgeon General'' and inserting ''Executive orders of the President upon the recommendation of the Secretary, in consultation with the Surgeon General,''.

(2) REGULATIONS PROVIDING FOR APPREHENSION OF INDIVIDUALS.—Section 361(d) of the Public Health Act (42 U.S.C. 264(d)) is amended by striking ''On recommendation of the National Advisory Health Council, regulations'' and inserting ''Regulations''.

(3) REGULATIONS PROVIDING FOR APPREHENSION OF INDIVIDUALS IN WARTIME.—Section 363 of the Public Health Act (42 U.S.C. 266) is amended by striking ''the Surgeon General, on recommendation of the National Advisory Health Council,'' and inserting ''the Secretary, in consultation with the Surgeon General,''.

(b) APPREHENSION AUTHORITY TO APPLY IN CASES OF EXPOSURE TO DISEASE.—

(1) REGULATIONS PROVIDING FOR APPREHENSION OF INDIVIDUALS.—Section 361(d) of the Public Health Act (42 U.S.C. 264(d)), as amended by subsection (a)(2), is further amended by inserting ''or exposed to'' after ''to be infected with''.

(2) REGULATIONS PROVIDING FOR APPREHENSION OF INDIVIDUALS IN WARTIME.—Section 363 of the Public Health Act (42 U.S.C. 266), as amended by subsection (a)(3), is further amended by inserting ''or exposed to'' after ''to be infected with''.

(c) STATE AUTHORITY.—Section 361 of the Public Health Act (42 U.S.C. 264) is amended by adding at the end the following:

''(e) Nothing in this section or section 363, or the regulations promulgated under such

sections, may be construed as superseding any provision under State law (including regulations and including provisions established by political subdivisions of States), except to the extent that such a provision conflicts with an exercise of Federal authority under this section or section 363.''.

**SEC. 133. EMERGENCY WAIVER OF MEDICARE, MEDICAID, AND SCHIP REQUIREMENTS.**

(a) WAIVER AUTHORITY.—Title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by inserting after section 1134 the following new section:

**''SEC. 1135. AUTHORITY TO WAIVE REQUIREMENTS DURING NATIONAL EMERGENCIES.**

''(a) PURPOSE.—

''(1) IN GENERAL.—The purpose of this section is to enable the Secretary to ensure to the maximum extent feasible, in any emergency area and during an emergency period—

''(A) that sufficient health care items and services are available to meet the needs of individuals in such area enrolled in the programs under titles XVIII, XIX, and XXI; and

''(B) that health care providers (as defined in subsection (g)) that furnish such items and services in good faith, but that are unable to comply with one or more requirements described in subsection (b), may be reimbursed for such items and services and exempted from sanctions for such noncompliance, absent any determination of fraud or abuse.

''(2) EMERGENCY AREA; EMERGENCY PERIOD.—For purposes of this section, an 'emergency area' is a geographical area in which, and an 'emergency period' is the period during which, there exists—

''(A) an emergency or disaster declared by the President pursuant to the National Emergencies Act or the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and

''(B) a public health emergency declared by the Secretary pursuant to section 319 of the Public Health Service Act.

''(b) SECRETARIAL AUTHORITY.—To the extent necessary to accomplish the purposes specified in subsection (a), the Secretary is authorized, subject to the provisions of this section, to temporarily waive or modify the application of, with respect to health care items and services furnished in any emergency area (or portion of such an area) during an emergency period, the requirements of titles XVIII, XIX, or XXI, or any regulation thereunder (and the requirements of this title, and regulations thereunder, insofar as they relate to such titles), pertaining to—

''(1) conditions of participation or other certification requirements for an individual health care provider or types of providers; program participation and similar requirements for an individual health care provider or types of providers; and pre-approval requirements;

''(2) requirements that physicians and other health care professionals be licensed in the State in which they provide such services, if they have equivalent licensing in another State;

''(3) sanctions under section 1867 (relating to examination and treatment for emergency medical conditions and women in labor) for a transfer of an individual who has not been stabilized in violation of subsection (c) of such section if the transfer arises out of the circumstances of the emergency;

''(4) sanctions under section 1877(g) (relating to limitations on physician referral); and

''(5) deadlines and timetables for performance of required activities, except that such deadlines and timetables may only be modified, not waived.

''(c) AUTHORITY FOR RETROACTIVE WAIVER.—A waiver or modification of requirements pursuant to this section may, at the Secretary's discretion, be made retroactive to the beginning of the emergency period or any subsequent date in such period specified by the Secretary.

''(d) NOTIFICATION OF CONGRESS.—The Secretary shall provide advance written notice to the Congress at least two days before exercising the authority under this section with respect to an emergency area. Such a notice shall include a description of the specific provisions that will be waived or modified, the health care providers to whom the waiver or modification will apply, the geographic area in which the waiver or modification will apply, and the period of time for which the waiver or modification will be in effect.

''(e) DURATION OF WAIVER.—

''(1) IN GENERAL.—A waiver or modification of requirements pursuant to this section terminates upon—

''(A) the termination of the applicable declaration of emergency or disaster described in subsection (a)(2)(B);

''(B) the termination of the applicable declaration of public health emergency described in subsection (a)(2)(B); or

''(C) subject to paragraph (2), the termination of a period of 90 days from the date the waiver or modification is first published (or, if applicable, the date of extension of the waiver or modification under paragraph (2)).

''(2) EXTENSION OF 90-DAY PERIODS.—The Secretary may, by notice, provide for an extension of a 90-day period described in paragraph (1)(C) (or an additional period provided under this paragraph) for additional period or periods (not to exceed, except as subsequently provided under this paragraph, 90 days each), but any such extension shall not affect or prevent the termination of a waiver or modification under subparagraph (A) or (B) of paragraph (1).

''(f) REPORT TO CONGRESS.—Within one year after the end of the emergency period in an emergency area in which the Secretary exercised the authority provided under this section, the Secretary shall report to the Congress regarding the approaches used to accomplish the purposes described in subsection (a), including an evaluation of the success of such approaches and recommendations for improved approaches should the need for such emergency authority arise in the future.

''(g) HEALTH CARE PROVIDER DEFINED.—For purposes of this section, the term 'health care provider' means any entity that furnishes health care items or services, and includes a hospital or other provider of services, a physician or other health care practitioner or professional, a health care facility, or a supplier of health care items or services.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective on and after September 11, 2001.

**SEC. 134. PROVISION FOR EXPIRATION OF PUBLIC HEALTH EMERGENCIES.**

Section 319(a) of the Public Health Service Act (42 U.S.C. 247d(a)), is amended by adding at the end the following new sentence: ''Any such determination of a public health emergency terminates upon the Secretary declaring that the emergency no longer exists, or upon the expiration of the 90-day period beginning on the date on which the determination is made by the Secretary, whichever occurs first. Determinations that terminate under the preceding sentence may be renewed by the Secretary (on the basis of the same or additional facts), and the preceding sentence applies to each such renewal.''.

**SEC. 135. DESIGNATED STATE PUBLIC EMERGENCY ANNOUNCEMENT PLAN.**

Section 613(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196b(b)) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(7) include a plan for providing information to the public in a coordinated manner.''.

**SEC. 136. EXPANDED RESEARCH BY SECRETARY OF ENERGY.**

(a) IN GENERAL.—In coordination with the joint interdepartmental working group under section 319F(a) of the Public Health Service Act, the Secretary of Energy and the Administrator of the National Nuclear Security Administration shall expand, enhance, and intensify research relevant to the rapid detection and identification of pathogens likely to be used in a bioterrorism attack or other agents that may cause a public health emergency.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2002 through 2006.

**SEC. 137. AGENCY FOR TOXIC SUBSTANCE AND DISEASE REGISTRY.**

(a) IN GENERAL.—In planning for and responding to bioterrorism and other public health emergencies, including assisting State health departments, the Secretary of Health and Human Services (in this section referred to as the ''Secretary'') shall take into account the role and expertise of the Agency for Toxic Substances and Disease Registry (in this section referred to as ''ATSDR'').

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of providing resources (including increased personnel, as appropriate) for ATSDR to use authorities under section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to assist the Secretary in planning for or responding to bioterrorism or other public health emergencies, there are authorized to be appropriated to the Secretary such sums as may be necessary for each of the fiscal years 2002 through 2006, in addition to any other authorizations of appropriations that are available for such purpose.

**SEC. 138. EXPANDED RESEARCH ON WORKER HEALTH AND SAFETY.**

The Secretary, acting through the Director of the National Institute of Occupational Safety and Health, shall enhance and expand research as deemed appropriate on the health and safety of workers who are at risk for bioterrorist threats or attacks in the workplace.

**SEC. 139. TECHNOLOGY OPPORTUNITIES PROGRAM SUPPORT.**

For fiscal years 2003 and 2004, all of the information infrastructure grants provided by the National Telecommunications and Information Administration (under the program also known as the Technology Opportunities Program) shall be used to provide grants to health providers to facilitate participation in the national public health communications and surveillance networks authorized under section 319D(b)(3) of the Public Health Service Act.

**Subtitle D—Authorization of Appropriations**

**SEC. 151. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—For the purpose of carrying out activities of the Department of Health and Human Services in accordance with the provisions referred to in subsection (b), including making awards of grants, cooperative agreements, or contracts and providing other assistance to States and other public or private entities, there are authorized to be appropriated $2,720,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2006.

(b) RELEVANT PROVISIONS.—For purposes of this section, the provisions referred to in this subsection are—

(1) the provisions of this title;

(2) sections 319A through 319K of the Public Health Service Act;

(3) title XXVIII of such Act; and

(4) section 301 of such Act, to the extent that such section is used as the authority of the Secretary of Health and Human Services to carry out activities to supplement the activities carried out under the provisions referred to in paragraphs (1) through (3);

except that this section does not have any applicability with respect to the use of section 301 of such Act as authority for activities of the National Institutes of Health.

(c) FISCAL YEAR 2002.—

(1) IN GENERAL.—The aggregate amount of authorizations of appropriations under this title and under the Public Health Service Act for fiscal year 2002 for the purpose described in subsection (a) does not exceed the amount specified for fiscal year 2002 in such subsection, notwithstanding other authorizations of appropriations.

(2) ALLOCATIONS OF AUTHORIZATIONS.—Of the amount that is authorized to be appropriated under subsection (a) for fiscal year 2002, the following authorizations of appropriations for such fiscal year for the purpose described in such subsection apply:

(A) For making awards of grants, cooperative agreements, or contracts and providing other assistance to States and other public or private entities, $1,000,000,000 is authorized, of which—

(i) $455,000,000 is authorized for grants under section 319C of the Public Health Service Act;

(ii) $455,000,000 is authorized for grants or cooperative agreements under section 319F of such Act; and

(iii) $40,000,000 is authorized for grants or cooperative agreements under section 319H of the Public Health Service Act, as added by section 106 of this Act (relating to shortages of certain health professionals).

(B) For the national stockpile under section 121 of this Act, other than activities of the National Institutes of Health regarding smallpox vaccine, $1,155,000,000 is authorized, of which $509,000,0000 is authorized for the acquisition of smallpox vaccine.

(C) For the Centers for Disease Control and Prevention, other than purposes to which the authorization established in subparagraph (A) applies, $450,000,000, of which $300,000,000 is authorized for facilities of such Centers for purposes described in section 399D(c) of the Public Health Service Act.

(D) For activities on antimicrobial resistance under section 319E of such Act, $25,000,000 is authorized.

## TITLE II—ENHANCING CONTROLS ON DANGEROUS BIOLOGICAL AGENTS AND TOXINS

### SEC. 201. REGULATION OF CERTAIN BIOLOGICAL AGENTS AND TOXINS.

(a) BIOLOGICAL AGENTS PROVISIONS OF THE ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996; CODIFICATION IN THE PUBLIC HEALTH SERVICE ACT, WITH AMENDMENTS.—

(1) PUBLIC HEALTH SERVICE ACT.—Subpart 1 of part F of title III of the Public Health Service Act (42 U.S.C. 262 et seq.) is amended by inserting after section 351 the following:

### "SEC. 351A. ENHANCED CONTROL OF DANGEROUS BIOLOGICAL AGENTS AND TOXINS.

"(a) REGULATORY CONTROL OF CERTAIN BIOLOGICAL AGENTS AND TOXINS.—

"(1) LIST OF BIOLOGICAL AGENTS AND TOXINS.—

"(A) IN GENERAL.—The Secretary shall by regulation establish and maintain a list of each biological agent and each toxin that has the potential to pose a severe threat to public health and safety.

"(B) CRITERIA.—In determining whether to include an agent or toxin on the list under subparagraph (A), the Secretary shall—

"(i) consider—

"(I) the effect on human health of exposure to the agent or toxin;

"(II) the degree of contagiousness of the agent or toxin and the methods by which the agent or toxin is transferred to humans;

"(III) the availability and effectiveness of immunizations to prevent and treatments for any illness resulting from infection by the agent or toxin; and

"(IV) any other criteria that the Secretary considers appropriate; and

"(ii) consult with scientific experts representing appropriate professional groups.

"(2) BIENNIAL PUBLICATION.—The Secretary shall publish the list under paragraph (1) biennially, or at such more frequent intervals as the Secretary determines to be appropriate. Before publishing the list, the Secretary shall review the list, and shall make such revisions as are appropriate to protect the public health and safety. In reviewing and revising the list, the Secretary shall consider the needs of vulnerable populations, including children, and shall consult with appropriate Federal agencies and State and local public health officials.

"(b) REGULATION OF TRANSFERS OF LISTED BIOLOGICAL AGENTS AND TOXINS.—The Secretary shall by regulation provide for—

"(1) the establishment and enforcement of safety procedures for the transfer of biological agents and toxins listed pursuant to subsection (a)(1), including measures to ensure—

"(A) proper training and appropriate skills to handle such agents and toxins; and

"(B) proper laboratory facilities to contain and dispose of such agents and toxins;

"(2) safeguards to prevent access to such agents and toxins for use in domestic or international terrorism or for any other criminal purpose;

"(3) the establishment of procedures to protect the public safety in the event of a transfer or potential transfer of a biological agent or toxin in violation of the safety procedures established under paragraph (1) or the safeguards established under paragraph (2); and

"(4) appropriate availability of biological agents and toxins for research, education, and other legitimate purposes.

"(c) POSSESSION AND USE OF LISTED BIOLOGICAL AGENTS AND TOXINS.—The Secretary shall by regulation provide for the establishment and enforcement of standards and procedures governing the possession and use of biological agents and toxins listed pursuant to subsection (a)(1) in order to protect the public health and safety, including the measures, safeguards, procedures, and availability of such agents and toxins described in paragraphs (1) through (4) of subsection (b), respectively.

"(d) REGISTRATION AND TRACEABILITY MECHANISMS; DATABASE.—Regulations under subsections (b) and (c) shall require registration of the possession, use, and transfer of biological agents and toxins listed pursuant to subsection (a)(1), and such registration shall include (if available to the registered person) information regarding the characterization of such biological agents and toxins to facilitate their identification and traceability. The Secretary shall maintain a national database of the location of such agents and toxins, with information regarding their characterizations.

"(e) INSPECTIONS.—The Secretary may conduct inspections to ensure that persons subject to regulations under subsection (b) or (c) are in compliance with such regulations, including provisions regarding security and restrictions on access under subsection (g).

"(f) EXEMPTIONS.—The Secretary may establish exemptions from the applicability of provisions of regulations under subsection (b) or (c) if the Secretary determines that such exemptions are consistent with protecting the public health and safety. In the case of a clinical laboratory that is in possession of a biological agent or toxin listed pursuant to subsection (a)(1), such an exemption may be provided only if such agent or toxin has been presented for diagnosis, verification, or proficiency testing, and upon identification or verification of the agent or toxin, such laboratory—

"(1) promptly notifies the Secretary or other public health authorities when required under Federal or State law; and

"(2) transfers or destroys the agent or toxin in accordance with such regulations.

"(g) SECURITY REQUIREMENTS FOR REGISTERED PERSONS.—

"(1) IN GENERAL.—In carrying out the provisions of subsections (b) and (c) that relate to safeguards, the Secretary, in consultation with the Attorney General, shall by regulation establish appropriate security requirements for persons possessing, using, or transferring biological agents or toxins listed pursuant to subsection (a)(1), and ensure compliance with such requirements as a condition of registration under subsection (b) or (c).

"(2) LIMITING ACCESS TO LISTED AGENTS AND TOXINS.—

"(A) IN GENERAL.—Regulations issued under subsections (b) and (c) shall include provisions—

"(i) to restrict access to biological agents and toxins listed pursuant to subsection (a)(1) to only those individuals who have a legitimate need for access, as determined according to the purposes for which the registration under such regulations is provided; and

"(ii) to ensure that individuals granted such access are not—

"(I) restricted persons, as defined in section 175b of title 18, United States Code;

"(II) named in a warrant issued to a Federal or State law enforcement agency for participation in any domestic or international act of terrorism or other act of violence;

"(III) under investigation for involvement with a domestic or international terrorist or criminal organization by any Federal law enforcement or intelligence agency; or

"(IV) suspected by any Federal law enforcement or intelligence agency of seeking to obtain covertly information relating to biological agents or toxins on behalf of the intelligence or military operations of a foreign nation.

"(B) SCREENING PROTOCOL.—To carry out subparagraph (A), the Secretary shall require that registered persons promptly submit the names and other identifying information for individuals described in subparagraph (A)(i) to the Secretary and the Attorney General, with which information the Attorney General shall promptly use criminal, immigration, and national security databases available to the Federal Government to identify whether such individuals satisfy the conditions for access under subparagraph (A)(ii). The Secretary, in consultation with the Attorney General and other Federal agencies, shall periodically review and as appropriate revise the protocol for screening individuals for purposes of subparagraph (A), and may require by regulation additional screening measures if determined necessary to achieve the purposes of this section.

"(3) ASSISTANCE FOR CERTAIN ENTITIES.—The Secretary, in consultation with the Attorney General, may make awards of grants, contracts, or cooperative agreements to public and nonprofit private entities (other than Federal agencies), and may provide technical assistance to such entities, to improve security of the facilities of registered persons.

''(h) DISCLOSURE OF INFORMATION.—

''(1) IN GENERAL.—Any information in the possession of any Federal agency that identifies a person, or the geographic location of a person, who is registered pursuant to regulations under this section (including regulations promulgated before the effective date of this subsection), and any site-specific information relating to the type, quantity, or identity of a biological agent or toxin listed pursuant to subsection (a)(1) or the site-specific security mechanisms in place to protect such agents and toxins, shall not be disclosed under section 552(a) of title 5, United States Code.

''(2) DISCLOSURES FOR PUBLIC HEALTH AND SAFETY; CONGRESS.—Nothing in this section may be construed as preventing the head of any Federal agency—

''(A) from making disclosures of information described in paragraph (1) for purposes of protecting the public health and safety; or

''(B) from making disclosures of such information to any committee or subcommittee of the Congress with appropriate jurisdiction, upon request.

''(i) CIVIL MONEY PENALTY.—

''(1) IN GENERAL.—In addition to any other penalties that may apply under law, any person who violates any provision of regulations under subsection (b) or (c) shall be subject to the United States for a civil money penalty in an amount not exceeding $250,000 in the case of an individual and $500,000 in the case of any other person.

''(2) APPLICABILITY OF CERTAIN PROVISIONS.—The provisions of section 1128A of the Social Security Act (other than subsections (a), (b), (h), and (i), the first sentence of subsection (c), and paragraphs (1) and (2) of subsection (f)) shall apply to a civil money penalty under paragraph (1) in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a) of such Act. The Secretary may delegate authority under this subsection in the same manner as provided in section 1128A(j)(2) of the Social Security Act, and such authority shall include all powers as contained in section 6 of the Inspector General Act of 1978.

''(j) COORDINATION WITH REGULATIONS UNDER VIRUS-SERUM-TOXIN ACT.—

''(1) IN GENERAL.—In establishing and enforcing regulations under subsections (b) and (c), the Secretary shall consult with the Secretary of Agriculture to ensure that such activities are coordinated, to the greatest extent practicable, with regulations governing certain biological agents and toxins listed pursuant to subsection (a)(1) issued by the Secretary of Agriculture under the Act commonly known as the Virus-Serum-Toxin Act (the eighth paragraph under the heading 'Bureau of Animal Industry' in the Act of March 4, 1913; 21 U.S.C. 151-159) (in this subsection referred to as the 'VST Act'). The purpose of such coordination shall be—

''(A) to minimize any conflicts between the regulations issued by, or the activities of, the Secretary of Health and Human Services and the Secretary of Agriculture with respect to such agents and toxins;

''(B) to minimize the administrative burden on persons subject to regulations under both this section and the VST Act;

''(C) to ensure the appropriate availability of such agents and toxins for legitimate agricultural or veterinary research, education, or other such purposes; and

''(D) to ensure the establishment of a national database of such agents or toxins pursuant to subsection (d).

''(2) PERSONS REGULATED BY DEPARTMENT OF AGRICULTURE.—With respect to persons possessing or using biological agents or toxins listed pursuant to subsection (a)(1) who, as of the date of enactment of the Public Health Security and Bioterrorism Response Act of 2001, possess an unexpired, unrevoked, and unsuspended permit or license from the Department of Agriculture for such possession or use, such persons may, for purposes of registration under subsection (b) or (c), submit to the Secretary of Health and Human Services the same information previously provided to the Secretary of Agriculture to obtain such permit or license, provided that the information so submitted is accurate as of the time of submittal to the Secretary of Health and Human Services, and provided further that such Secretary may, after review of such submission, request such additional information as the Secretary determines to be necessary to achieve the purposes of this section.

''(3) SAVINGS PROVISION.—Nothing in this section shall be construed as limiting any authority of the Secretary of Agriculture under the VST Act or any regulations issued thereunder.

''(k) DEFINITIONS.—For purposes of this section:

''(1) The terms 'biological agent' and 'toxin' have the meanings given such terms in section 178 of title 18, United States Code.

''(2) The term 'registered person' means a person registered under regulations under subsection (b) or (c).

''(l) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2002 through 2006.''.

(2) RELATION TO OTHER LAWS.—

(A) RULE OF CONSTRUCTION.—Regulations promulgated by the Secretary of Health and Human Services under section 511 of the Antiterrorism and Effective Death Penalty Act of 1996 are deemed to have been promulgated under section 351A of the Public Health Service Act, as added by paragraph (1) of this subsection. Such regulations, including the list under subsection (d)(1) of such section 511, that were in effect on the day before the date of the enactment of this Act remain in effect until modified by the Secretary (including any revisions required under subsection (a)(2) of such section 351A).

(B) CONFORMING AMENDMENT.—Subsections (d), (e), (f), and (g) of section 511 of the Antiterrorism and Effective Death Penalty Act of 1996 (42 U.S.C. 262 note) are repealed.

(3) DATE CERTAIN FOR PROMULGATION OF CERTAIN REGULATIONS; EFFECTIVE DATE REGARDING CRIMINAL AND CIVIL PENALTIES.—With respect to section 351A of the Public Health Service Act (as added by paragraph (1) of this subsection):

(A) Not later than 30 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall promulgate an interim final rule requiring all persons in possession of biological agents or toxins listed pursuant to subsection (a)(1) of such section (unless exempt under subsection (e) of such section) to provide notice to the Secretary of such possession, and to include in the notice such additional information as the Secretary may require for compliance with subsection (d) of such section or any other provision of such section, by not later than 30 days after the date on which such rule is promulgated. Such interim final rule takes effect on the date on which the rule is promulgated, except as follows:

(i) For purposes of section 175b(c) of title 18, United States Code (relating to criminal penalties), as added by subsection (a)(1)(E) of this section, the rule takes effect 60 days after the date on which the rule is promulgated.

(ii) For purposes of subsection (i) of such section 351A (relating to civil penalties), the rule takes effect 60 days after the date on which the rule is promulgated.

(B) Not later than 120 days after the date of enactment of this Act, such Secretary shall promulgate an interim final rule for carrying out subsections (b) and (c) of such section 351A. Such interim final rule takes effect 60 days after the date on which the rule is promulgated.

(4) EFFECTIVE DATE REGARDING DISCLOSURE OF INFORMATION.—Subsection (h) of section 351A of the Public Health Service Act, as added by paragraph (1) of this subsection, is deemed to have taken effect on the effective date of the Antiterrorism and Effective Death Penalty Act of 1996.

(b) CRIMINAL PENALTIES REGARDING SELECT AGENTS.—

(1) IN GENERAL.—Section 175b of title 18, United States Code, as added by section 817 of Public Law 107–56, is amended—

(A) by striking ''(a)'' and inserting ''(a)(1)'';

(B) by transferring subsection (c) from the current placement of the subsection and inserting the subsection before subsection (b);

(C) by striking ''(c)'' and inserting ''(2);

(D) by redesignating subsection (b) as subsection (d); and

(E) by inserting before subsection (d) (as so redesignated) the following subsections:

''(b) TRANSFER TO UNREGISTERED PERSON.—Whoever knowingly transfers a select agent to a person without first verifying with the Secretary of Health and Human Services that the person has obtained a registration required by regulations under subsection (b) or (c) of section 351A of the Public Health Service Act shall be fined under this title, or imprisoned for not more than 5 years, or both.

''(c) UNREGISTERED FOR POSSESSION.—Whoever knowingly possesses a biological agent or toxin where such agent or toxin is a select agent for which such person has not obtained a registration required by regulations under section 351A(c) of the Public Health Service Act shall be fined under this title, or imprisoned for not more than 5 years, or both.''.

(2) CONFORMING AMENDMENTS.—Chapter 10 of title 18, United States Code, is amended—

(A) in section 175b (as added by section 817 of Public Law 107–56 and amended by paragraph (1) of this subsection)—

(i) in subsection (d)(1), by striking ''The term'' and all that follows through ''does not include'' and inserting the following: ''The term 'select agent' means a biological agent or toxin to which subsection (a) applies. Such term (including for purposes of subsection (a)) does not include''; and

(ii) in the heading for the section, by striking ''**Possession by restricted persons**'' and inserting ''**Select agents**''; and

(B) in the chapter analysis, in the item relating to section 175b, by striking ''Possession by restricted persons.'' and inserting ''Select agents.''.

(3) TECHNICAL CORRECTIONS.—Chapter 10 of title 18, United States Code, as amended by section 817 of Public Law 107–56 and paragraphs (1) and (2) of this subsection, is amended—

(A) in section 175—

(i) in subsection (a), in the second sentence, by striking ''this section'' and inserting ''this subsection''; and

(ii) in subsection (c), by striking ''protective'' and all that follows and inserting ''protective, bona fide research, or other peaceful purposes.'';

(B) in section 175b—

(i) in subsection (a)(1), by striking ''described in subsection (b)'' and all that follows and inserting the following: ''shall ship or transport in or affecting interstate or foreign commerce, or possess in or affecting interstate or foreign commerce, any biological agent or toxin, or receive any biological agent or toxin that has been shipped or

transported in interstate or foreign commerce, if the biological agent or toxin is listed as a select agent in Appendix A of part 72 of title 42, Code of Federal Regulations, pursuant to section 351A of the Public Health Service Act, and is not exempted under subsection (h) of section 72.6, or Appendix A of part 72, of title 42, Code of Federal Regulations.''; and

(ii) in subsection (d)(3), by striking ''section 1010(a)(3)'' and inserting ''section 101(a)(3)'';

(C) in section 176(a)(1)(A), by striking ''exists by reason of'' and inserting ''pertains to''; and

(D) in section 178—

(i) in paragraph (1), by striking ''means any micro-organism'' and all that follows through ''product, capable of'' and inserting the following: ''means any microorganism (including, but not limited to, bacteria, viruses, fungi, rickettsiae or protozoa), or infectious substance, or any naturally occurring, bioengineered or synthesized component of any such microorganism or infectious substance, capable of'';

(ii) in paragraph (2), by striking ''means the toxic'' and all that follows through ''including—'' and inserting the following: ''means the toxic material or product of plants, animals, microorganisms (including, but not limited to, bacteria, viruses, fungi, rickettsiae or protozoa), or infectious substances, or a recombinant or synthesized molecule, whatever their origin and method of production, and includes—''; and

(iii) in paragraph (4), by striking ''recombinant molecule,'' and all that follows through ''biotechnology,'' and inserting ''recombinant or synthesized molecule,''.

(4) ADDITIONAL TECHNICAL CORRECTION.—Section 2332a of title 18, United States Code, is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking ''section 229F)'' and all that follows through ''section 178)—'' and inserting ''section 229F)—''; and

(B) in subsection (c)(2)(C), by striking ''a disease organism'' and inserting ''a biological agent, toxin, or vector (as those terms are defined in section 178 of this title)''.

(c) SECURITY UPGRADES AT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—For the purpose of enabling the Secretary of Health and Human Services to secure existing facilities of the Department of Health and Human Services where biological agents or toxins listed under section 351A(a)(1) of the Public Health Service Act are housed or researched, or where vaccines are housed or researched, there are authorized to be appropriated such sums as may be necessary for fiscal year 2002 and each subsequent fiscal year.

(d) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services, after consultation with other appropriate Federal agencies, shall submit to the Congress a report that—

(1) describes the extent to which there has been compliance by governmental and private entities with applicable regulations under section 351A of the Public Health Service Act (as added by subsection (a) of this section), including the extent of compliance before the date of the enactment of this Act, and including the extent of compliance with regulations promulgated after such date of enactment;

(2) describes the actions to date and future plans of the Secretary for updating the list of biological agents and toxins under such section 351A;

(3) describes the actions to date and future plans of the Secretary for determining compliance with regulations under such section 351A and for taking appropriate enforcement actions; and

(4) provides any recommendations of the Secretary for administrative or legislative initiatives regarding such section 351A.

## TITLE III-AMENDMENTS TO FEDERAL FOOD, DRUG, AND COSMETIC ACT

### Subtitle A—Protection of Food Supply

**SEC. 301. PROTECTION AGAINST INTENTIONAL ADULTERATION OF FOOD.**

(a) INCREASING INSPECTIONS FOR DETECTION OF INTENTIONAL ADULTERATION OF FOOD.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended by adding at the end the following subsection:

''(h)(1) The Secretary shall give high priority to increasing the number of inspections under this section for the purpose of enabling the Secretary to inspect food offered for import at ports of entry into the United States, with the greatest priority given to inspections to detect the intentional adulteration of food.''.

(b) IMPROVEMENTS TO INFORMATION MANAGEMENT SYSTEMS.—Section 801(h) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a) of this section, is amended by adding at the end the following paragraphs:

''(2) The Secretary shall give high priority to making necessary improvements to the information management systems of the Food and Drug Administration that contain information related to foods imported or offered for import into the United States for purposes of improving the ability of the Secretary to allocate resources, detect the intentional adulteration of food, and facilitate the importation of food that is in compliance with this Act.

''(3) The Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, periodic reports describing the activities of the Secretary under paragraphs (1) and (2).''.

(c) TESTING FOR RAPID DETECTION OF INTENTIONAL ADULTERATION OF FOOD.—Section 801 of the Federal Food, Drug, and Cosmetic Act, as amended by subsection (a) of this section, is amended by adding at the end the following:

''(i)(1) For use in inspections of food under this section, the Secretary shall provide for research on the development of tests and sampling methodologies—

''(A) whose purpose is to test food in order to rapidly detect the adulteration of the food, with the greatest priority given to detect the intentional adulteration of food; and

''(B) whose results offer significant improvements over the available technology in terms of accuracy, timing, or costs.

''(2) In providing for research under paragraph (1), the Secretary shall give priority to conducting research on the development of tests that are suitable for inspections of food at ports of entry into the United States.

''(3) In providing for research under paragraph (1), the Secretary shall as appropriate coordinate with the Director of the Centers for Disease Control and Prevention, the Director of the National Institutes of Health, the Administrator of the Environmental Protection Agency, and the Secretary of Agriculture.

''(4) The Secretary shall annually submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, a report describing the progress made in research under paragraph (1), including progress regarding paragraph (2).''.

(d) ASSESSMENT OF THREAT OF INTENTIONAL ADULTERATION OF FOOD.—The Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall ensure that, not later than six months after the date of the enactment of this Act—

(1) the assessment that (as of such date of enactment) is being conducted on the threat of the intentional adulteration of food is completed; and

(2) a report describing the findings of the assessment is submitted to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Health, Education, Labor, and Pensions of the Senate.

(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section and the amendments made by this section, there are authorized to be appropriated $100,000,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2006, in addition to other authorizations of appropriations that are available for such purpose.

**SEC. 302. ADMINISTRATIVE DETENTION.**

(a) EXPANDED AUTHORITY.—Section 304 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334) is amended by adding at the end the following subsection:

''(h) ADMINISTRATIVE DETENTION OF FOODS.—

''(1) DETENTION AUTHORITY.—

''(A) IN GENERAL.—An officer or qualified employee of the Food and Drug Administration may order the detention, in accordance with this subsection, of any article of food that is found during an inspection, examination, or investigation under this Act conducted by such officer or qualified employee, if the officer or qualified employee has credible evidence or information indicating that such article presents a threat of serious adverse health consequences or death to humans or animals.

''(B) SECRETARY'S APPROVAL.—An article of food may be ordered detained under subparagraph (A) only if the Secretary or an official designated by the Secretary approves the order. An official may not be so designated unless the official is the director of the district under this Act in which the article involved is located, or is an official senior to such director.

''(2) PERIOD OF DETENTION.—An article of food may be detained under paragraph (1) for a reasonable period, not to exceed 20 days, unless a greater period, not to exceed 30 days, is necessary, to enable the Secretary to institute an action under subsection (a) or section 302. The Secretary shall by regulation provide for procedures for instituting such action on an expedited basis with respect to perishable foods.

''(3) SECURITY OF DETAINED ARTICLE.—An order under paragraph (1) with respect to an article of food may require that such article be labeled or marked as detained, and may require that the article be removed to a secure facility. An article subject to such an order shall not be transferred by any person from the place at which the article is ordered detained, or from the place to which the article is so removed, as the case may be, until released by the Secretary or until the expiration of the detention period applicable under such order, whichever occurs first.

''(4) APPEAL OF DETENTION ORDER.—With respect to an article of food ordered detained under paragraph (1), any person who would be entitled to be a claimant for such article if the article were seized under subsection (a) may appeal the order to the Secretary. Within 72 hours after such an appeal is filed, the Secretary, after providing opportunity for an informal hearing, shall confirm or terminate the order involved, and such confirmation by the Secretary shall be considered a final agency action for purposes of section 702 of

title 5, United States Code. If during such 72-hour period the Secretary fails to provide such an opportunity, or to confirm or terminate such order, the order is deemed to be terminated.''.

(b) PROHIBITED ACT.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

''(bb) The transfer of an article of food in violation of an order under section 304(h), or the removal or alteration of any mark or label required by the order to identify the article as detained.''.

(c) TEMPORARY HOLDS AT PORTS OF ENTRY.—Section 801 of the Federal Food, Drug, and Cosmetic Act, as amended by section 301(c) of this Act, is amended by adding at the end the following:

''(j)(1) If an officer or qualified employee of the Food and Drug Administration has credible evidence or information indicating that an article of food presents a threat of serious adverse health consequences or death to humans or animals, and such officer or qualified employee is unable to inspect, examine, or investigate such article upon the article being offered for import at a port of entry into the United States, the officer or qualified employee shall request the Secretary of Treasury to hold the food at the port of entry for a reasonable period of time, not to exceed 24 hours, for the purpose of enabling the Secretary to inspect, examine, or investigate the article as appropriate.

''(2) The Secretary shall request the Secretary of Treasury to remove an article held pursuant to paragraph (1) to a secure facility, as appropriate. During the period of time that such article is so held, the article shall not be transferred by any person from the port of entry into the United States for the article, or from the secure facility to which the article has been removed, as the case may be.

''(3) An officer or qualified employee of the Food and Drug Administration may make a request under paragraph (1) only if the Secretary or an official designated by the Secretary approves the request. An official may not be so designated unless the official is the director of the district under this Act in which the article involved is located, or is an official senior to such director.

''(4) With respect to an article of food for which a request under paragraph (1) is made, the Secretary, promptly after the request is made, shall notify the State in which the port of entry involved is located that the request has been made, and as applicable, that such article is being held under this subsection.''.

**SEC. 303. PERMISSIVE DEBARMENT REGARDING FOOD IMPORTATION.**

(a) IN GENERAL.—Section 306(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 335a(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''or'' after the comma at the end;

(B) in subparagraph (B), by striking the period at the end and inserting '', or''; and

(C) by adding at the end the following subparagraph:

''(C) a person from importing an article of food or offering such an article for import into the United States.'';

(2) in paragraph (2), in the matter preceding subparagraph (A), by inserting ''subparagraph (A) or (B) of'' before ''paragraph (1)'';

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following paragraph:

''(3) PERSONS SUBJECT TO PERMISSIVE DEBARMENT; FOOD IMPORTATION.—A person is subject to debarment under paragraph (1)(C) if—

''(A) the person has been convicted of a felony for conduct relating to the importation into the United States of any article of food; or

''(B)(i) the person has repeatedly imported or offered for import adulterated articles of food; and

''(ii) the person knew, or should have known, that such articles were adulterated.''.

(b) CONFORMING AMENDMENTS.—Section 306 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 335a) is amended—

(1) in subsection (a), in the heading for the subsection, by striking ''MANDATORY DEBARMENT.—'' and inserting ''MANDATORY DEBARMENT; CERTAIN DRUG APPLICATIONS.—'';

(2) in subsection (b)—

(A) in the heading for the subsection, by striking ''PERMISSIVE DEBARMENT.—'' and inserting ''PERMISSIVE DEBARMENT; CERTAIN DRUG APPLICATIONS; FOOD IMPORTS.—''; and

(B) in paragraph (2), in the heading for the paragraph, by striking ''PERMISSIVE DEBARMENT.—'' and inserting ''PERMISSIVE DEBARMENT; CERTAIN DRUG APPLICATIONS.—'';

(3) in subsection (c)(2)(A)(iii), by striking ''subsection (b)(2)'' and inserting ''paragraph (2) or (3) of subsection (b)'';

(4) in subsection (d)(3)—

(A) in subparagraph (A)(i), by striking ''or (b)(2)(A)'' and inserting '' or paragraph (2)(A) or (3) of subsection (b)'';

(B) in subparagraph (A)(ii)(II), by inserting ''in applicable cases,'' before ''sufficient audits''; and

(C) in subparagraph (B), in each of clauses (i) and (ii), by inserting ''or subsection (b)(3)'' after ''subsection (b)(2)(B).

(c) EFFECTIVE DATES.—Section 306(l)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 335a(l)(2)) is amended—

(1) in the first sentence—

(A) by striking ''and'' after ''subsection (b)(2)''; and

(B) by inserting '', and subsection (b)(3)'' after ''subsection (b)(2)(B)''; and

(2) in the second sentence, by inserting '', subsection (b)(3),'' after ''subsection (b)(2)(B)''.

(d) PROHIBITED ACT.—Section 301 of the Federal Food, Drug, and Cosmetic Act, as amended by section 302(b) of this Act, is amended by adding at the end the following:

''(cc) The importing or offering for import into the United States of an article of food by, with the assistance of, or at the direction of, a person debarred under section 306(b)(1)(C).''.

**SEC. 304. MAINTENANCE AND INSPECTION OF RECORDS FOR FOODS.**

(a) IN GENERAL.—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following section:

**''SEC. 414. MAINTENANCE AND INSPECTION OF RECORDS.**

''(a) RECORDS INSPECTION.—If the Secretary has credible evidence or information indicating that an article of food presents a threat of serious adverse health consequences or death to humans or animals, each person (excluding farms and restaurants) who manufactures, processes, packs, distributes, receives, holds, or imports such article shall, at the request of an officer or employee duly designated by the Secretary, permit such officer or employee, upon presentation of appropriate credentials and a written notice to such person, at reasonable times and within reasonable limits and in a reasonable manner, to have access to and copy all records relating to such article that are needed to assist the Secretary in investigating such credible evidence or information. The requirement under the preceding sentence applies to all records relating to the manufacture, processing, packing, distribution, receipt, holding, or importation of such article maintained by or on behalf of such person in any format (including paper and electronic formats) and at any location.

''(b) REGULATIONS CONCERNING RECORDKEEPING.—The Secretary, in consultation and coordination, as appropriate, with other Federal departments and agencies with responsibilities for regulating food safety, may by regulation establish requirements regarding the maintenance of records by persons (excluding farms and restaurants) who manufacture, process, pack, transport, distribute, receive, hold, or import food, as may be necessary to trace the source and chain of distribution of food and its packaging in order to address credible threats of serious adverse health consequences or death to humans or animals. The Secretary shall take into account the size of a business in promulgating regulations under this section.

''(c) PROTECTION OF SENSITIVE INFORMATION.—The Secretary shall take appropriate measures to ensure that there are in effect effective procedures to prevent the unauthorized disclosure of any trade secret or confidential information that is obtained by the Secretary pursuant to this section.

''(d) LIMITATIONS.—This section shall not be construed—

''(1) to limit the authority of the Secretary to inspect records or to require maintenance of records under any other provision of this Act;

''(2) to authorize the Secretary to impose any requirements with respect to a food to the extent that it is within the exclusive jurisdiction of the Secretary of Agriculture pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq);

''(3) to have any legal effect on section 552 of title 5, United States Code, or section 1905 of title 18, United States Code; or

''(4) to extend to recipes for food, financial data, pricing data, personnel data, research data, or sales data (other than shipment data regarding sales).''.

(b) FACTORY INSPECTION.—Section 704(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 374(a)) is amended—

(1) in paragraph (1), by inserting after the first sentence the following new sentence: ''In the case of any person (excluding farms and restaurants) who manufactures, processes, packs, transports, distributes, holds, or imports foods, the inspection shall extend to all records and other information described in section 414 when the Secretary has credible evidence or information indicating that an article of food presents a threat of serious adverse health consequences or death to humans or animals, subject to the limitations established in section 414(d).''; and

(2) in paragraph (2), in the matter preceding subparagraph (A), by striking ''second sentence'' and inserting ''third sentence''.

(c) PROHIBITED ACT.—Section 301(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(e)) is amended—

(1) by striking ''by section 412, 504, or 703'' and inserting ''by section 412, 414, 504, 703, or 704(a); and

(2) by striking ''under section 412'' and inserting ''under section 412, 414(b)''.

**SEC. 305. REGISTRATION.**

(a) IN GENERAL.—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.), as amended by section 304 of this Act, is amended by adding at the end the following:

**''SEC. 415. REGISTRATION.**

''(a) REGISTRATION.—

''(1) IN GENERAL.—Any facility (excluding farms) engaged in manufacturing, processing, packing, or holding food for consumption in the United States shall be registered with the Secretary. To be registered—

''(A) for a domestic facility, the owner, operator, or agent in charge of the facility shall submit a registration to the Secretary; and

''(B) for a foreign facility, the owner, operator, or agent in charge of the facility shall submit a registration to the Secretary and shall include with the registration the name of the United States agent for the facility.

''(2) REGISTRATION.—An entity (referred to in this section as the 'registrant') shall submit a registration under paragraph (1) to the Secretary containing information necessary to notify the Secretary of the identity and address of each facility at which, and all trade names under which, the registrant conducts business and, when determined necessary by the Secretary through guidance, the general food category (as identified under section 170.3 of title 21, Code of Federal Regulations, or successor regulations) of any food manufactured, processed, packed, or held at such facility. The registrant shall notify the Secretary in a timely manner of changes to such information.

''(3) PROCEDURE.—Upon receipt of a completed registration described in paragraph (1), the Secretary shall notify the registrant of the receipt of such registration and assign a registration number to each registered facility.

''(4) LIST.—The Secretary shall compile and maintain an up-to-date list of facilities that are registered under this section. Such list and other information required to be submitted under this subsection shall not be subject to the disclosure requirements of section 552 of title 5, United States Code.

''(b) EXEMPTION.—The Secretary shall by regulation exempt types of retail establishments from the requirements of subsection (a) only if the Secretary determines that the registration of such facilities is not needed for effective enforcement of this chapter and any regulations issued under this chapter.

''(c) FACILITY.—For purposes of this section, the term 'facility' includes any factory, warehouse, or establishment (including a factory, warehouse, or establishment of an importer), that manufactures, processes, packs, or holds food. Such term does not include restaurants or other establishments in which food is served solely for immediate human consumption.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize the Secretary to require an application, review, or licensing process.''.

(b) PROHIBITED ACTS.—

(1) IN GENERAL.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331), as amended by section 303(d) of this Act, is amended by adding at the end the following:

''(dd) The failure to register in accordance with section 415.''.

(2) MISBRANDED FOOD.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

''(t) If it is manufactured, processed, packed, or held in a facility that is not registered in accordance with section 415.''.

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall take effect 180 days after the date of the enactment of this Act.

(d) NOTICE.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Health and Human Services, after consultation with appropriate State and local officials, shall take sufficient measures to notify entities that manufacture, process, pack, or hold food for consumption in the United States of the requirement pursuant to this section that facilities be registered with the Secretary. The Secretary shall develop guidance, as needed, to identify facilities required to register under this section.

(e) ELECTRONIC FILING.—For the purpose of reducing paperwork and reporting burdens, the Secretary of Health and Human Services may provide for, and encourage the use of, electronic methods of submitting to the Secretary registrations required pursuant to this section. In providing for the electronic submission of such registrations, the Secretary shall ensure adequate authentication protocols are used to enable identification of the registrant and validation of the data as appropriate.

(f) SAVINGS CLAUSE.—This section may not be construed as authorizing the Secretary of Health and Human Services to impose any requirements with respect to a food to the extent that it is within the exclusive jurisdiction of the Secretary of Agriculture pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq).

**SEC. 306. PRIOR NOTICE OF IMPORTED FOOD SHIPMENTS.**

(a) IN GENERAL.—Section 801 of the Federal Food, Drug, and Cosmetic Act, as amended by section 302(c) of this Act, is amended by adding at the end the following subsection:

''(k)(1) In the case of an article of food that is being imported or offered for import into the United States, the Secretary, after consultation with the Secretary of the Treasury, shall by regulation require, for the purpose of enabling such article to be inspected at ports of entry into the United States, the submission to the Secretary of a notice providing the identity of each of the following: The article; the manufacturer and shipper of the article, and if known within the specified period of time that notice is required to be provided, the grower of the article; the country from which the article originates; the country from which the article is shipped; and the anticipated port of entry for the article. An article of food imported or offered for import without submission of such notice in accordance with regulations under this paragraph shall be refused admission into the United States. Nothing in this section may be construed as a limitation on the port of entry for an article of food.

''(2)(A) Regulations under paragraph (1) shall require that a notice under such paragraph be provided by a specified period of time, not fewer than 24 hours, in advance of the time of the importation of the article of food involved or the offering of the food for import, except that the advance period so required may not exceed 72 hours.

''(B)(i) If an article of food is being imported or offered for import into the United States and a notice under paragraph (1) is not provided in advance in accordance with subparagraph (A), such article shall be held at the port of entry for the article, and may not be delivered to the importer, owner, or consignee of the article, until such notice is submitted to the Secretary, and the Secretary examines the notice and determines that the notice is in accordance with regulations under paragraph (1). The preceding sentence may not be construed as authorizing such delivery pursuant to the execution of a bond, pending such a determination by the Secretary.

''(ii) In carrying out clause (i) with respect to an article of food, the Secretary shall determine whether there is in the possession of the Secretary any credible evidence or information indicating that such article presents a threat of serious adverse health consequences or death to humans or animals.

''(3)(A) This subsection may not be construed as limiting the authority of the Secretary to obtain information under any other provision of this Act.

''(B) This subsection may not be construed as authorizing the Secretary to impose any requirements with respect to a food to the extent that it is within the exclusive jurisdiction of the Secretary of Agriculture pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), the Poultry Products Inspection Act (21 U.S.C. 451 et seq.), or the Egg Products Inspection Act (21 U.S.C. 1031 et seq).''.

(b) PROHIBITED ACT.—Section 301 of the Federal Food, Drug, and Cosmetic Act, as amended by section 305(b)(1) of this Act, is amended by adding at the end the following:

''(ee) The importing or offering for import into the United States of an article of food in violation of regulations under section 801(k).''.

**SEC. 307. AUTHORITY TO MARK ARTICLES REFUSED ADMISSION INTO UNITED STATES.**

(a) IN GENERAL.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)), as amended by section 306(a) of this Act, is amended by adding at the end the following:

''(l)(1) If a food has been refused admission under subsection (a), other than such a food that is required to be destroyed, and the Secretary determines that the food presents a threat of serious adverse health consequences or death to humans or animals, the Secretary may require the owner or consignee of the food to affix to the container of the food a label that clearly and conspicuously bears the statement: 'UNITED STATES: REFUSED ENTRY'.

''(2) All expenses in connection with affixing a label under paragraph (1) shall be paid by the owner or consignee of the food involved, and in default of such payment, shall constitute a lien against future importations made by such owner or consignee.

''(3) A requirement under paragraph (1) remains in effect until the Secretary determines that the food involved has been brought into compliance with this Act.''.

(b) MISBRANDED FOODS.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343), as amended by section 305(b)(2) of this Act, is amended by adding at the end the following:

''(u) If it fails to bear a label required by the Secretary under section 801(l)(1) (relating to food refused admission into the United States).''.

(c) RULE OF CONSTRUCTION.—With respect to articles of food that are imported or offered for import into the United States, nothing in this section shall be construed to limit the authority of the Secretary of Health and Human Services or the Secretary of the Treasury to require the marking of refused articles of food under any other provision of law.

**SEC. 308. PROHIBITION AGAINST PORT SHOPPING FOR IMPORTATION.**

Section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342) is amended by adding at the end the following:

''(h) If it is an article of food imported or offered for import into the United States and such article has previously been refused admission under section 801(a), unless the person reoffering the article affirmatively establishes, at the expense of the owner or consignee of the article, that the article is not adulterated, as determined by the Secretary.''.

**SEC. 309. NOTICES TO STATES REGARDING IMPORTED FOOD.**

Chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended by adding at the end the following new section:

**"SEC. 908. NOTICES TO STATES REGARDING IMPORTED FOOD.**

''(a) IN GENERAL.—If the Secretary has credible evidence or information indicating that a shipment of imported food or portion thereof presents a threat of serious adverse health consequences or death to humans or animals, the Secretary shall provide notice regarding such threat to the States in which the food is held or will be held, and to the States in which the manufacturer, packer, or distributor of the food is located, to the extent that the Secretary has knowledge of which States are so involved. In providing the notice to a State, the Secretary shall request the State to take such action as the State considers appropriate, if any, to protect the public health regarding the food involved.

''(b) RULE OF CONSTRUCTION.—Subsection (a) may not be construed as limiting the authority of the Secretary with respect to adulterated food under any other provision of this Act.''.

**SEC. 310. GRANTS TO STATES FOR INSPECTIONS; RESPONSE TO NOTICE REGARDING ADULTERATED IMPORTED FOOD.**

Chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.), as amended by section 309 of this Act, is amended by adding at the end the following new section:

**"SEC. 909. GRANTS TO STATES REGARDING FOOD INSPECTIONS.**

''(a) IN GENERAL.—The Secretary may make grants to States and Territories for the purpose of conducting with respect to food examinations, inspections, investigations, and related activities under section 702 through individuals who, under subsection (a) of such section, are duly commissioned by the Secretary as officers of the Department.

''(b) NOTICES REGARDING ADULTERATED IMPORTED FOOD.—The Secretary may make grants to the States for the purpose of assisting the States with the costs of taking appropriate action to protect the public health in response to notices under section 908, including planning and otherwise preparing to take such action.

''(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2002 through 2006.''.

**Subtitle B—Protection of Drug Supply**

**SEC. 311. ANNUAL REGISTRATION OF FOREIGN MANUFACTURERS; SHIPPING INFORMATION; DRUG AND DEVICE LISTING.**

(a) ANNUAL REGISTRATION; LISTING.—

(1) IN GENERAL.—Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) is amended—

(A) in subsection (i)(1)—

(i) by striking ''Any establishment'' and inserting ''On or before December 31 of each year, any establishment'';

(ii) by striking ''establishment and the name'' and inserting ''establishment, the name''; and

(iii) by inserting before the period the following: '', the name of each importer of such drug or device in the United States that is known to the establishment, and the name of each carrier used by the establishment in transporting such drug or device to the United States for purposes of importation''; and

(B) in subsection (j)(1), in the first sentence, by striking ''or (d)'' and inserting ''(d), or (i)''.

(2) MISBRANDING.—Section 502(o) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(o)) is amended by striking ''in any State''.

(b) IMPORTATION; STATEMENT REGARDING REGISTRATION OF MANUFACTURER.—

(1) IN GENERAL.—Section 801 of the Federal Food, Drug, and Cosmetic Act, as amended by section 307(a) of this Act, is amended by adding at the end the following subsection:

''(m) A drug or device that is imported or offered for import into the United States may be refused admission if the importer of the drug or device does not, at the time of offering the drug or device for import, submit to the Secretary a statement that identifies the registration under section 510(i) of each establishment that with respect to such drug or device is required under such section to register with the Secretary.''.

(2) PROHIBITED ACT.—Section 301 of the Federal Food, Drug, and Cosmetic Act, as amended by section 306(b) of this Act, is amended by adding at the end the following:

''(ff) The importing or offering for import into the United States of a drug or device with respect to which there is a failure to comply with an order of the Secretary to submit to the Secretary a statement under section 801(m).''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect upon the expiration of the 180-day period beginning on the date of the enactment of this Act.

**SEC. 312. REQUIREMENT OF ADDITIONAL INFORMATION REGARDING IMPORT COMPONENTS INTENDED FOR USE IN EXPORT PRODUCTS.**

(a) IN GENERAL.—Section 801(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(d)(3)) is amended to read as follows:

''(3)(A) Subject to subparagraph (B), no component of a drug, no component part or accessory of a device, or other article of device requiring further processing, which is ready or suitable for use for health-related purposes, and no article of a food additive, color additive, or dietary supplement, including a product in bulk form, shall be excluded from importation into the United States under subsection (a) if each of the following conditions is met:

''(i) The importer of such article of a drug or device or importer of such article of a food additive, color additive, or dietary supplement submits to the Secretary, at the time of initial importation, a statement in accordance with the following:

''(I) Such statement provides that such article is intended to be further processed by the initial owner or consignee, or incorporated by the initial owner or consignee, into a drug, biological product, device, food, food additive, color additive, or dietary supplement that will be exported by the initial owner or consignee from the United States in accordance with subsection (e) or section 802, or with section 351(h) of the Public Health Service Act.

''(II) The statement identifies the manufacturer of such article and each processor, packer, distributor, carrier, or other entity that had possession of the article in the chain of possession of the article from the manufacturer to such importer of the article.

''(ii) If such article is known to be, or to contain or bear, any chemical substance or biological substance, the statement under clause (i) is accompanied by such certificates of analysis as are necessary to identify each such substance.

''(iii) At the time of initial importation and before the delivery of such article to the importer or the initial owner or consignee, such owner or consignee executes a good and sufficient bond providing for the payment of such liquidated damages in the event of default as may be required pursuant to regulations of the Secretary of the Treasury.

''(iv) Such article is used and exported by the initial owner or consignee in accordance with the intent described under clause (i)(I), except for any portions of the article that are destroyed.

''(v) The initial owner or consignee maintains records on the use or destruction of such article or portions thereof, as the case may be, and submits to the Secretary any such records requested by the Secretary.

''(vi) Upon request of the Secretary, the initial owner or consignee submits a report that provides an accounting of the exportation or destruction of such article or portions thereof, and the manner in which such owner or consignee complied with the requirements of this subparagraph.

''(B) Subparagraph (A) does not apply to the import or offering for import into the United States of an article if the Secretary determines that there is credible evidence or information indicating that such article presents a threat of serious adverse health consequences or death to humans or animals.

''(C) This section may not be construed as affecting the responsibility of the Secretary to ensure that articles imported into the United States under authority of subparagraph (A) meet each of the conditions established in such subparagraph for importation.''.

(b) PROHIBITED ACT.—Section 301(w) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(w)) is amended to read as follows:

''(w) The making of a knowingly false statement in any statement, certificate of analysis, record, or report required or requested under section 801(d)(3); the failure to submit a certificate of analysis as required under such section; the failure to maintain records or to submit records or reports as required by such section; the release into interstate commerce of any article or portion thereof imported into the United States under such section or any finished product made from such article or portion, except for export in accordance with section 801(e) or 802, or with section 351(h) of the Public Health Service Act; or the failure to so export or to destroy such an article or portions thereof, or such a finished product.''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act.

**TITLE IV–DRINKING WATER SECURITY AND SAFETY**

**SEC. 401. AMENDMENT OF THE SAFE DRINKING WATER ACT.**

The Safe Drinking Water Act (title XIV of the Public Health Service Act) is amended as follows:

(1) By inserting the following new sections after section 1432:

**"SEC. 1433. TERRORIST AND OTHER INTENTIONAL ACTS.**

''(a) VULNERABILITY ASSESSMENTS.—(1) Each community water system serving a population of greater than 3,300 persons shall conduct an assessment of the vulnerability of its system to a terrorist attack or other intentional acts intended to substantially disrupt the ability of the system to provide a safe and reliable supply of drinking water. The vulnerability assessment shall include, but not be limited to, a review of pipes and constructed conveyances, physical barriers, water collection, pretreatment, treatment, storage and distribution facilities, electronic, computer or other automated systems which are utilized by the public water system, the use, storage, or handling of various chemicals, and the operation and maintenance of such system. The Administrator, not later than March 1, 2002, after consultation with appropriate departments and agencies of the Federal Government and with State and local governments, shall provide baseline information to community water systems required to conduct vulnerability

assessments regarding which kinds of terrorist attacks or other intentional acts are the probable threats to—

''(A) substantially disrupt the ability of the system to provide a safe and reliable supply of drinking water; or

''(B) otherwise present significant public health concerns.

''(2) Each community water system referred to in paragraph (1) shall certify to the Administrator that the system has conducted an assessment complying with paragraph (1) prior to:

''(A) December 31, 2002, in the case of systems serving a population of 100,000 or more.

''(B) June 30, 2003, in the case of systems serving a population of 50,000 or more but less than 100,000.

''(C) December 31, 2003, in the case of systems serving a population greater than 3,300 but less than 50,000.

''(b) EMERGENCY RESPONSE PLAN.—Each community water system serving a population greater than 3,300 shall prepare or revise, where necessary, an emergency response plan that incorporates the results of vulnerability assessments that have been completed. Each such community water system shall certify to the Administrator, as soon as reasonably possible after the enactment of this section, but not later than 6 months after the completion of the vulnerability assessment under subsection (a), that the system has completed such plan. The emergency response plan shall include, but not be limited to, plans, procedures, and identification of equipment that can be implemented or utilized in the event of a terrorist or other intentional attack on the public water system. The emergency response plan shall also include actions, procedures, and identification of equipment which can obviate or significantly lessen the impact of terrorist attacks or other intentional actions on the public health and the safety and supply of drinking water provided to communities and individuals. Community water systems shall, to the extent possible, coordinate with existing Local Emergency Planning Committees established under the Emergency Planning and Community Right-to-Know Act (42 U.S.C. 11001, et seq.) when preparing or revising an emergency response plan under this subsection.

''(c) GUIDANCE TO SMALL PUBLIC WATER SYSTEMS.—The Administrator shall provide guidance to community water systems serving a population of less than 3,300 persons on how to conduct vulnerability assessments, prepare emergency response plans, and address threats from terrorist attacks or other intentional actions designed to disrupt the provision of safe drinking water or significantly affect the public health or significantly affect the safety or supply or drinking water provided to communities and individuals.

''(d) FUNDING.—There are authorized to be appropriated to carry out this section not more than $120,000,000 for the fiscal year 2002 and such sums as may be necessary for fiscal year 2003 and fiscal year 2004. The Administrator, in coordination with State and local governments, may provide financial assistance to community water systems for purposes of compliance with the requirements of subsections (a) and (b) and to community water systems for expenses and contracts designed to address basic security enhancements of critical importance and significant threats to public health and the supply of drinking water as determined by a vulnerability assessment under subsection (a).

**''SEC. 1434. CONTAMINANT PREVENTION, DETECTION AND RESPONSE.**

''(a) IN GENERAL.—The Administrator, in consultation with the Centers for Disease Control and, after consultation with appropriate departments and agencies of the Federal Government and with State and local governments, shall review (or enter into contracts or cooperative agreements to provide for a review of) current and future methods to prevent, detect and respond to the intentional introduction of chemical, biological or radiological contaminants into community water systems and source water for community water systems, including each of the following:

''(1) Methods, means and equipment designed to monitor and detect chemical, biological, and radiological contaminants and reduce the likelihood that such contaminants can be successfully introduced into water supplies intended to be used for drinking water.

''(2) Methods and means to provide sufficient notice to operators of public water systems, and individuals served by such systems, of the introduction of chemical, biological or radiological contaminants and the possible effect of such introduction on public health and the safety and supply of drinking water.

''(3) Procedures and equipment necessary to prevent the flow of contaminated drinking water to individuals served by public water systems.

''(4) Methods, means, and equipment which could negate or mitigate deleterious effects on public health and the safety and supply caused by the introduction of contaminants into water intended to be used for drinking water, including an examination of the effectiveness of various drinking water technologies in removing, inactivating, or neutralizing biological, chemical, and radiological contaminants.

''(5) Biomedical research into the short-term and long-term impact on public health of various chemical, biological and radiological contaminants that may be introduced into public water systems through terrorist of other intentional acts.

''(b) FUNDING.—For the authorization of appropriations to carry out this section, see section 1435(c).

**''SEC. 1435. SUPPLY DISRUPTION PREVENTION, DETECTION AND RESPONSE.**

''(a) DISRUPTION OF SUPPLY OR SAFETY.—The Administrator, in coordination with the appropriate departments and agencies of the Federal Government, shall review (or enter into contracts or cooperative agreements to provide for a review of) methods and means by which terrorists or other individuals or groups could disrupt the supply of safe drinking water or take other actions against water collection, pretreatment, treatment, storage and distribution facilities which could render such water significantly less safe for human consumption, including each of the following:

''(1) Methods and means by which pipes and other constructed conveyances utilized in public water systems could be destroyed or otherwise prevented from providing adequate supplies of drinking water meeting applicable public health standards.

''(2) Methods and means by which collection, pretreatment, treatment, storage and distribution facilities utilized or used in connection with public water systems and collection and pretreatment storage facilities used in connection with public water systems could be destroyed or otherwise prevented from providing adequate supplies of drinking water meeting applicable public health standards.

''(3) Methods and means by which pipes, constructed conveyances, collection, pretreatment, treatment, storage and distribution systems that are utilized in connection with public water systems could be altered or affected so as to be subject to cross-contamination of drinking water supplies.

''(4) Methods and means by which pipes, constructed conveyances, collection, pretreatment, treatment, storage and distribution systems that are utilized in connection with public water systems could be reasonably protected from terrorist attacks or other acts intended to disrupt the supply or affect the safety of drinking water.

''(b) ALTERNATIVE SOURCES.—the review under this section shall also include a review of the methods and means by which alternative supplies of drinking water could be provided in the event of the destruction, impairment or contamination of public water systems.

''(c) FUNDING.—There are authorized to be appropriated to carry out this section and section 1434 not more than $15,000,000 for the fiscal year 2002 and such sums as may be necessary for fiscal year 2003 and fiscal year 2004.''.

(2) Section 1414(i)(1) is amended by inserting ''1433'' after ''1417''.

(3) Section 1431 is amended by inserting in the first sentence after ''drinking water'' the following: '', or that there is a threatened or potential terrorist attack (or other intentional act designed to disrupt the provision of safe drinking water or to impact adversely the safety of drinking water supplied to communities and individuals), which''.

(4) Section 1432 is amended as follows:

(A) By striking ''5 years'' in subsection (a) and inserting ''20 years''.

(B) By striking ''3 years'' in subsection (b) and inserting ''10 years''.

(C) By striking ''$50,000'' in subsection (c) and inserting ''$1,000,000''.

(D) By striking ''$20,000'' in subsection (c) and inserting ''$100,000''.

(5) Section 1442 is amended as follows:

(A) By striking ''this subparagraph'' in subsection (b) and inserting ''this subsection''.

(B) By amending subsection (d) to read as follows:

''(d) There are authorized to be appropriated to carry out subsection (b) not more than $35,000,000 for the fiscal year 2002 and such sums as may be necessary for each fiscal year thereafter.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. Tauzin).

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise in strong support of the Public Health Security and Bioterrorism Response Act of 2001 which I have introduced with my good friend, the gentleman from Michigan (Mr. DINGELL) the ranking member of the Committee on Energy and Commerce and a strong bipartisan list of co-sponsors. This may be the last piece of legislation we consider tonight, Mr. Speaker,

but it is, by far, the most serious one and the most important one, and we will be asking for a recorded vote tomorrow on this important legislation.

The legislation is all about safety and security of American families and of our country. Today we are stepping up to the profound threats of terrorism and other public health emergencies. And we do so by combining smart and innovative policy with additional resources to prepare the country for bioterrorist threats and to improve our abilities to respond quickly and effectively to such threats when they arise.

Mr. Speaker, let me be very specific about the important investments that this legislation will make and the dramatic range of issues it will address.

First, Title I of the bill significantly steps up our preparedness and our capacity to identify and respond to threats. This Title will improve communications between and among the levels of government, public health officials, the first responders and health care providers and the health care facilities during emergencies.

Our bill authorizes $1 billion in FY 2002 in grants to States, local governments, and other public and private health care facilities and other entities to improve planning and preparedness activities, to enhance laboratory capacity, and to educate and train the health personnel that will take care of folks who are subject to any kinds of such threats.

We specifically authorized $40 million in FY 2002 for training grants to relieve shortages in critical health care professions. The Department of Health and Human Services will have a new focus, an improved coordination and accountability through a new assistant secretary of emergency preparedness. The legislation also authorizes the national disaster medical system, new planning and reporting provision, health professional verification systems during emergencies, the training exercises, and improved communication strategies. The bill further authorizes $450 million in FY 2002 for the Centers for Disease Control and Prevention to upgrade its capacity to deal with public health threats, to renovate its facilities and to improve its securities.

H.R. 3448 will also ensure that we have sufficient drugs, vaccines and other supplies for our Nation's health security. Title I, for example, authorizes more than $1.1 billion for the Secretary of Health and Human Services to expand our current National stockpiles of medicines and other supplies, including the purchase of smallpox vaccines, will encourage and expand research and develop of drugs of vaccines and devices to combat bioterrorism and other potential disease outbreaks in our country. The bill also will enhance controls on deadly biological agents in order to help prevent bioterrorism and establish a national database of dangerous pathogens.

Title II imposes new registration requirements on all possessors of the 36 most dangerous biological agents and toxins. It mandates tough new safety and security requirements to ensure that only legitimate scientists working in appropriate laboratory facilities can gain access to these potential weapons of mass destruction.

Title II also enhances criminal penalties for those caught in possession of those agents or transferring them without proper registration. And Title III of the bill will help protect American safety in their food and drug supplies. We are increasing by $100 million the Food and Drug Administration's resources to hire more inspectors at the border, to develop new methods to detect contaminated foods. In addition, we are providing the Secretary the additional regulatory authority he requested for the FDA to detain food and to investigate credible evidence of contamination and improve access to records and recordkeeping to assist the Secretary in investigating any threats to our food supply. This title also improves our enforcement and inspection capabilities for those drug supplies. The new resources and authorities will substantially improve our country's ability to ensure the safety confidence in both our food and our drug supplies.

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Title 4 of the legislation will ensure that drinking water systems across the country assess their vulnerability to terrorist attack and develop emergency plans to prepare for and respond to those attacks. This title also requires a comprehensive review of the ways to detect and respond to chemical, biological, and radiological contamination of drinking water, as well as way to prevent and mitigate the effects of physical attacks. In addition, existing criminal penalties and fines for tampering with drinking water systems are substantially increased. A total of $170 million in fiscal year 2002 is authorized for these important efforts.

Americans deserve to know that we are taking concerted action today to protect the water they drink every single day. Title IV will lay the groundwork for developing the necessary information, and emergency planning and response efforts that are needed to address this new threat.

Mr. Speaker, this legislation builds on the tremendous work and leadership of our President, President Bush, and his administration, over the last 3 months. Importantly, it builds on existing programs rather than creating new ones that will only delay the distribution of monies to the front lines. We have spent time to integrate programs and to make sure our national efforts are focused and better coordinated. We have worked closely with the administration to achieve this result, and I am frankly very confident the President will sign this bill.

I want to thank the gentleman from Michigan (Mr. DINGELL) and the other members of the committee on both sides of the aisle for their tireless and extraordinarily good-faith efforts to produce a great bill. This is remarkable legislation, Mr. Speaker, for remarkable times. The House can be very proud not only of this product but also of a country that is responding in such a unified way as exemplified by the bipartisan spirit in which we bring this legislation to the floor.

America, I think, will be proud of our commitment made in this bill to the right investments and the smart policy choices to meet the challenges and protect our Nation's public health. I urge all my colleagues to support this very landmark legislation.

Mr. Speaker, I submit for the RECORD letters to and from the Chairman of the Committee on Science and myself regarding this legislation.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
*Washington, DC, December 11, 2001.*

Hon. SHERWOOD L. BOEHLERT,
*Chairman, Committee on Science, House of Representatives, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN BOEHLERT: Thank you for your letter regarding H.R. ____, the Public Health Security and Bioterrorism Response Act of 2001.

I appreciate your willingness not to seek a referral of the bill. I agree that your decision to forgo action on the bill will not prejudice the Committee on Science with respect to its jurisdictional prerogatives on this or similar legislation. Further, I recognize your right to request conferees on those provisions within the Committee on Science's jurisdiction should they be the subject of a House-Senate conference.

I will include your letter and this response in the Congressional Record when the bill is considered on the Floor.

Sincerely,

W.J. "BILLY" TAUZIN,
*Chairman.*

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
*Washington, DC, December 11, 2001.*

Hon. W.J. TAUZIN,
*Chairman, Committee on Energy and Commerce, Rayburn HOB, Washington, DC.*

DEAR MR. CHAIRMAN: Earlier today you and your colleagues introduced the "Public Health Security and Bioterrorism Response Act of 2001." Knowing of your interest in moving the legislation through the House as quickly as possible, I am prepared not to seek a sequential referral of the bill's provisions that affect the jurisdiction of the Science Committee. Despite waiving the right to seek a referral, the Science Committee does not waive its jurisdiction over the bill. Additionally, the Science Committee expressly reserves its authority to seek conferees on any provisions that are within its jurisdiction during any House-Senate conference that may be convened on this legislation or like provisions in the bill or similar legislation which falls within the Science Committee's jurisdiction. I ask for your commitment to support any request by the Science Committee for conferees on the bill, as well as any similar or related legislation.

Based on a quick review, here are some of the provisions I believe affect the Science Committee's jurisdiction:

Section 108 (Working Group on Preparedness). New subsections (a)(1)–(3) require a joint working group, including DOE and EPA, to coordinate and prioritize research,

facilitate the development of countermeasures, and coordinate research and development.

Section 108 (Working Group on Preparedness). New subsection (a)(4) requires the Working Group, including DOE and EPA, to develop shared standards for equipment.

Section 126 (Evaluation of New and Emerging Technologies). Subsection (b) requires the Secretary of HHS to survey existing technology programs funded by the Federal Government for potentially useful technologies and, in consultation with an interagency working group that includes DOE and EPA, to evaluate technologies.

Section 137 (Expanded Research by Secretary of Energy). This authorizes DOE research related to bioterrorist attacks.

Section 401 (Drinking Water Security and Safety). This reauthorizes an existing environmental research and development program in the Safe Drinking Water Act. Section 401 also authorizes two new programs, in proposed sections 1434 and 1435 of the SDWA, that direct EPA to ''review current and future methods and means'' relating to contamination and physical disruption of water systems. These provisions are similar to provisions in the Science Committee's bill, H.R. 3178.

H.R. 3178 passed the Science Committee on November 15. It authorizes EPA research related activities to develop anti-terrorism tools for water and wastewater agencies. Since our markup of H.R. 3178, my staff has worked with your staff to clarify the text of H.R. 3178 to prevent or reduce any jurisdictional issues. I look forward to the continued cooperation between our two Committees on both H.R. 3178 and the ''Public Health Security and Bioterrorism Response Act of 2001.''

I request that you include this exchange of letters in the Congressional Record as part of the Floor debate on the bill.

Thank you again for your consideration and attention regarding these matters.

Sincerely,

SHERWOOD BOEHLERT,
*Chairman.*

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

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

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

Mr. DINGELL. Mr. Speaker, today we are considering bipartisan legislation on a matter of utmost national importance, our preparedness against terrorism. I want to begin by commending my good friend, the chairman of the committee, the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Florida (Mr. BILIRAKIS), and the gentleman from Iowa (Mr. GANSKE), as well as my colleagues, the gentleman from Ohio (Mr. BROWN), the gentleman from New Jersey (Mr. MENENDEZ), and the gentleman from New Jersey (Mr. PALLONE), the gentleman from Florida (Mr. Deutsch), who worked so hard on this, and the gentlewoman from California (Ms. HARMAN).

This bill was put together in the best bipartisan traditions of the way the Committee on Energy and Commerce has always worked, and it resolves in the best possible way the questions that concern us with regard to preparedness and protection of our people against bioterrorism.

There are many excellent provisions in the legislation, including improvement and protection of drinking water supply, tighter controls on dangerous biological agents, and a number of other things, including putting support where it needs to be put to help our people to address the problems which they have on the local level and to improve Federal-local cooperation in these matters. It also does something very important, and that is it improves inspection resources for imported food.

These are only a downpayment on what will ultimately be necessary, but nonetheless they are an enormous increase over the way things are done at this particular time.

Mr. Speaker, I urge my colleagues, without exception, to support it. It is bipartisan, it is good, it is in the public interest; and I again commend my colleagues, including our chairman, for the fine work which has been done on this very difficult and very important piece of legislation.

In addition, Mr. Speaker, I include for the RECORD a detailed explanation of the bill:

Title III, Subtitle A—Protection of Food Supply, addresses existing deficiencies in the Nation's food safety infrastructure and takes appropriate steps to protect the Nation's food supply from new threats of terrorism. In particular, it authorizes new powers and $100 million to the Food and Drug Administration (FDA) so it can increase and improve inspections of imported food at the 307 different U.S. ports of entry. With the additional funds and authorities in this bill, FDA should be equipped to inspect about 2 percent of all imported food shipments. While this remains significantly less than FDA's recommendation to inspect 10 percent of all imported food shipments, this legislation is an important downpayment.

The subtitle also provides for permissive debarment of scofflaw food importers, requires prior notice of shipments, provides administrative detention authority, requires registration and recordkeeping, and bars port shopping. Vigorous and targeted use of these new authorities should enable the Secretary to mitigate problems caused by too few inspectors.

For example, under this subtitle the Secretary must possess credible evidence or information indicating that a specific shipment or article of food presents a serious health threat to exercise his full detention authority. However, the bill establishes a broader, less-stringent standard for the Secretary to exercise a more limited temporary hold authority. Under the temporary hold provision, the Secretary need only have credible evidence or information indicating that an article of food, not a specific article of food, presents a serious health threat. If, for example, the FDA is in possession of credible evidence or information indicating that a category of food or food from a certain geographical region presents such a threat, the Secretary may use this authority to temporarily hold shipments or articles of food (up to 24 hours) based on that information. This will enable the Secretary to appropriately dispatch FDA resources to gather credible evidence or information (based upon FDA inspection, examination or investigation) about specific shipments or articles of food. Once FDA has such evidence or information, the Secretary may then detain any such shipments or articles of food under the detention authority (up to 30 days). The temporary hold authority is intended to function as an investigative tool that enables FDA to use its detention authority, and its resources, more effectively. Accordingly, the circumstances under which temporary hold authority can be invoked are broader than those under which detention authority can be invoked.

Title III, Subtitle B—Protection of Drug Supply, includes Section 312, which requires additional information regarding import components intended for use in export products. This section does not change any definitions of regulated articles or the scope of regulation of those articles as set forth in the Federal Food, Drug, and Cosmetic Act (FFDCA) and its implementing regulations. Further, it is not the intent of this section for the Secretary of Treasury to engage in a new rulemaking to determine the requirement for bonds for goods imported under section 801(d)(3) of the FFDCA. Existing requirements for the bonding of goods imported for further processing and export should be applied. Finally, certificates of analysis are not required if the only chemical or biological component of the good imported under 801(d)(3) is de minimus, incidental, and poses no danger to human or animal health.

Title IV—Drinking Water Security and Safety, adds a new section 1433 to the Safe Drinking Water Act that requires community water systems to conduct assessments of the vulnerability of its system to a terrorist attack. Sandia National Laboratories, under a contract with the Environmental Protection Agency (EPA), has developed a new methodology for assessing and improving the security of drinking water systems. Under Section 1433 vulnerability assessments should include comprehensive site characterizations, a determination of the consequences of intentional acts or terrorist attacks, and an analysis of the use, storage, or handling of various chemicals to see whether a substitution to less dangerous chemicals will enhance the safety and health of the public in the case of an attack. For example, many drinking water systems are switching away from liquid chlorine to other chemicals that minimize the risk of an airborne toxic plume in case of a tank explosion. Further, the term ''physical barriers'' should be interpreted to include ''buffer zones'' to a physical attack.

Section 1433 also requires that emergency response plans be prepared or revised by community water systems after the vulnerability assessments. In FY 2002, the bill authorizes $120 million to assist water systems in conducting vulnerability assessments and preparing emergency response plans. This funding is available to also provide financial assistance to water systems for basic security enhancements and to address significant threats to public health. Basic security enhancements of critical importance include management systems, operating procedures, re-keying locks, buffer zones, cameras, fencing, hardening of storage tanks, equipment for back flow monitoring, security screening of contractor support services, and intrusion alert systems.

The bill charges the EPA, working with other agencies such as CDC and the FBI, to provide water systems with a consistent definition of the range of threats facing a system. This will help ensure that quality vulnerability assessments are conducted.

Title IV also contains amendments to Section 1432 of the Safe Drinking Water Act to increase the criminal penalties for tampering or threatening to tamper with a public drinking water system.

Finally, the bill amends Section 1431 of the Safe Drinking Water Act to provide new authority to the Administrator to take actions to assure the safety of the public and protect supplies of drinking water in circumstances

of a threatened or potential terrorist attack at a community water system which may present an imminent and substantial endangerment to the health of persons.

The term ''potential terrorist attack'' should be interpreted in the context of the President's announcements that the United States is engaged in a war against terrorism and faces ''continuing and immediate threats of further attacks.'' Senior government officials have repeatedly warned that critical infrastructure facilities should remain on a high state of alert due to the possibility of a terrorist attack. Critical infrastructure protection is an issue of importance to economic and national security. Presidential Decision Directive 63 released in May 1998 identified water supply as one of the 12 areas critical to the functioning of the country.

The Government has a responsibility to protect our citizens, and that responsibility begins with homeland security. Where the Administrator receives information that critical community water system infrastructures, such as a utility pumping system or chemical storage tanks, are vulnerable to potential terrorist attack that may present an imminent and substantial endangerment he or she may use the authority provided by Section 1431 to protect the health and safety of the public or prevent the disruption of drinking water supplies.

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

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Florida (Mr. BILIRAKIS), the chairman of the Subcommittee on Health of the Committee on Energy and Commerce.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding me this time, and I too rise in support of this bill.

As we know, today is the 3-month anniversary of the worst terrorist attack on American soil in history. Our thoughts and prayers are with the victims and their families today and every day. I share the concerns, we all share the concerns of all Americans who are worried about future terrorist activities, including bioterrorist attacks. With the recent anthrax outbreak, bioterrorism of course has become a reality.

Bioterrorism is an issue that has been explored by the Committee on Energy and Commerce and my Subcommittee on Health for several years. Because we cannot know when or how a public health threat might occur, we must be prepared to combat any biological agent in any form. I am pleased that we were able to work on a bipartisan, underline bipartisan, basis to craft this reasonable and responsible legislative package.

State and local governments will be the first to respond to a bioterrorist attack. This legislation requires the Secretary of Health and Human Services to work with local governments to develop bioterrorist preparedness plans. This legislation requires the CDC to enhance training of personnel, improve their communications network and intensify security to protect important research and dangerous pathogens.

Since health care providers will be the first to respond to a public health emergency, it is essential that we have health professionals ready to deal with health care needs in the event of a bioterrorist attack. This legislation begins to address shortages in areas such as medical technologists and pharmacists by providing grants to train and educate individuals in areas of the greatest need.

As vice chairman of the House Committee on Veterans' Affairs, I also believe it is essential that we fully utilize all of our Federal resources in our fight against bioterrorism. This legislation requires the Department of Health and Human Services to work with the Department of Veterans Affairs and the Department of Defense in developing our national response. These agencies have significant resources and expertise and are crucial to our efforts.

In addition, this legislation increases the protection of the Nation's food supply. In the past, too few resources have been dedicated to food security, and this legislation is a great improvement. Secretary of Health and Human Services Tommy Thompson recently testified before the committee that the Food and Drug Administration must increase the number of inspectors at the borders.

I would like in closing, Mr. Speaker, to thank the staff, who dedicated many long hours to developing this legislation. For the majority, that includes Nandan Kenkeremath, Tom DiLenge, Amit Sachdev, Brent DelMonte, Bob Meyers, and Pat Morrisey. From the minority, that includes John Ford, Edith Holleman, and Bruce Gwinn. And I would also like to extend a special thank you to legislative counsel Pete Goodloe, who was instrumental in drafting this legislation. All of the staff, all of them, spent countless hours, especially over the Thanksgiving holiday, to prepare this vital legislation.

I too urge our colleagues to join us in supporting this bill. It is important that we act this year to increase our readiness and our safety.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman for yielding me this time; and I am pleased to join my colleagues, the gentleman from Michigan (Mr. DINGELL), the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Florida (Mr. BILIRAKIS), the gentleman from New Jersey (Mr. PALLONE), and the gentleman from Florida (Mr. DEUTSCH), in offering this bipartisan bioterrorism preparedness bill.

I want to thank the Committee on Energy and Commerce staff, who worked so hard on this bill, as mentioned by the gentleman from Florida (Mr. BILIRAKIS), including Ann Esposito, John Ford, Dave Nelson, Edith Holleman, and Bruce Gwinn. Also, legislative counsel Pete Goodloe, who worked so very hard on all of this.

The events of September 11 and the recent spate of anthrax attacks have significantly underscored the importance, to be sure, of our Nation's public health infrastructure. We need to pay far more attention to the first responders to a public health emergency, to the key health agencies charged with addressing and preventing these emergencies, and to the safeguards needed to minimize threats in the future.

We must have sufficient antibiotic and vaccine stockpiles, we must have the ability to rapidly distribute medical supplies and deploy medical personnel, and we must cultivate the expertise and technology necessary to identify and eliminate threats before they become public health crises.

This bill was written to provide new authority to Food and Drug Administration border inspectors in terms of food safety, to require the development of rapid testing techniques, and to authorize $100 million of new found for all of FDA's border inspection activities. These provisions will increase FDA's presence at the border and allow for the inspection of a greater percentage of our imported foods, making our food supplies safer from bioterrorists.

Eight years ago, before budget cuts in this Congress, 8 percent of food was inspected at the border. Today, it is about one-tenth of that. It is less than 1 percent. The safety of imported foods and the need for greater enhanced inspection resources at the border have long been a concern of many of us on this side of the aisle, a fact highlighted by the imported food safety bills I have introduced with the gentleman from Michigan (Mr. STUPAK), the gentleman from New Jersey (Mr. PALLONE), and the gentleman from Michigan (Mr. DINGELL), and others during the past several sessions of Congress.

The food safety provisions of this bill are a good downpayment on improving our food safety inspection system, but they do not obviate the need for passage of a more substantial food safety reform like the one we introduced in October.

I am pleased that a provision to equip State and local health departments to rapidly identify antibiotic resistant strains of illness was in fact included in the bill. Because antibiotic resistant microbes can be difficult to treat, even under normal circumstances, they pose a significant threat to public health. We know that antibiotic-resistant strains of anthrax and other agents can, in fact, have been engineered for the purposes of bioterrorism. A new or unexpected antibiotic-resistant strain of illness is a red flag. It could signal a bioterrorist attack. So the sooner we identify it, the sooner we can deploy the resources needed to treat it.

The ability to monitor antibiotic resistance becomes even more critical over the longer term. Whether the goal is bioterrorism preparedness or simply maintaining our ability to combat everyday illnesses and infectious disease, a major, major function of the Centers for Disease Control, we simply cannot

assess the adequacy of our antibiotic supply over time as long as antibiotic resistance remains a variable.

This bill is not the last word on bioterrorism, but it is a solid first step; and I am proud to be one of its chief cosponsors.

Mr. TAUZIN. Mr. Speaker, I am proud to yield 2 minutes to the gentleman from North Carolina (Mr. BURR), the vice chairman of the Committee on Energy and Commerce and the chairman of the task force which helped produce this bill.

Mr. BURR of North Carolina. Mr. Speaker, I thank the chairman for yielding me this time, I also thank the ranking member; but more importantly, I thank all the members of the Committee on Energy and Commerce because traditionally we do not get things done as quickly in the body as we have on this bill.

I want to take this opportunity to personally thank the staff on both sides of the aisle, many of whom are here tonight, and many who spent tens, if not hundreds, of hours on this bill, and much of it over the Thanksgiving break.

Mr. Speaker, 3 months ago, we were attacked in a savage way. Over these 3 months, we have seen what is good about America; the response of the American people, in many cases to individuals they did not know. What we have seen good about this institution is its ability to throw down the partisanship that sometimes overtakes us and for Democrats and Republicans to work together on an initiative that America needs today.

We have come a long way in restructuring our public health agencies in this country. This is only the first step, though. We have a long way to go to reach a point that communities deserve for us to have in place. Through this legislation we strengthen our Federal disaster response efforts by authorizing in law the National Disaster Medical System.

This legislation provides for the much-needed resources to improve the Centers for Disease Control, not only the facilities upgrade that is needed in Atlanta, but also an additional $150 million in the first year to make sure that the overuse of laboratories, the space needs, everything that they need to respond to a threat that we clearly do not fully understand today are in fact in place.

We send money directly to States and to local public health agencies in order for them to build out their core capacity to deal with bioterrorism and other public health threats.

Mr. Speaker, in this, we update and strengthen the pharmaceutical stockpiles, and we establish a core educational curriculum to train health care professionals for public health emergencies.

I urge all of my colleagues to support this legislation today, but we cannot quit until the public health network in the U.S. is trained, equipped, and prepared to handle all responses and all threats in the future.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I come to the House floor also to offer my support for this crucial piece of legislation; and again I want to thank our ranking member, the gentleman from Michigan (Mr. DINGELL), and the ranking member of the subcommittee, the gentleman from Ohio (Mr. BROWN), and the gentleman from Florida (Mr. DEUTSCH), and all the staff that I see here tonight who worked so hard on this bill, and stress the importance of the bill.

□ 2245

When the terrorist attacks against the World Trade Center and the Pentagon took place on September 11, I know that my constituents in particular and all Americans were concerned about possible threats from biological and chemical warfare that might follow. On September 28, the General Accounting Office published a report that stated, in fact, our health departments are ill-equipped, that we are vulnerable to bioterrorism and underfunded on the Federal, State and local level.

Mr. Speaker, I believe that this bill will remedy this problem in a crucial way. I want to discuss briefly the water security component of the bill. With the strong leadership of the gentleman from Louisiana (Mr. TAUZIN) and ranking member, the gentleman from Michigan (Mr. DINGELL), we were able to include language requiring large water systems serving more than 3,300 persons to conduct a vulnerability assessment and prepare or update emergency response plans within 6 months after the completion of the vulnerability assessment. In the process of completing this assessment, serious consideration would be given to the potential consequences of attack.

For example, what would happen if the on-site chlorine tanks are attacked with explosives? Should safer substitutes for liquid chlorine be used? What are the health risks to the public if we are faced with an air-borne toxic chlorine cloud?

These are the types of questions that need to be evaluated and answered in a vulnerability assessment.

In addition to the assessment, I was pleased that funding was authorized in the bill to provide for technical assistance grants from EPA and funding for publicly owned water systems in an emergency situation. I do not have to explain the importance of protecting the public from potential disruption of water service or biological-chemical contamination of drinking water supplies. Water security has got to be a top priority in any bioterrorism bill that Congress considers.

On September 12, President Bush made a comment. He said America is going forward, and as we do so, we must remain keenly aware of the threats to our country. Those in authority should take appropriate precautions to protect our citizens. And according to this bill, Mr. Speaker, the EPA will have that authority that the President referred to if an assessment is completed and there is sign of significant vulnerability, it is a relief to know that the EPA, using its emergency powers, will be able to work with the community water systems to promptly correct the inadequacies.

I know that the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) worked hard to make sure that this safe drinking water component is in the bill. I think it is very important that it is in the bill, and I congratulate them and the staff again for making sure that this is a part of the bioterrorism response.

Mr. TAUZIN. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. GANSKE), a distinguished member of our committee.

Mr. GANSKE. Mr. Speaker, I am pleased to support this bill. My congratulations to the chairman of the committee and to the ranking member. This is probably one of the more significant public health pieces of legislation that Congress has done in a long time and we need to do it. As a physician, I can tell Members this country is not able to handle an epidemic. There are very few hospitals, if any, in this country that can handle an epidemic, and that includes Johns Hopkins or the University of Iowa Hospital.

This bill provides funding to begin to bolster our public health response to a bioterrorist attack. We need to provide more funds for medicines and vaccines. We need to bolster the CDC. We need to facilitate communications between the Federal Government, the State governments, local governments. Those things are handled in this bill.

There is a lot in this bill that is very necessary and important. The one thing that was a concern earlier in the discussion on this bill was whether Members provide block grants or grants back to the States. I introduced, along with the gentleman from Arkansas (Mr. BERRY) a few weeks ago. We had about a billion dollars for that. We think that is important because a lot of States are strapped for cash, and they need some help. That is in this bill as well. I very much appreciate the efforts of the chairman and the ranking member, the staff, for this bill.

In essence, the bill that I introduced a couple of weeks ago and this bill are very similar. This is a bipartisan bill. It is a bicameral bill. It is my understanding that the administration is in favor of this bill. This bill should move. I encourage all Members of the House to vote for the bill, and for the Senate to do the same so we can move it to the President's desk.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, I join my colleagues in thanking the chairman of the full committee and the ranking member as well, as well as our excellent staff on both sides.

This bill is a product of the entire House, and particularly the Committee on Energy and Commerce can be very proud of. This legislation very well might go down as the very most important piece of legislation that this Congress passes in this session. It has not gotten the most attention at this point in time, and I hope what it tries to prevent does not get as much attention because in a sense that would mean a success.

But I highlight some of the issues that we are facing, and really the world obviously changed, each of our lives changed, America changed on September 11. This bill is a step towards dealing with some of those changes. The budgeting that we had in the past, literally in the past year, in last year's fiscal year, amounted to approximately $100 million towards bioterrorism. This bill now raises that level to effectively about $3 billion. Obviously, an incredibly dramatic increase.

I think there have been Members who have expressed a viewpoint, and in a sense I share it, maybe that number should even be larger. Even $30 billion, an order of magnitude different than hopefully what we will appropriate and authorize in this legislation. But as we work towards that, it is a question whether or not the agencies could even deal with this large of an increase, but to that other level I am not sure it would be possible.

Let me focus on one of the areas where this bill is going to have a very significant effect, and that is the threat of biological terrorism in the United States. The bill specifically authorizes $450 million for smallpox vaccine, requires the Secretary to devise a plan for the distribution of the national stockpile, including the smallpox vaccine. The Secretary can designate priority countermeasures as fast track products for FDA approval. It requires the FDA to issue a final rule allowing for animal studies to prove efficacy of certain vaccines and drug countermeasures, and the secretary can award grants or contracts for research to develop new vaccines, treatments or therapies to counteract bioterrorist agents.

Mr. Speaker, we have shifted the emphasis far greater and far more than we had in the past, and this is exactly the response we should be doing. Along with many of my colleagues, I have visited CDC since September 11. They cry out for the need that this bill specifically is addressing. Mr. Speaker, I urge my colleagues to support adoption of the legislation.

Mr. TAUZIN. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Speaker, I commend the chairman and ranking member for their work on this bill. Sometimes we do things quickly and quietly in this House and get important things done; and probably in the last 3 months, this legislation will stand the test of time as one of the most important pieces of legislation that we do in this House during this session.

What it is about is protecting Americans from getting sick or dying from a disease spread intentionally by people who want to destroy us. It is a very new world, and we have to change the way that we do things because the world has changed, and be better prepared so we can detect disease sooner, we can respond sooner and more effectively, and we can develop new cures for diseases that are now being genetically engineered by people who have evil intent.

Mr. Speaker, in the last 3 months, we have learned that our laboratory system is fragile and can be easily overwhelmed by two relatively small but frightening anthrax attacks here on the East Coast; and that the Centers for Disease Control are not large enough and need to be modernized. We need to expand and integrate that national network of capacity in our laboratories and our research institutions. We need to invest in research and development to develop new ways to detect pathogens in the air, in the water, in food, and detect them quickly without having to wait for someone to get sick before we act.

We do not have a register of the dangerous pathogens in this country. We did not know which laboratories have this particular strain of Ames anthrax. We need to register them, and also have cultures of them so that we know the DNA of each pathogen that is being used in the United States for research. This is a very good bill, Mr. Speaker. I am proud to support it, and I look forward to its prompt passage in this House and in the United States Senate.

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

Mr. TAUZIN. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. LINDER), who was the principal sponsor of a separate piece of legislation to expand and improve upon the capacities of the CDC.

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

Mr. LINDER. Mr. Speaker, this is a remarkable feat to move a piece of legislation so important so fast and so well done, and I congratulate the gentlemen. I particularly thank the gentleman from North Carolina (Mr. BURR) who headed up the task force to ensure that my bill, H.R. 3219, wound up in this bill.

My bill reauthorized the rebuilding of the CDC $300 million for 2 years in a row and multiyear contracting. Let me tell Members about the CDC. It is a 55-year-old institution, the largest institution of the Federal Government not located in the metro area here. It is a world class intellectual community in a third world facility. Many Members have visited it.

The CDC facility needs to be upgraded, particularly the security around it. We have dangerous bugs and viruses there that are being stored three stories above the loading dock. We need to do this. I am grateful for Members' response, and I am sure that the Senate will respond equally. The Secretary of HHS is in favor of this bill. It is not common in my 27 years in public life that we can introduce a bill on November 1 and have it voted on December 11. I am grateful for this bill.

Mr. TAUZIN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong support of H.R. 3448. As chairman of the Committee on Veterans Affairs, I am pleased that the legislation recognizes the vital role that the Department of Veterans Affairs can and should play in helping our Nation prepare for future biological attacks.

As many Members know, the VA owns and operates the largest integrated health care network in the world, consisting of 172 medical centers, over 800 outpatient clinics, and 90 major research programs and are ideally suited to try to work, in collaboration with other agencies of government, on trying to respond to one of these terrorist attacks.

I would also point out to Members that the anthrax letters originated in my district in Trenton and Hamilton Township, New Jersey. And as all of the different bodies came together, CDC, Department of Health and the others, the VA stood ready and was able to provide, if it was necessary, Cipro and other antibiotics, because they are a major stockpiling of those pharmaceutical assets. I am happy that the chairman include in section 101(c) a requirement for the Secretary of Health and Human Services to evaluate the feasibility of using biomedical research and development capabilities of the VA in developing a comprehensive national response to bioterrorist attacks.

□ 2300

Again, the VA is ideally suited for this. I have introduced a number of bills that would try to further that. I think we really need to make sure that they have a very prominent seat at the table.

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

All the Democrats have agreed with me this is a superb piece of legislation and they have all gone home to bed so that they could vote on it tomorrow.

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

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

Let me conclude by thanking my dear friend, the gentleman from Michigan (Mr. DINGELL), for the extraordinary cooperation shown on this bill. Speakers have said this before, but I want to emphasize this: this may be

the most important thing we conclude in terms of important legislation for our country's sake as we wind down this session before Christmas. It is our intent to take a vote on this tomorrow and hopefully ask the other body to move on it very quickly.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would also like to thank House Energy and Commerce Committee Chairman BILLY TAUZIN and Ranking Member JOHN DINGELL for this important bi-partisan legislation, H.R. 3448, so that we can fulfill our promise to the American people in terms of preparedness against bioterrorism.

For weeks, the House Energy and Commerce Committee worked tirelessly to strengthen our public health infrastructure at the national, state and local levels to better protect our Nation and our people. This legislation is the fruit of those efforts.

As a Member of the Homeland Security Task Force and as Vice-Chair of the Domestic Law Enforcement Working Group, I fully appreciate and respect the legislative effort before us. This balanced legislation, while by no means a complete fix to our problem of bioterrorism and homeland security, is an excellent beginning.

The Act broadly authorizes funds for planning, preparation, and response, and places particular emphasis on the state and local level. Importantly, the resources provided in this Act will go directly to those in the front lines who need them the most.

Specifically, the Act authorizes more than $1 billion in grants to states, local governments, and other public and private health care facilities and other entities to improve planning and preparedness activities, enhance laboratory capacity, educate and train health care personnel, and to develop new drugs, therapies, and vaccines.

The Act authorizes $450 million for the Centers for Disease Control and Prevention to upgrade their own capacities to deal with public health threats, to renovate their facilities and to improve their security. It also authorizes more than $1 billion for the Secretary of Health and Human Services to expand our current national stockpiles of medicines and other supplies, including the purchase of additional smallpox vaccines.

The Act also establishes a national database of dangerous pathogens, and imposes new registration requirements on all possessors of the 36 most deadly biological agents and toxins and mandates tough new safety and security requirements.

Furthermore, the Act contains new protections for our Nation's food supply by increasing by $100 million FDA resources to enable the Secretary to hire more inspectors at our borders and develop new methods to detect contaminated foods.

Finally, the Act provides greater protections against chemical, biological or radiological attacks on our drinking water by authorizing over $100 million for the development of vulnerability analyses and emergency response plans for our drinking water systems.

This legislation is greatly needed now. As Members of Congress, entrusted with the security of our great Nation, our greatest responsibility is to provide the tools needed to get the job done. This legislation does that.

I urge my colleagues to support it.

Mrs. MCCARTHY of Missouri. Mr. Speaker, I rise in favor of the Public Health Security and Bioterrorism Response Act of 2001. In the three months since September 11, Congress has passed important legislation, including an Emergency Supplemental Appropriations package, an airline safety bill, and the war powers resolution to assist in the recovery, rebuilding, and protection of our homeland. The Public Health Security and Bioterrorism Response Act will contribute to the protection of our country and is critical to preparing the first responders for biological and chemical events.

This fall, I have held two conversations with the community in Kansas City. More than 250 citizens, including police, fire, emergency medical, public health, and government officials exchanged important ideas on how to secure proper communication systems for emergency response action in the event of a crisis. These first responders expressed that the current public health resources are not sufficient to protect the city in the face of a bioterrorist attack. The Public Health Security and Bioterrorism Response Act of 2001 authorizes $2.69 billion for national, state, and local efforts to be prepared for bioterrorism and other public health emergencies. This bill will provide money to the local communities and will give them the flexibility they desire in determining its use. Section 106, amending Section 319H (a), page 33, states that ''the Secretary may make awards of grants and cooperative agreements to appropriate public and nonprofit private health or education entities . . . for the purpose of providing low-interest loans, partial scholarships, partial fellowships, revolving loan funds, or other cost-sharing forms of assistance for the education and training of individuals in any category of health professions for which there is a shortage that the Secretary determines should be alleviated in order to prepare for or respond effectively to bioterrorism and other public health emergencies.''

This legislation is specifically designed for the first responders. As it states in Section 108, this law will protect those who ''Respond to a bioterrorist attack, including the provision of appropriate safety and health training and protective measures for medical, emergency service, and other personnel responding to such attacks.

In a bistate community such as the metropolitan Kansas City Area a community wide response is needed to protect our citizens. Fortunately in my community, the Mid America Regional Council's Metropolitan Medical Response System (MMRS) is a role model for our nation to follow. In light of the horrific attacks on our country and the ongoing biological and chemical threats facing our citizens this bill addresses the needs of a metropolitan area through Sec. 108, page 40, line 6, ''(A) developing community wide plans involving the public and private health care infrastructure to respond to bioterrorism or other public health emergencies, which are coordinated with the capacities of applicable national, State, and local health agencies.''

These resources are essential in building our public health infrastructure and will allow for not only the upgrading of the Centers of Disease Control and Prevention and the purchase of the smallpox vaccine, but also grants for local communities to develop and implement emergency plans, the education of health care personnel, and the continuation of state and local preparedness activities. Due to this legislation, local governments across the country will receive increased funds and will be better prepared to meet their communities' public health needs.

Protection of the food supply and the security and safety of our drinking water are national concerns that are also addressed in this comprehensive bill. These include assessments of the threats to the food and water supplies, increased inspection of imported food, improved information management systems, and the development of rapid detection inspection methods. The Public Health Security and Bioterrorism Response Act of 2001 once implemented by our local public health and safety authorities will help to alleviate the fears of contamination of our food and water supplies.

Thank you Chairman TAUZIN and Ranking Member, Mr. DINGELL, for constructing this bipartisan bill. I fully support the passage of this legislation and am confident that it will contribute to the amplification of the public health infrastructure and local bioterrorism preparedness.

Mr. MARKEY. Mr. Speaker, I rise in support of the Public Health Security and Bioterrorism Response Act of 2001. This strong bipartisan effort increases funding for important public health response in the event of a bioterrorist attacks, and ultimately will help thousands of lives beyond those potentially threatened by bioterrorism. Today bioterrorism calls us to arms—but let us not forget that improving the public health system serves to protect against the more common but equally devastating threat of infectious disease—these illnesses end the lives of thousands of Americans daily and continue to be the third leading cause of death in the United States. This bill is a positive step forward in addressing this ongoing problem by improving our currently underfunded public health system.

I am especially pleased that the bill includes provisions aimed at increasing stockpiles of potassium iodide as a public health response in the event of a successful terrorist attack on or accident at a nuclear power plant as well as provisions establishing new registration requirements and new rules limiting access to, and improving usage procedures for ''select agents.''

Potassium iodide is to radiation exposure of the thyroid what Cipro is to Anthrax. Since potassium iodide must be taken within a few hours of exposure to radioactive iodine to be effective, it needs to be easily obtained by the people who live close to a nuclear reactor. While this provision doesn't go as far as I would personally prefer, it represents a good first step towards distributing stockpiles of this substance to local public health officials without requiring a formal request from the States. I look forward to improving this provision as this bill moves through the legislative process.

Under the compromise provision I worked out with the sponsors of this bill, the Secretary of Health and Human Services would be required to make potassium iodide available to State and local governments for stockpiling and distribution to public facilities, such as schools and hospitals, within 20 miles of every nuclear power plant in the United States. Potassium iodide has been proven to protect the thyroid gland from diseases caused by exposure to radioactive iodine released during a nuclear catastrophe. Children are most vulnerable to radiation-induced thyroid diseases because their thyroid glands are very active. To receive the drug, State and local governments

must submit a plan for distribution and utilization of the tablets in the event of a nuclear incident. While I personally would like to see much larger stockpiles that would cover populations even further from the reactor, funding limitations and other factors did not make that possible at this juncture. I remain hopeful, however, that we can build on this first step so that we have a strong, public-health based program in place that assures that all citizens that may need potassium iodide in a crisis will be able to get it in a timely fashion.

I also applaud the inclusion of other provisions amending a 1996 bioterrorism law I had co-authored which required facilities that transfer potentially lethal biologic agents to register with the Centers for Disease Control (CDC). Today's bill expands the requirements for registration with the CDC by requiring all facilities that possess any one of a series of select agents to register with the CDC and establishes new criminal offenses involving the handling of these agents.

The Public Health Security and Bioterrorism Act of 2001 is a strong, bipartisan step towards protecting the public from the threat of bioterrorism or nuclear terrorism. I urge your support of this bill.

Mr. BUYER. Mr. Speaker, I rise in support of the Public Health Security and Bioterrorism Response Act. This legislation will strengthen our ability to conduct a war against terrorism, whether with biological, chemical, or radiological agents.

I am particularly pleased that this legislation contains a version of legislation I introduced to provide health professionals with access to the very best information we have for treatment of injuries or diseases from weapons of mass destruction or natural disasters. Our health care professionals are not resourced or trained with the proper tools to detect, diagnose, and treat casualties in the face of biological, chemical and radiological weapons.

The very best information we have for medical treatment of injuries or diseases as a result of these weapons currently resides with the Department of Defense and the Department of Veterans Affairs. There is no need to reinvent the wheel with regard to medical knowledge on weapons of mass destruction. It currently resides with the federal government. We have an obligation to get this information into the hands of all medical professionals who need it.

Section 105 of this bill directs the Secretary of Health and Human Services to develop and provide educational material to health professionals for the response to weapons of mass destruction. The Department of Defense and Department of Veterans Affairs have seats at the table with the Secretary in this program.

It is my intent with this Section that the educational material and curriculum that already exist within DOD and VA be adapted and provided to health professionals in civilian settings. We cannot afford to assume that our country will never have to experience a massive biological, chemical, or radiological attack. The combination of DOD's expertise in the field of treating casualties resulting from an unconventional attack and the VA's infrastructure of 171 medical centers, 800 clinics, satellite broadcasting capabilities and a preexisting affiliation with 107 medical schools should enable current and future medical professions in this entire country to become knowledgeable and medically competent in the treatment of casualties of weapons of mass destruction.

Health care providers all across the country are not looking for anthrax, botulism, smallpox, and other such diseases. You do not diagnose what you have not been training to see. Now medical professionals will be trained to see and treat injuries or diseases from unconventional sources.

Let me also take a moment to explain what this provision does not do. It does not establish a federal curriculum for medical schools. It does not mandate that medical schools teach particular educational material. It does not set any new community standard with regard to health care and practice.

What I am interested in doing is sharing the information that is readily available through DOD and the VA with the civilian health care community. Our civilian health care system must develop effective, practical responses to these deadly weapons. It must do this through planning, training, preparation for future terrorist attacks. Section 105 will help.

Mr. Speaker, I would also like to briefly express my view regarding Title III of this bill, which addresses the security of our food, especially imported food. While I am pleased that this legislation pays special attention to the security of our food sources, let me be clear that I will encourage the Secretary of HHS to exempt small businesses, and farms from the registration or the recordkeeping requirements of Title III. While I understand the bill exempts farms from recordkeeping, I do think that it is not necessary for American farmers to register with the Secretary of HHS as suppliers of food. Furthermore, I do not think that small retail food establishments, those in smaller rural communities, or those that serve a particular niche in a larger community should be required to register. To me, this is common sense, and I will be urging this approach to the Secretary.

This is a good measure that the Committee has worked very hard to produce and I urge the passage of the bill.

Mr. GILLMOR. Mr. Speaker, I rise in support of this anti-terror legislation and urge all my colleagues to vote in support of it.

Three months ago, to the date, our country was reminded that freedom is not free. It is a painful lesson, but one from which we have learned in the past and one we should never forget.

On one of the buildings here in Washington lies the inscription of John Philpot Curran's famous quote: ''Eternal vigilance is the price of liberty.'' The legislation before us establishes the first down payment on securing our borders. I want to congratulate Chairman TAUZIN and the distinguished Ranking Member, JOHN DINGELL, for their vision on this project, as well as all the other subcommittee chairs, their ranking members and the committee staff for its hard work.

As Chairman of the House Subcommittee on Environment and Hazardous Materials, which has jurisdiction over hazardous chemicals and drinking water, I am particularly pleased with many of the sections in this bill. Our committee has been researching and evaluating over the last couple of months to come up with a reasoned and responsible approach. We have worked hard to encourage improvement in places that needed it and avoided either slowing or punishing those who have taken pro-active steps to secure our public's health and its environment.

For starters, Title II of this bill closes current reporting loopholes for those people either receiving or transporting select, dangerous toxic agents. Now, not only will there be an established screening process to keep suspected criminals or terrorists away from these chemicals, but all people who possess these chemicals must report that they have them to the Federal government.

In addition, Title III of our legislation provides new procedures to assess and detect efforts to intentionally harm our food and its delivery system. The legislation calls for advance notice of food coming into the country, extra maintenance of shipping records, and grants new authorities and money to the Federal government to commission food inspectors to handle any manpower shortages.

Finally, Title IV addresses the crucial issue of protecting our nation's drinking water. It encourages water systems to assess their vulnerabilities, come up with a response plan, and take any necessary actions to secure their facilities. Next, it calls for a review of current methods to diminish threats as well as for biomedical research on chemical, biological, and radiological contaminants. And on the issue of unfunded mandates, this title provides the funding to communities to make requirements become realities.

Mr. Speaker, again, I thank you for this time to speak in favor of this bill and I urge all my colleagues to support it. As I mentioned at the beginning of my remarks, freedom is not free. We can take the step of learning from September 11 and prepare for the future. Or, we can hold our breath and ''wait for the other shoe to drop.'' I hope we will all decide to be vigilant.

Ms. SLAUGHTER. Mr. Speaker, I rise today in strong support of the Public Health Security and Bioterrorism Response Act.

Three months ago, our Nation was the victim of a vicious and unprincipled terrorist attack. Thousands of innocent Americans perished in New York, Virginia, and Pennsylvania. We owe it to the victims, survivors, and their families to ensure that this terrible tragedy cannot be repeated.

The Public Health Security and Bioterrorism Response Act is an important step toward guaranteeing the safety and security of all our citizens. This bill will make major strides in protecting our food supply and our water supply. It will allow the government to track the movement of deadly biological agents and toxins, such an anthrax. And perhaps most importantly, it will significantly upgrade our public health infrastructure to allow for coordination, information sharing, and dissemination of crucial data.

I would like to extend my personal gratitude to Commerce Committee Chairman BILLY TAUZIN and Ranking Member JOHN DINGELL for including in this package numerous provisions from by bill, H.R. 3106, the Protecting America's Children Against Terrorism Act. I was proud to sponsor this bill along with my colleague from New York, Senator HILLARY RODHAM CLINTON. Significant portions of this legislation were also included in the Senate's bioterrorism package, S. 1756.

The Public Health Security and Bioterrorism Response Act includes portions of H.R. 3106 addressing: The establishment of an advisory committee on children and terrorism; Training for health care personnel to meet the needs of children in the event of a public health emergency; Increased research on issues such as

the proper dosages of vaccines and antidotes for children; and The inclusion of pediatric supplies and equipment in the National Pharmaceutical Stockpile Program.

These provisions are crucial to ensure that our nation is prepared to care for children in the event of any type of public health emergency. The events of September 11 revealed to us the gaps in our systems for dealing with such an emergency; it is our duty to address those needs before we are called upon to respond again.

Mr. Speaker, I fully support the Public Health Security and Bioterrorism Response Act and urge my colleagues to do the same.

Mr. UPTON. Mr. Speaker, I rise in strong support of the Public Health Security and Bioterrorism Response Act. Just as the horrendous terrorist attacks of September 11th brought home to Americans the cruel face of hate, fanaticism, and outright evil and the need to wage war on international terrorism, so the anthrax attacks have brought home to us our vulnerability to bioterrorism attacks on our homefront.

What was perhaps an abstract concern has become very, very real. I have traveled home to my district every week since September 11th, and I have heard the real fear in mothers' and fathers' voices and in the questions children ask me when I visit with them in their schools. Will we be ready should our communities suffer anthrax or smallpox attacks? Will we have the vaccines and antibiotics we need? Will emergency response teams and emergency medical services be ready to swing quickly into action? Will our health professionals be trained to recognize symptoms and quickly communicate suspicious outbreaks?

While home in Michigan, I have also met with emergency response teams at the local and state levels. While they are doing their best to prepare coordinated responses to worst-case scenarios, they need better tools—better weapons in their armories—to meet the threat of bioterrorist attacks.

Enacting the comprehensive, bipartisan bill before us today will go a long way in giving my local communities, my state, and this nation the tools and infrastructure needed to assure individuals and families and communities across the nation that we will have the strongest possible defense against potential acts and the ability to respond quickly and effectively should an attack nevertheless succeed.

Specifically, this bill will provide the funds necessary to substantially upgrade the Centers for Disease Control and Prevention's laboratories, facilities and communications capacities, as well as our state and local public health department's capabilities. It will create a national stockpile of vaccines, biologics, drugs, and medical devices to meet the health security needs of our people. The bill recognizes the enormous challenges that not only the CDC, but also the Food and Drug Administration must meet if we are to be prepared with sufficient vaccines and effective antibiotics. It provides the FDA with the authorities needed to meet those challenges without compromising public health. This bill will also slam shut some gaping loopholes in our regulation of the possession of chemical and biological agents that could be used to launch attacks. And it provides comprehensive protection for our drinking water and food supplies.

I am proud, not only as a Member of Congress, but also as a husband and father and community leader to be an original cosponsor of the Public Health Security and Bioterrorism Response Act of 2001. With the passage and enactment of this bill, we can say "YES" when a parent, a student, or a local community leader asks us if we are prepared for bioterrorism.

Ms. HARMAN. Mr. Speaker, I rise in strong support of the Public Health Security and Bioterrorism Response Act of 2001, and I commend Chairman TAUZIN and Ranking Member DINGELL for their leadership in fashioning this bipartisan measure. This important piece of legislation will take the first step toward ensuring that we will be able to prevent—and better respond to—any future bioterrorist attack.

The National Commission on Terrorism, on which I served last year, concluded that it is not a matter of if a bioterrorist attack will occur, but only a question of when. We saw that expectation realized in October and November, when anthrax-laden letters caused the death of six Americans. And we will likely see it happen again.

Substantial evidence exists that al Qaeda and rogue states like Iraq have attempted to acquire biological agents, and they have certainly proven their ability to inflict mass death on the United States. the treat of bioterrorism is real, and our nation must be prepared to respond to any eventuality.

Our Government's response to the bioterrorist attacks of October was deeply flawed. We have talented people and good plans, but we have been lacking the resources and coordination to make our response effective. We must act now to improve our terrorism response, before another tragedy occurs.

This legislation improves the coordination and capacity of bioterrorism response, the security of biological agents, and the safety of our food and water supplies. It makes a substantial investment in programs that fund communications systems, laboratory improvements, and training programs across the nation.

Most important, the bill directs this investment to the state and local governments that need it most. All terrorism response is local, but in the past far too much of our counterterrorism funding has remained at the federal level. This bill will begin to correct this deficiency.

I am particularly glad that this bill includes funds to speed up the renovation of CDC's buildings and facilities. I have visited to the Centers for Disease Control and Prevention in Atlanta and seen talented people working in shabby conditions. This legislation will invest $300 million in each of the next two years to improve the security of CDC facilities and construct much-needed research facilities. Improving our bioterrorism response must begin with the basics—and that means investing in critical infrastructure and facilities.

I am proud to cosponsor this legislation, and encourage all of my colleagues to support these needed measures.

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 3448.

The question was taken.

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

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

The yeas and nays were ordered.

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

## DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE PROGRAMS ENHANCEMENT ACT OF 2001

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3447) to amend title 38, United States Code, to enhance the authority of the Secretary of Veterans Affairs to recruit and retain qualified nurses for the Veterans Health Administration, to provide an additional basis for establishing the inability of veterans to defray expenses of necessary medical care, to enhance certain health care programs of the Department of Veterans Affairs, and for other purposes.

The Clerk read as follows:

H.R. 3447

*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 "Department of Veterans Affairs Health Care Programs Enhancement Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—ENHANCEMENT OF NURSE RECRUITMENT AND RETENTION AUTHORITIES

Subtitle A—Recruitment Authorities

Sec. 101. Enhancement of employee incentive scholarship program.
Sec. 102. Enhancement of education debt reduction program.
Sec. 103. Report on requests for waivers of pay reductions for reemployed annuitants to fill nurse positions.

Subtitle B—Retention Authorities

Sec. 121. Additional pay for Saturday tours of duty for additional health care professionals in the Veterans Health Administration.
Sec. 122. Unused sick leave included in annuity computation of registered nurses within the Veterans Health Administration.
Sec. 123. Evaluation of Department of Veterans Affairs nurse managed clinics.
Sec. 124. Staffing levels for operations of medical facilities.
Sec. 125. Annual report on use of authorities to enhance retention of experienced nurses.
Sec. 126. Report on mandatory overtime for nurses and nursing assistants in Department of Veterans Affairs facilities.

Subtitle C—Other Authorities

Sec. 131. Organizational responsibility of the Director of the Nursing Service.
Sec. 132. Computation of annuity for part-time service performed by certain health-care professionals before April 7, 1986.

Sec. 133. Modification of nurse locality pay authorities.

Subtitle D—National Commission on VA Nursing

Sec. 141. Establishment of Commission.
Sec. 142. Duties of Commission.
Sec. 143. Reports.
Sec. 144. Powers.
Sec. 145. Personnel matters.
Sec. 146. Termination of Commission.

TITLE II—OTHER MATTERS

Sec. 201. Authority for Secretary of Veterans Affairs to provide service dogs for veterans with certain disabilities.
Sec. 202. Management of health care for certain low-income veterans.
Sec. 203. Maintenance of capacity for specialized treatment and rehabilitative needs of disabled veterans.
Sec. 204. Program for provision of chiropractic care and services to veterans.
Sec. 205. Funds for field offices of the Office of Research Compliance and Assurance.
Sec. 206. Major medical facility construction.
Sec. 207. Sense of Congress on special telephone services for veterans.
Sec. 208. Recodification of bereavement counseling authority and certain other health-related authorities.
Sec. 209. Extension of expiring collections authorities.
Sec. 210. Personal emergency response system for veterans with service-connected disabilities.
Sec. 211. One-year extension of eligibility for health care of veterans who served in Southwest Asia during the Persian Gulf War.

**SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

## TITLE I—ENHANCEMENT OF NURSE RECRUITMENT AND RETENTION AUTHORITIES

### Subtitle A—Recruitment Authorities

**SEC. 101. ENHANCEMENT OF EMPLOYEE INCENTIVE SCHOLARSHIP PROGRAM.**

(a) PERMANENT AUTHORITY.—(1) Section 7676 is repealed.

(2) The table of sections at the beginning of chapter 76 is amended by striking the item relating to section 7676.

(b) MINIMUM PERIOD OF DEPARTMENT EMPLOYMENT FOR ELIGIBILITY.—Section 7672(b) is amended by striking ''2 years'' and inserting ''one year''.

(c) SCHOLARSHIP AMOUNT.—Subsection (b) of section 7673 is amended—

(1) in paragraph (1), by striking ''for any 1 year'' and inserting ''for the equivalent of one year of full-time coursework''; and

(2) by striking paragraph (2) and inserting the following new paragraph (2):

''(2) in the case of a participant in the Program who is a part-time student, shall bear the same ratio to the amount that would be paid under paragraph (1) if the participant were a full-time student in the course of education or training being pursued by the participant as the coursework carried by the participant to full-time coursework in that course of education or training.''.

(d) LIMITATION ON PAYMENT.—Subsection (c) of section 7673 is amended to read as follows:

''(c) LIMITATIONS ON PERIOD OF PAYMENT.—(1) The maximum number of school years for which a scholarship may be paid under subsection (a) to a participant in the Program shall be six school years.

''(2) A participant in the Program may not receive a scholarship under subsection (a) for more than the equivalent of three years of full-time coursework.''.

(e) FULL-TIME COURSEWORK.—Section 7673 is further amended by adding at the end the following new subsection:

''(e) FULL-TIME COURSEWORK.—For purposes of this section, full-time coursework shall consist of the following:

''(1) In the case of undergraduate coursework, 30 semester hours per undergraduate school year.

''(2) In the case of graduate coursework, 18 semester hours per graduate school year.''.

(f) ANNUAL ADJUSTMENT OF MAXIMUM SCHOLARSHIP AMOUNT.—Section 7631 is amended—

(1) in subsection (a)(1), by striking ''and the maximum Selected Reserve member stipend amount'' and inserting ''the maximum Selected Reserve member stipend amount, the maximum employee incentive scholarship amount,''; and

(2) in subsection (b)—

(A) by redesignating paragraph (4) as paragraph (6); and

(B) by inserting after paragraph (3) the following new paragraph (4):

''(4) The term 'maximum employee incentive scholarship amount' means the maximum amount of the scholarship payable to a participant in the Department of Veterans Affairs Employee Incentive Scholarship Program under subchapter VI of this chapter, as specified in section 7673(b)(1) of this title and as previously adjusted (if at all) in accordance with this section.''.

(g) TECHNICAL AMENDMENTS.—Section 7631(b) is further amended by striking ''this subsection'' each place it appears and inserting ''this section''.

**SEC. 102. ENHANCEMENT OF EDUCATION DEBT REDUCTION PROGRAM.**

(a) PERMANENT AUTHORITY.—(1) Section 7684 is repealed.

(2) The table of sections at the beginning of chapter 76 is amended by striking the item relating to section 7684.

(b) ELIGIBLE INDIVIDUALS.—Subsection (a)(1) of section 7682 is amended—

(1) by striking ''under an appointment under section 7402(b) of this title in a position'' and inserting ''in a position (as determined by the Secretary) providing direct-patient care services or services incident to direct-patient care services''; and

(2) by striking ''(as determined by the Secretary)'' and inserting ''(as so determined)''.

(c) MAXIMUM DEBT REDUCTION AMOUNT.—Section 7683(d)(1) is amended—

(1) by striking ''for a year''; and

(2) by striking ''exceed—'' and all that follows through the end of the paragraph and inserting ''exceed $44,000 over a total of five years of participation in the Program, of which not more than $10,000 of such payments may be made in each of the fourth and fifth years of participation in the Program.''.

(d) ANNUAL ADJUSTMENT OF MAXIMUM DEBT REDUCTION PAYMENTS AMOUNT.—(1) Section 7631, as amended by section 101(f) of this Act, is further amended—

(A) in subsection (a)(1), by inserting before the period at the end of the first sentence the following: ''and the maximum education debt reduction payments amount''; and

(B) in subsection (b), by inserting after paragraph (4) the following new paragraph (5):

''(5) The term 'maximum education debt reduction payments amount' means the maximum amount of education debt reduction payments payable to a participant in the Department of Veterans Affairs Education Debt Reduction Program under subchapter VII of this chapter, as specified in section 7683(d)(1) of this title and as previously adjusted (if at all) in accordance with this section.''.

(2) Notwithstanding section 7631(a)(1) of title 38, United States Code, as amended by paragraph (1), the Secretary of Veterans Affairs shall not increase the maximum education debt reduction payments amount under that section in calendar year 2002.

(e) TEMPORARY EXPANSION OF INDIVIDUALS ELIGIBLE FOR PARTICIPATION IN PROGRAM.—(1) Notwithstanding section 7682(c) of title 38, United States Code, the Secretary of Veterans Affairs may treat a covered individual as being a recently appointed employee in the Veterans Health Administration under section 7682(a) of that title for purposes of eligibility in the Education Debt Reduction Program if the Secretary determines that the participation of the individual in the Program under this subsection would further the purposes of the Program.

(2) For purposes of this subsection, a covered individual is any individual otherwise described by section 7682(a) of title 38, United States Code, as in effect on the day before the date of the enactment of this Act, who—

(A) was appointed as an employee in a position described in paragraph (1) of that section, as so in effect, between January 1, 1999, and December 31, 2001; and

(B) is an employee in such position, or in another position described in paragraph (1) of that section, as so in effect, at the time of application for treatment as a covered individual under this subsection.

(3) The Secretary shall make determinations regarding the exercise of the authority in this subsection on a case-by-case basis.

(4) The Secretary may not exercise the authority in this subsection after June 30, 2002. The expiration of the authority in this subsection shall not affect the treatment of an individual under this subsection before that date as a covered individual for purposes of eligibility in the Education Debt Reduction Program.

(5) In this subsection, the term ''Education Debt Reduction Program'' means the Department of Veterans Affairs Education Debt Reduction Program under subchapter VII of chapter 76 of title 38, United States Code.

**SEC. 103. REPORT ON REQUESTS FOR WAIVERS OF PAY REDUCTIONS FOR REEMPLOYED ANNUITANTS TO FILL NURSE POSITIONS.**

(a) REPORT.—Not later than March 28 of each of 2002 and 2003, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives and to the National Commission on VA Nursing established under subtitle D a report describing each request of the Secretary, during the fiscal year preceding such report, to the Director of the Office of Personnel Management for the following:

(1) A waiver under subsection (i)(1)(A) of section 8344 of title 5, United States Code, of the provisions of such section in order to meet requirements of the Department of Veterans Affairs for appointments to nurse positions in the Veterans Health Administration.

(2) A waiver under subsection (f)(1)(A) of section 8468 of title 5, United States Code, of the provisions of such section in order to meet requirements of the Department for appointments to such positions.

(3) A grant of authority under subsection (i)(1)(B) of section 8344 of title 5, United States Code, for the waiver of the provisions of such section in order to meet requirements of the Department for appointments to such positions.

(4) A grant of authority under subsection (f)(1)(B) of section 8468 of title 5, United States Code, for the waiver of the provisions of such section in order to meet requirements of the Department for appointments to such positions.

(b) INFORMATION ON RESPONSES TO REQUESTS.—The report under subsection (a) shall specify for each request covered by the report—

(1) the response of the Director to such request; and

(2) if such request was granted, whether or not the waiver or authority, as the case may be, assisted the Secretary in meeting requirements of the Department for appointments to nurse positions in the Veterans Health Administration.

**Subtitle B—Retention Authorities**

**SEC. 121. ADDITIONAL PAY FOR SATURDAY TOURS OF DUTY FOR ADDITIONAL HEALTH CARE PROFESSIONALS IN THE VETERANS HEALTH ADMINISTRATION.**

(a) IN GENERAL.—Section 7454(b) is amended—

(1) by inserting ''(1)'' after ''(b)''; and

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

''(2) Health care professionals employed in positions referred to in paragraph (1) shall be entitled to additional pay on the same basis as provided for nurses in section 7453(c) of this title.''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to pay periods beginning on or after the date of the enactment of this Act.

**SEC. 122. UNUSED SICK LEAVE INCLUDED IN ANNUITY COMPUTATION OF REGISTERED NURSES WITHIN THE VETERANS HEALTH ADMINISTRATION.**

(a) ANNUITY COMPUTATION.—Section 8415 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(i) In computing an annuity under this subchapter, the total service of an employee who retires from the position of a registered nurse with the Veterans Health Administration on an immediate annuity, or dies while employed in that position leaving any survivor entitled to an annuity, includes the days of unused sick leave to the credit of that employee under a formal leave system, except that such days shall not be counted in determining average pay or annuity eligibility under this subchapter.''.

(b) DEPOSIT NOT REQUIRED.—Section 8422(d) of such title is amended—

(1) by inserting ''(1)'' before ''Under such regulations''; and

(2) by adding at the end the following:

''(2) Deposit may not be required for days of unused sick leave credited under section 8415(i).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 60 days after the date of the enactment of this Act and shall apply to individuals who separate from service on or after that effective date.

**SEC. 123. EVALUATION OF DEPARTMENT OF VETERANS AFFAIRS NURSE MANAGED CLINICS.**

(a) EVALUATION.—The Secretary of Veterans Affairs shall carry out an evaluation of the efficacy of the nurse managed health care clinics of the Department of Veterans Affairs. The Secretary shall complete the evaluation not later than 18 months after the date of the enactment of this Act.

(b) CLINICS TO BE EVALUATED.—(1) In carrying out the evaluation under subsection (a), the Secretary shall consider nurse managed health care clinics, including primary care clinics and geriatric care clinics, located in three different geographic service areas of the Department.

(2) If there are not nurse managed health care clinics located in three different geographic service areas as of the commencement of the evaluation, the Secretary shall—

(A) establish nurse managed health care clinics in additional geographic service areas such that there are nurse managed health care clinics in three different geographic service areas for purposes of the evaluation; and

(B) include such clinics, as so established, in the evaluation.

(c) MATTERS TO BE EVALUATED.—In carrying out the evaluation under subsection (a), the Secretary shall address the following:

(1) Patient satisfaction.

(2) Provider experiences.

(3) Cost of care.

(4) Access to care, including waiting time for care.

(5) The functional status of patients receiving care.

(6) Any other matters the Secretary considers appropriate.

(d) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the evaluation carried out under subsection (a). The report shall address the matters specified in subsection (c) and include any other information, and any recommendations, that the Secretary considers appropriate. The Secretary shall provide a copy of the report to the National Commission on VA Nursing established under subtitle D.

**SEC. 124. STAFFING LEVELS FOR OPERATIONS OF MEDICAL FACILITIES.**

(a) IN GENERAL.—Section 8110(a) is amended—

(1) in paragraph (1), by inserting after ''complete care of patients,'' in the fifth sentence the following: ''and in a manner consistent with the policies of the Secretary on overtime,''; and

(2) in paragraph (2)—

(A) by inserting '', including the staffing required to maintain such capacities,'' after ''all Department medical facilities'';

(B) by striking ''and to minimize'' and inserting '', to minimize''; and

(C) by inserting before the period the following: '', and to ensure that eligible veterans are provided such care and services in an appropriate manner''.

(b) NATIONWIDE POLICY ON STAFFING.—Paragraph (3) of that section is amended—

(1) in subparagraph (A), by inserting ''the adequacy of staff levels for compliance with the policy established under subparagraph (C),'' after ''regarding''; and

(2) by inserting after subparagraph (B) the following new subparagraph:

''(C) The Secretary shall, in consultation with the Under Secretary for Health, establish a nationwide policy on the staffing of Department medical facilities in order to ensure that such facilities have adequate staff for the provision to veterans of appropriate, high-quality care and services. The policy shall take into account the staffing levels and mixture of staff skills required for the range of care and services provided veterans in Department facilities.''.

**SEC. 125. ANNUAL REPORT ON USE OF AUTHORITIES TO ENHANCE RETENTION OF EXPERIENCED NURSES.**

(a) ANNUAL REPORT.—(1) Subchapter II of chapter 73 is amended by adding at the end the following new section:

**''§ 7324. Annual report on use of authorities to enhance retention of experienced nurses**

''(a) ANNUAL REPORT.—Not later than January 31 each year, the Secretary, acting through the Under Secretary for Health, shall submit to Congress a report on the use during the preceding year of authorities for purposes of retaining experienced nurses in the Veterans Health Administration, as follows:

''(1) The authorities under chapter 76 of this title.

''(2) The authority under VA Directive 5102.1, relating to the Department of Veterans Affairs nurse qualification standard, dated November 10, 1999, or any successor directive.

''(3) Any other authorities available to the Secretary for those purposes.

''(b) REPORT ELEMENTS.—Each report under subsection (a) shall specify for the period covered by such report, for each Department medical facility and for each geographic service area of the Department, the following:

''(1) The number of waivers requested under the authority referred to in subsection (a)(2), and the number of waivers granted under that authority, to promote to the Nurse II grade or Nurse III grade under the Nurse Schedule under section 7404(b)(1) of this title any nurse who has not completed a baccalaureate degree in nursing in a recognized school of nursing, set forth by age, race, and years of experience of the individuals subject to such waiver requests and waivers, as the case may be.

''(2) The programs carried out to facilitate the use of nursing education programs by experienced nurses, including programs for flexible scheduling, scholarships, salary replacement pay, and on-site classes.''.

(2) The table of sections at the beginning of chapter 73 is amended by inserting after the item relating to section 7323 the following new item:

''7324. Annual report on use of authorities to enhance retention of experienced nurses.''.

(b) INITIAL REPORT.—The initial report required under section 7324 of title 38, United States Code, as added by subsection (a), shall be submitted to the National Commission on VA Nursing established under subtitle D as well as to Congress.

**SEC. 126. REPORT ON MANDATORY OVERTIME FOR NURSES AND NURSING ASSISTANTS IN DEPARTMENT OF VETERANS AFFAIRS FACILITIES.**

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives and to the National Commission on VA Nursing established under subtitle D a report on the mandatory overtime required of licensed nurses and nursing assistants providing direct patient care at Department of Veterans Affairs medical facilities during 2001.

(b) MANDATORY OVERTIME.—For purposes of the report under subsection (a), mandatory overtime shall consist of any period in which a nurse or nursing assistant is mandated or otherwise required, whether directly or indirectly, to work or be in on-duty status in excess of—

(1) a scheduled workshift or duty period;

(2) 12 hours in any 24-hour period; or

(3) 80 hours in any period of 14 consecutive days.

(c) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A description of the amount of mandatory overtime described in that subsection at each Department medical facility during the period covered by the report.

(2) A description of the mechanisms employed by the Secretary to monitor overtime of the nurses and nursing assistants referred to in that subsection.

(3) An assessment of the effects of the mandatory overtime of such nurses and nursing

assistants on patient care, including any reported association with medical errors.

(4) Recommendations regarding mechanisms for preventing mandatory overtime in other than emergency situations by such nurses and nursing assistants.

(5) Any other matters that the Secretary considers appropriate.

**Subtitle C—Other Authorities**

**SEC. 131. ORGANIZATIONAL RESPONSIBILITY OF THE DIRECTOR OF THE NURSING SERVICE.**

Section 7306(a)(5) is amended by inserting ''and report directly to,'' after ''responsible to''.

**SEC. 132. COMPUTATION OF ANNUITY FOR PART-TIME SERVICE PERFORMED BY CERTAIN HEALTH-CARE PROFESSIONALS BEFORE APRIL 7, 1986.**

Section 7426 is amended by adding at the end the following new subsection:

''(c) The provisions of subsection (b) shall not apply to the part-time service before April 7, 1986, of a registered nurse, physician assistant, or expanded-function dental auxiliary. In computing the annuity under the applicable provision of law specified in that subsection of an individual covered by the preceding sentence, the service described in that sentence shall be credited as full-time service.''.

**SEC. 133. MODIFICATION OF NURSE LOCALITY PAY AUTHORITIES.**

Section 7451 is amended—

(1) in subsection (d)(3)—

(A) in subparagraph (A), by striking ''beginning rates of'' each place it appears;

(B) in subparagraph (B), by striking ''beginning rates of'' the first place it appears; and

(C) in subparagraph (C)(i), by striking ''beginning rates of'' each place it appears;

(2) in subsection (d)(4)—

(A) by striking ''or at any other time that an adjustment in rates of pay is scheduled to take place under this subsection'' in the first sentence; and

(B) by striking the second sentence; and

(3) in subsection (e)(4)—

(A) in subparagraph (A), by striking ''grade in a'';

(B) in subparagraph (B)—

(i) by striking ''grade of a''; and

(ii) by striking ''that grade'' and inserting ''that position''; and

(C) in subparagraph (D), by striking ''grade of a''.

**Subtitle D—National Commission on VA Nursing**

**SEC. 141. ESTABLISHMENT OF COMMISSION.**

(a) ESTABLISHMENT.—There is hereby established in the Department of Veterans Affairs a commission to be known as the ''National Commission on VA Nursing'' (hereinafter in this subtitle referred to as the ''Commission'').

(b) COMPOSITION.—The Commission shall be composed of 12 members appointed by the Secretary of Veterans Affairs as follows:

(1) At least two shall be recognized representatives of employees (including nurses) of the Department of Veterans Affairs.

(2) At least one shall be a representative of professional associations of nurses of the Department or similar organizations affiliated with the Department's health care practitioners.

(3) At least one shall be a nurse from a nursing school affiliated with the Department of Veterans Affairs.

(4) At least two shall be representatives of veterans.

(5) At least one shall be an economist.

(6) The remainder shall be appointed in such manner as the Secretary considers appropriate.

(c) CHAIR OF COMMISSION.—The Secretary of Veterans Affairs shall designate one of the members of the Commission to chair the Commission.

(d) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(e) INITIAL ORGANIZATION REQUIREMENTS.—All appointments to the Commission shall be made not later than 60 days after the date of the enactment of this Act. The Commission shall convene its first meeting not later than 60 days after the date as of which all members of the Commission have been appointed.

**SEC. 142. DUTIES OF COMMISSION.**

(a) ASSESSMENT.—The Commission shall—

(1) consider legislative and organizational policy changes to enhance the recruitment and retention of nurses and other nursing personnel by the Department of Veterans Affairs; and

(2) assess the future of the nursing profession within the Department.

(b) RECOMMENDATIONS.—The Commission shall recommend legislative and organizational policy changes to enhance the recruitment and retention of nurses and other nursing personnel in the Department.

**SEC. 143. REPORTS.**

(a) COMMISSION REPORT.—The Commission shall, not later than two years after the date of its first meeting, submit to Congress and the Secretary of Veterans Affairs a report on the Commission's findings and recommendations.

(b) SECRETARY OF VETERANS AFFAIRS REPORT.—Not later than 60 days after the date of the Commission's report under subsection (a), the Secretary shall submit to Congress a report—

(1) providing the Secretary's views on the Commission's findings and recommendations; and

(2) explaining what actions, if any, the Secretary intends to take to implement the recommendations of the Commission and the Secretary's reasons for doing so.

**SEC. 144. POWERS.**

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this subtitle, hold hearings and take testimony to the extent that the Commission or any member considers advisable.

(b) INFORMATION.—The Commission may secure directly from any Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this subtitle.

**SEC. 145. PERSONNEL MATTERS.**

(a) PAY OF MEMBERS.—Members of the Commission shall serve without pay by reason of their work on the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The Secretary may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties.

(2) The Secretary may fix the pay of the staff director and other personnel appointed under paragraph (1) without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS–15 of the General Schedule.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Secretary, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

**SEC. 146. TERMINATION OF COMMISSION.**

The Commission shall terminate 90 days after the date of the submission of its report under section 143(a).

**TITLE II—OTHER MATTERS**

**SEC. 201. AUTHORITY FOR SECRETARY OF VETERANS AFFAIRS TO PROVIDE SERVICE DOGS FOR VETERANS WITH CERTAIN DISABILITIES.**

(a) AUTHORITY.—Section 1714 is amended—

(1) in subsection (b)—

(A) by striking ''seeing-eye or'' the first place it appears;

(B) by striking ''who are entitled to disability compensation'' and inserting ''who are enrolled under section 1705 of this title'';

(C) by striking '', and may pay'' and all that follows through ''such seeing-eye or guide dogs''; and

(D) by striking ''handicap'' and inserting ''disability''; and

(2) by adding at the end the following new subsections:

''(c) The Secretary may, in accordance with the priority specified in section 1705 of this title, provide—

''(1) service dogs trained for the aid of the hearing impaired to veterans who are hearing impaired and are enrolled under section 1705 of this title; and

''(2) service dogs trained for the aid of persons with spinal cord injury or dysfunction or other chronic impairment that substantially limits mobility to veterans with such injury, dysfunction, or impairment who are enrolled under section 1705 of this title.

''(d) In the case of a veteran provided a dog under subsection (b) or (c), the Secretary may pay travel and incidental expenses for that veteran under the terms and conditions set forth in section 111 of this title to and from the veteran's home for expenses incurred in becoming adjusted to the dog.''.

(b) CLERICAL AMENDMENTS.—(1) The heading for such section is amended to read as follows:

**''§ 1714. Fitting and training in use of prosthetic appliances; guide dogs; service dogs''.**

(2) The item relating to such section in the table of sections at the beginning of chapter 17 is amended to read as follows:

''1714. Fitting and training in use of prosthetic appliances; guide dogs; service dogs.''.

**SEC. 202. MANAGEMENT OF HEALTH CARE FOR CERTAIN LOW-INCOME VETERANS.**

(a) PRIORITY OF ENROLLMENT IN PATIENT ENROLLMENT SYSTEM.—Section 1705(a) is amended by striking paragraph (7) and inserting the following new paragraphs:

''(7) Veterans described in section 1710(a)(3) of this title who are eligible for treatment as a low-income family under section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)) for the area in which such veterans reside, regardless of whether such veterans are treated as single person families under paragraph (3)(A) of such section 3(b) or as families under paragraph (3)(B) of such section 3(b).

''(8) Veterans described in section 1710(a)(3) of this title who are not covered by paragraph (7).''.

(b) REDUCED COPAYMENTS FOR CARE.—Subsection (f) of section 1710 is amended—

(1) in paragraph (1), by inserting ''or (4)'' after ''paragraph (2)'';

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph (4):

''(4) In the case of a veteran covered by this subsection who is also described by section 1705(a)(7) of this title, the amount for which the veteran shall be liable to the United States for hospital care under this subsection shall be an amount equal to 20 percent of the total amount for which the veteran would otherwise be liable for such care under subparagraphs (2)(B) and (3)(A) but for this paragraph.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2002.

**SEC. 203. MAINTENANCE OF CAPACITY FOR SPECIALIZED TREATMENT AND REHABILITATIVE NEEDS OF DISABLED VETERANS.**

(a) MAINTENANCE OF CAPACITY ON A GEOGRAPHIC SERVICE AREA BASIS.—Section 1706(b) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by inserting ''(and each geographic service area of the Veterans Health Administration)'' after ''ensure that the Department''; and

(B) in clause (B), by inserting ''(and each geographic service area of the Veterans Health Administration)'' after ''overall capacity of the Department'';

(2) by redesignating paragraphs (2) and (3) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (1) the following new paragraphs;

''(2) For purposes of paragraph (1), the capacity of the Department (and each geographic service area of the Veterans Health Administration) to provide for the specialized treatment and rehabilitative needs of disabled veterans (including veterans with spinal cord dysfunction, traumatic brain injury, blindness, prosthetics and sensory aids, and mental illness) within distinct programs or facilities shall be measured for seriously mentally ill veterans as follows (with all such data to be provided by geographic service area and totaled nationally):

''(A) For mental health intensive community-based care, the number of discrete intensive care teams constituted to provide such intensive services to seriously mentally ill veterans and the number of veterans provided such care.

''(B) For opioid substitution programs, the number of patients treated annually and the amounts expended.

''(C) For dual-diagnosis patients, the number treated annually and the amounts expended.

''(D) For substance-use disorder programs—

''(i) the number of beds (whether hospital, nursing home, or other designated beds) employed and the average bed occupancy of such beds;

''(ii) the percentage of unique patients admitted directly to outpatient care during the fiscal year who had two or more additional visits to specialized outpatient care within 30 days of their first visit, with a comparison from 1996 until the date of the report;

''(iii) the percentage of unique inpatients with substance-use disorder diagnoses treated during the fiscal year who had one or more specialized clinic visits within three days of their index discharge, with a comparison from 1996 until the date of the report;

''(iv) the percentage of unique outpatients seen in a facility or geographic service area during the fiscal year who had one or more specialized clinic visits, with a comparison from 1996 until the date of the report; and

''(v) the rate of recidivism of patients at each specialized clinic in each geographic service area of the Veterans Health Administration.

''(E) For mental health programs, the number and type of staff that are available at each facility to provide specialized mental health treatment, including satellite clinics, outpatient programs, and community-based outpatient clinics, with a comparison from 1996 to the date of the report.

''(F) The number of such clinics providing mental health care, the number and type of mental health staff at each such clinic, and the type of mental health programs at each such clinic.

''(G) The total amounts expended for mental health during the fiscal year.

''(3) For purposes of paragraph (1), the capacity of the Department (and each geographic service area of the Veterans Health Administration) to provide for the specialized treatment and rehabilitative needs of disabled veterans within distinct programs or facilities shall be measured for veterans with spinal cord dysfunction, traumatic brain injury, blindness, or prosthetics and sensory aids as follows (with all such data to be provided by geographic service area and totaled nationally):

''(A) For spinal cord injury and dysfunction specialized centers and for blind rehabilitation specialized centers, the number of staffed beds and the number of full-time equivalent employees assigned to provide care at such centers.

''(B) For prosthetics and sensory aids, the annual amount expended.

''(C) For traumatic brain injury, the number of patients treated annually and the amounts expended.

''(4) In carrying out paragraph (1), the Secretary may not use patient outcome data as a substitute for, or the equivalent of, compliance with the requirement under that paragraph for maintenance of capacity.''.

(b) EXTENSION OF ANNUAL REPORT REQUIREMENT.—Paragraph (5) of such section, as so redesignated, is amended—

(1) by inserting ''(A)'' before ''Not later than'';

(2) by striking ''April 1, 1999, April 1, 2000, and April 1, 2001'' and inserting ''April 1 of each year through 2004'';

(3) by adding at the end of subparagraph (A), as designated by paragraph (1), the following new sentence: ''Each such report shall include information on recidivism rates associated with substance-use disorder treatment.''; and

(4) by adding at the end of such paragraph the following new subparagraphs:

''(B) In preparing each report under subparagraph (A), the Secretary shall use standardized data and data definitions.

''(C) Each report under subparagraph (A) shall be audited by the Inspector General of the Department, who shall submit to Congress a certification as to the accuracy of each such report.''.

**SEC. 204. PROGRAM FOR PROVISION OF CHIROPRACTIC CARE AND SERVICES TO VETERANS.**

(a) REQUIREMENT FOR PROGRAM.—Subject to the provisions of this section, the Secretary of Veterans Affairs shall carry out a program to provide chiropractic care and services to veterans through Department of Veterans Affairs medical centers and clinics.

(b) ELIGIBLE VETERANS.—Veterans eligible to receive chiropractic care and services under the program are veterans who are enrolled in the system of patient enrollment under section 1705 of title 38, United States Code.

(c) LOCATION OF PROGRAM.—The program shall be carried out at sites designated by the Secretary for purposes of the program. The Secretary shall designate at least one site for such program in each geographic service area of the Veterans Health Administration. The sites so designated shall be medical centers and clinics located in urban areas and in rural areas.

(d) CARE AND SERVICES AVAILABLE.—The chiropractic care and services available under the program shall include a variety of chiropractic care and services for neuro-musculoskeletal conditions, including subluxation complex.

(e) OTHER ADMINISTRATIVE MATTERS.—(1) The Secretary shall carry out the program through personal service contracts and by appointment of licensed chiropractors in Department medical centers and clinics.

(2) As part of the program, the Secretary shall provide training and materials relating to chiropractic care and services to Department health care providers assigned to primary care teams for the purpose of familiarizing such providers with the benefits of chiropractic care and services.

(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.

(g) CHIROPRACTIC ADVISORY COMMITTEE.—(1) The Secretary shall establish an advisory committee to provide direct assistance and advice to the Secretary in the development and implementation of the chiropractic health program.

(2) The membership of the advisory committee shall include members of the chiropractic care profession and such other members as the Secretary considers appropriate.

(3) Matters on which the advisory committee shall assist and advise the Secretary shall include the following:

(A) Protocols governing referral to chiropractors.

(B) Protocols governing direct access to chiropractic care.

(C) Protocols governing scope of practice of chiropractic practitioners.

(D) Definition of services to be provided.

(E) Such other matters the Secretary determines to be appropriate.

(4) The advisory committee shall cease to exist on December 31, 2004.

**SEC. 205. FUNDS FOR FIELD OFFICES OF THE OFFICE OF RESEARCH COMPLIANCE AND ASSURANCE.**

(a) IN GENERAL.—Section 7303 is amended by adding at the end the following new subsection:

''(e) Amounts for the activities of the field offices of the Office of Research Compliance and Assurance of the Department shall be derived from amounts appropriated for the Veterans Health Administration for Medical Care (rather than from amounts appropriated for the Veterans Health Administration for Medical and Prosthetic Research).''.

(b) APPLICABILITY TO FISCAL YEAR 2002.—In order to carry out subsection (e) of section 7303 of title 38, United States Code, as added by subsection (a), for fiscal year 2002, the Secretary of Veterans Affairs shall transfer such sums as necessary for that purpose from amounts appropriated for the Veterans Health Administration for Medical and Prosthetic Research for fiscal year 2002 to amounts appropriated for the Veterans Health Administration for Medical Care for that fiscal year.

**SEC. 206. MAJOR MEDICAL FACILITY CONSTRUCTION.**

(a) PROJECT AUTHORIZED.—The Secretary of Veterans Affairs may carry out a major medical facility project for the renovation from electrical fire of the Department of Veterans Affairs Medical Center, Miami, Florida, in an amount not to exceed $28,300,000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the

Secretary of Veterans Affairs for the Construction, Major Projects Account, for fiscal year 2002, $28,300,000 for the project authorized by subsection (a).

(c) LIMITATION.—The project authorized by subsection (a) may only be carried out using—

(1) funds appropriated for fiscal year 2002 pursuant to the authorization of appropriations in subsection (b);

(2) funds appropriated for Construction, Major Projects, for a fiscal year before fiscal year 2002 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects, for fiscal year 2002 for a category of activity not specific to a project.

**SEC. 207. SENSE OF CONGRESS ON SPECIAL TELEPHONE SERVICES FOR VETERANS.**

It is the sense of Congress that the Secretary of Veterans Affairs should conduct an assessment of all special telephone services for veterans (such as help lines and hotlines) that are provided by the Department of Veterans Affairs and that any such assessment, if conducted, should include assessment of the geographical coverage, availability, utilization, effectiveness, management, coordination, staffing, and cost of those services and should include a survey of veterans to measure their satisfaction with current special telephone services and the demand for additional services.

**SEC. 208. RECODIFICATION OF BEREAVEMENT COUNSELING AUTHORITY AND CERTAIN OTHER HEALTH-RELATED AUTHORITIES.**

(a) STATUTORY REORGANIZATION.—Subchapter I of chapter 17 is amended—

(1) in section 1701(6)—

(A) by striking subparagraph (B) and the sentence following that subparagraph;

(B) by striking ''services—'' in the matter preceding subparagraph (A) and inserting ''services, the following:''; and

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

''(A) Surgical services.

''(B) Dental services and appliances as described in sections 1710 and 1712 of this title.

''(C) Optometric and podiatric services.

''(D) Preventive health services.

''(E) In the case of a person otherwise receiving care or services under this chapter—

''(i) wheelchairs, artificial limbs, trusses, and similar appliances;

''(ii) special clothing made necessary by the wearing of prosthetic appliances; and

''(iii) such other supplies or services as the Secretary determines to be reasonable and necessary.

''(F) Travel and incidental expenses pursuant to section 111 of this title.''; and

(2) in section 1707—

(A) by inserting ''(a)'' at the beginning of the text of the section; and

(B) by adding at the end the following:

''(b) The Secretary may furnish sensorineural aids only in accordance with guidelines prescribed by the Secretary.''.

(b) CONSOLIDATION OF PROVISIONS RELATING TO PERSONS OTHER THAN VETERANS.—Such chapter is further amended by adding at the end the following new subchapter:

''SUBCHAPTER VIII—HEALTH CARE OF PERSONS OTHER THAN VETERANS

**''§ 1782. Counseling, training, and mental health services for immediate family members**

''(a) COUNSELING FOR FAMILY MEMBERS OF VETERANS RECEIVING SERVICE-CONNECTED TREATMENT.—In the case of a veteran who is receiving treatment for a service-connected disability pursuant to paragraph (1) or (2) of section 1710(a) of this title, the Secretary shall provide to individuals described in subsection (c) such consultation, professional counseling, training, and mental health services as are necessary in connection with that treatment.

''(b) COUNSELING FOR FAMILY MEMBERS OF VETERANS RECEIVING NON-SERVICE-CONNECTED TREATMENT.—In the case of a veteran who is eligible to receive treatment for a non-service-connected disability under the conditions described in paragraph (1), (2), or (3) of section 1710(a) of this title, the Secretary may, in the discretion of the Secretary, provide to individuals described in subsection (c) such consultation, professional counseling, training, and mental health services as are necessary in connection with that treatment if—

''(1) those services were initiated during the veteran's hospitalization; and

''(2) the continued provision of those services on an outpatient basis is essential to permit the discharge of the veteran from the hospital.

''(c) ELIGIBLE INDIVIDUALS.—Individuals who may be provided services under this subsection are—

''(1) the members of the immediate family or the legal guardian of a veteran; or

''(2) the individual in whose household such veteran certifies an intention to live.

''(d) TRAVEL AND TRANSPORTATION AUTHORIZED.—Services provided under subsections (a) and (b) may include, under the terms and conditions set forth in section 111 of this title, travel and incidental expenses of individuals described in subsection (c) in the case of any of the following:

''(1) A veteran who is receiving care for a service-connected disability.

''(2) A dependent or survivor receiving care under the last sentence of section 1783(b) of this title.

**''§ 1783. Bereavement counseling**

''(a) DEATHS OF VETERANS.—In the case of an individual who was a recipient of services under section 1782 of this title at the time of the death of the veteran, the Secretary may provide bereavement counseling to that individual in the case of a death—

''(1) that was unexpected; or

''(2) that occurred while the veteran was participating in a hospice program (or a similar program) conducted by the Secretary.

''(b) DEATHS IN ACTIVE SERVICE.—The Secretary may provide bereavement counseling to an individual who is a member of the immediate family of a member of the Armed Forces who dies in the active military, naval, or air service in the line of duty and under circumstances not due to the person's own misconduct.

''(c) BEREAVEMENT COUNSELING DEFINED.—For purposes of this section, the term 'bereavement counseling' means such counseling services, for a limited period, as the Secretary determines to be reasonable and necessary to assist an individual with the emotional and psychological stress accompanying the death of another individual.

**''§ 1784. Humanitarian care**

''The Secretary may furnish hospital care or medical services as a humanitarian service in emergency cases, but the Secretary shall charge for such care and services at rates prescribed by the Secretary.''.

(c) TRANSFER OF CHAMPVA SECTION.—Section 1713 is—

(1) transferred to subchapter VIII of chapter 17 of title 38, United States Code, as added by subsection (b), and inserted after the subchapter heading;

(2) redesignated as section 1781; and

(3) amended by adding at the end of subsection (b) the following new sentence: ''A dependent or survivor receiving care under the preceding sentence shall be eligible for the same medical services as a veteran, including services under sections 1782 and 1783 of this title.''.

(d) REPEAL OF RECODIFIED AUTHORITY.—Section 1711 is amended by striking subsection (b).

(e) CROSS REFERENCE AMENDMENTS.—Title 38, United States Code, is further amended as follows:

(1) Section 103(d)(5)(B) is amended by striking ''1713'' and inserting ''1781''.

(2) Sections 1701(5) is amended by striking ''1713(b)'' in subparagraphs (B) and (C)(i) and inserting ''1781(b)''.

(3) Section 1712A(b) is amended—

(A) in the last sentence of paragraph (1), by striking ''section 1711(b)'' and inserting ''section 1784''; and

(A) in paragraph (2), by striking ''section 1701(6)(B)'' and inserting ''sections 1782 and 1783''.

(4) Section 1729(f) is amended by striking ''section 1711(b)'' and inserting ''section 1784''.

(5) Section 1729A(b) is amended—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6) the following new paragraph (7):

''(7) Section 1784 of this title.''.

(6) Section 8111(g) is amended—

(A) in paragraph (4), by inserting ''services under sections 1782 and 1783 of this title'' after ''of this title,''; and

(B) in paragraph (5), by striking ''section 1711(b) or 1713'' and inserting ''section 1782, 1783, or 1784''.

(7) Section 8111A(a)(2) is amended by inserting '', and the term 'medical services' includes services under sections 1782 and 1783 of this title'' before the period at the end.

(8) Section 8152(1) is amended by inserting ''services under sections 1782 and 1783 of this title,'' after ''of this title),''.

(9) Sections 8502(b), 8520(a), and 8521 are amended by striking ''the last sentence of section 1713(b)'' and inserting ''the penultimate sentence of section 1781(b)''.

(f) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of such chapter is amended—

(A) by striking the item relating to section 1707 and inserting the following:

''1707. Limitations.'';

(B) by striking the item relating to section 1713; and

(C) by adding at the end the following:

''SUBCHAPTER VIII—HEALTH CARE OF PERSONS OTHER THAN VETERANS

''1781. Medical care for survivors and dependents of certain veterans.

''1782. Counseling, training, and mental health services for immediate family members.

''1783. Bereavement counseling.

''1784. Humanitarian care.''.

(2) The heading for section 1707 is amended to read as follows:

**''§ 1707. Limitations''.**

**SEC. 209. EXTENSION OF EXPIRING COLLECTIONS AUTHORITIES.**

(a) HEALTH CARE COPAYMENTS.—Section 1710(f)(2)(B) is amended by striking ''September 30, 2002'' and inserting ''September 30, 2007''.

(b) MEDICAL CARE COST RECOVERY.—Section 1729(a)(2)(E) is amended by striking ''October 1, 2002'' and inserting ''October 1, 2007''.

**SEC. 210. PERSONAL EMERGENCY RESPONSE SYSTEM FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.**

(a) EVALUATION AND STUDY.—The Secretary of Veterans Affairs shall carry out an evaluation and study of the feasibility and desirability of providing a personal emergency response system to veterans who have service-

connected disabilities. The evaluation and study shall be commenced not later than 60 days after the date of the enactment of this Act.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the evaluation and study under subsection (a). The Secretary shall include in the report the Secretary's findings resulting from the evaluation and study and the Secretary's conclusion as to whether the Department of Veterans Affairs should provide a personal emergency response system to veterans with service-connected disabilities.

(c) AUTHORITY TO PROVIDE SYSTEM.—If the Secretary concludes in the report under subsection (b) that a personal emergency response system should be provided by the Department of Veterans Affairs to veterans with service-connected disabilities—

(1) the Secretary may provide such a system, without charge, to any veteran with a service-connected disability who is enrolled under section 1705 of title 38, United States Code, and who submits an application for such a system under subsection (d); and

(2) the Secretary may contract with one or more vendors to furnish such a system.

(d) APPLICATION.—A personal emergency response system may be provided to a veteran under subsection (c)(1) only upon the submission by the veteran of an application for the system. Any such application shall be in such form and manner as the Secretary may require.

(e) DEFINITION.—For purposes of this section, the term ''personal emergency response system'' means a device—

(1) that can be activated by an individual who is experiencing a medical emergency to notify appropriate emergency medical personnel that the individual is experiencing a medical emergency; and

(2) that provides the individual's location through a Global Positioning System indicator.

**SEC. 211. ONE-YEAR EXTENSION OF ELIGIBILITY FOR HEALTH CARE OF VETERANS WHO SERVED IN SOUTHWEST ASIA DURING THE PERSIAN GULF WAR.**

Section 1710(e)(3)(B) is amended by striking ''December 31, 2001'' and inserting ''December 31, 2002''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. Evans) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3447, the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001. Although this bill was only recently introduced, it is the product of many months of work by both bodies. It is derived from the following bills: H.R. 2792 which passed the House on October 23; S. 1160; S. 1188; and S. 1221. The bill would accomplish improvements in health care and related services for our Nation's veterans.

The distinguished chairman of the Subcommittee on Health the gentleman from Kansas (Mr. MORAN) deserves special recognition for his original authorship of major components of this bill. I salute his leadership in formulating it for final House consideration in the first session of the 107th Congress. I also appreciate the hard work of our colleagues on the Senate Committee on Veterans' Affairs who have contributed major portions of this legislation as well.

Mr. Speaker, this bill would enhance nurse recruitment and staffing in the Department of Veterans Affairs health care system and improve VA health care for veterans. The bill would also authorize significant new veterans health care benefits, including VA chiropractic care for disabled veterans on a nationwide basis. This legislation would provide greater accountability in the conduct of VA health care programs and would give substantial relief from copayments now required of poor veterans in urban areas.

Mr. Speaker, all of these changes are good for veterans and they are good for the Nation. I anticipate that, after House passage, this bill will be taken up immediately by the Senate and passed without further amendment. It represents an agreement between the two Committees on Veterans' Affairs on these matters; and while it is a compromise on several House-authored provisions, we recommend it as sound, progressive policy.

Mr. Speaker, I want to thank our full committee ranking member the gentleman from Illinois (Mr. EVANS) for his close cooperation on this bipartisan bill. He is a valued partner as we work together to keep our great country's commitments to those men and women who have defended our precious freedoms. The gentleman from California (Mr. FILNER), the ranking member of our Subcommittee on Health, has also worked hard on this bill, in particular for the new chiropractic care services for our veterans. I thank him for his contributions as well.

The leadership on both sides of the aisle have facilitated the clearance for consideration of this bill, which the committee also deeply appreciates. I want to especially thank the majority leader, the gentleman from Texas (Mr. ARMEY), for facilitating that as well. We were able to work through this process in remarkably short order because our House leadership continues to make veterans issues a priority.

Mr. Speaker, I urge all of my colleagues to support this measure. It has broad backing and sends the right message: Congress will be attentive to the people's business and stand by those courageous men and women who have answered the call to arms.

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

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

(Mr. EVANS asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. EVANS. Mr. Speaker, I rise in support of this legislation. I want to thank the chairman again, the gentleman from New Jersey, who has been a long and undeterred advocate for this legislation. I want to thank the gentleman from Kansas (Mr. MORAN) and the gentleman from California (Mr. FILNER), the chairman and ranking member of the Subcommittee on Health, for their continuing work on the complex issues in this bill. I want to particularly recognize the abiding interest of the gentlewoman from California (Mrs. CAPPS) in ensuring better access to health care services for our veterans. At her urging, we have included a comprehensive study of telephone services available through the Department.

I also want to express my appreciation to members of the committee staff on both sides of the aisle for their persistence in reaching a good compromise on this bill.

For many years, I have strongly advocated the provision of chiropractic care as an alternative source of health care for veterans. Medicare, most State Medicaid programs, and the Department of Defense have developed means of reimbursing or even, in the latter case, hiring chiropractors to meet their beneficiaries' needs. VA, unfortunately, has been slower to adopt chiropractic care. As a result, the legislation requires VA to have a permanent, national chiropractic program; and I trust VA will now ensure that veterans are better able to access these important services.

The chairman mentioned the nurses that are the backbone of any health care system. We also listed them. I want to thank the gentleman from New Mexico (Mr. UDALL) for introducing H.R. 3017, which contains many of the nurse recruitment and retention provisions that have been included in this bill.

This bill recognizes that income alone is not a fair measure of a veteran's standard of living because of geographic cost-of-living differences, which can be significant. Veterans in the Chicago area, for example, may not be able to stretch their dollars as far as veterans in lower-cost areas. I am pleased that, in recognition of these differing costs of living, this bill will reduce the burden of acute hospital inpatient copayments for some veterans.

In a report I requested from the GAO last year, they said that VA could not confirm that these important but expensive programs for veterans with longer term service-connected conditions were not being eroded under fiscal pressure to treat more veterans at a lower cost per patient. I am pleased that this bill also provides a strong reporting requirement for specialized programs for disabled veterans.

Following the trend to place care in community and outpatient settings, the committee has been greatly concerned with the availability of VA health care services for seriously mentally ill veterans. Veterans' advocates, advocates of mentally ill people and even internal working groups have continually validated these concerns. The

legislation will allow the Congress to monitor these important programs and intervene if measures indicate that would be necessary.

Mr. Speaker, I am proud to support this legislation. I believe in the long run we will be able to ensure an improved health care system for our Nation's veterans.

This important measure provides a number of changes in current law that will allow VA to remain competitive in recruiting and retaining its nurse workforce. Critically, this measure retains and strengthens reporting requirements on the specialized programs for veterans with disabilities, many of which VA has perfected since the days following World War II. It will provide some relief in meeting VA copayment requirements for acute hospital inpatient care to veterans with marginal incomes. It will also address a significant deficit in the VA's care continuum by developing a permanent program for chiropractic care within the Department of Veterans Affairs.

I believe this bill moves VA in the right direction to meet new and evolving challenges and I am proud to have participated in its development. I want to thank my Committee Chairman, the gentleman from New Jersey, CHRIS SMITH, who has been a strong and undeterred advocate of this legislation. I want to thank JERRY MORAN and BOB FILNER, the Chairman and Ranking Member of the Health Subcommittee, for continuing to work on the complex range of issues this bill addresses. I also want to thank Congresswoman LOIS CAPPS for her abiding interest in ensuring better access to health care services for veterans. At her urging, we have included a comprehensive study of telephone services available through the Department. I also want to express my appreciation to members of the Committee staff from both sides of the aisle for their persistence in reaching a good compromise on this bill.

For many years, I have strongly advocated the provision of chiropractic as an alternative source of health care for veterans. Chiropractors are capable of promoting wellness and preventing illness without relying upon pharmaceutical drugs or surgical interventions. For the millions of Americans who choose to use chiropractors—often paying for their services "out-of-pocket"—the benefits of chiropractic care are clear. Gradually, the federal government has recognized the importance of the care chiropractors provide in the health care continuum—Medicare, most state Medicaid programs, and the Department of Defense have developed means or reimbursing or even, in the latter case, hiring chiropractors to meet their beneficiaries' needs. Many private insurers also reimburse care from chiropractors.

VA has been much slower to adopt chiropractic. Under the Veterans Millennium Health Care and Benefits Act, VA was directed to develop a policy on chiropractic care. Unfortunately, it appeared that the VA circled the wagons and resorted to practices that have actually reduced veterans' use of chiropractic in the last year. I called on VA and representatives of chiropractic providers to discuss opportunities for VA to develop a policy on chiropractic care as the Millennium Act had directed it to do. After several interactions with chiropractor representatives this summer, VA ultimately told me that if I and the other Members that participated in this dialogue wanted VA to increase or enhance its use of chiropractors in VA, we would have to mandate VA to do it. We have now developed an approach that requires VA to have a permanent, national chiropractic program, and I trust VA will now ensure that veterans are better able to access these important services.

This bill adjusts copayments for veterans with marginal incomes. In so doing, it recognizes that income alone is not a fair measure of a veteran's standard of living because of the often significant differences in geographic costs-of-living. Veterans in the Chicago area, for example, may not be able to stretch their dollars as far as veterans in lower cost areas. I am pleased that, in recognition of these differing "costs of living", this bill will reduce the burden of acute hospital inpatient copayments for some veterans.

The Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 will allow VA to remain a competitive employer during the current scarcity of nurses in the labor market. I want to thank my friend TOM UDALL for introducing H.R. 3017, which contains many of the nurse recruitment and retention provisions that have been included in this bill.

Nurses are the backbone of any health care system and their role is no less critical within VA. Yet, it is easy to see why this profession is once again facing a crisis in developing and maintaining its workforce. My mother was a nurse so I well understand the demands and pressures of this vocation—hours are long and often unpredictable. The work takes a psychic and physical toll. In recent years, nurses complain of having more of their time devoted to administrative activities than to working with their patients—often the most satisfying part of their job. H.R. 3447 will help address some of the reasons this profession is facing its current challenges by having experts offer solutions to some of the issues that confront the profession, by providing more flexible educational tools as incentives for its current and future workforce, and by ensuring that the Department is reviewing safe staffing patterns and practices to support its dedicated workforce.

I am pleased that this bill also provides a strong reporting requirement for specialized programs for disabled veterans. Some of these programs were developed in direct response to the needs of veterans returning from war with combat-incurred disabilities, such as spinal cord injuries, blindness, or post-traumatic stress disorder, and have become unique chronic care programs in a health care world that generally seems to prefer dealing with acute illnesses. In a report I requested from the General Accounting Office last year, GAO said that VA could not assure that these important, but expensive, programs for veterans with longer-term service-connected conditions were not being eroded under fiscal pressure to treat more veterans at a lower cost per patient.

Following a new trend to place care in community and outpatient settings, this Committee has also been greatly concerned with the availability of VA services for seriously mentally ill veterans—veterans' advocates, advocates of mentally ill people and even internal working groups have continually validated these concerns. This legislation will allow Congress to monitor these important programs and intervene if measures indicate that would be necessary.

Mr. Speaker, I am proud to support this legislation. I believe that in so doing we will ensure an improved health care system for our nation's veterans.

SUMMARY—H.R. 3447—DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE PROGRAMS ENHANCEMENT ACT OF 2001

H.R. 3447 would:

1. Enhance eligibility and benefits for the Employee Incentive Scholarship and Education Debt Reduction Programs by enabling VA nurses to pursue advanced degrees while continuing to care for veterans, in order to improve recruitment and retention of nurses within the VA health care system.

2. Mandate that VA provide Saturday premium pay to title 5/title 38 hybrid employees. Such hybrid-authority employees include licensed vocational nurses, pharmacists, certified or registered respiratory therapists, physical therapists, and occupational therapists.

3. Require VA to develop a nationwide policy on staffing standards to ensure that veterans are provided with safe and high quality care, taking into consideration the numbers and skill mix required of staff in specific health care settings. Require a report on the use of mandatory overtime by licensed nursing staff and nursing assistants in each VA health care facility; include in report a description of the amount of mandatory overtime used by facilities.

4. Change reporting responsibility of the Director of the Nursing Service to report to the Under Secretary for Health.

5. Recompute annuities for part-time service performed by certain health care professionals before April 7, 1986.

6. Establish a 12-member National Commission on VA Nursing that would assess legislative and organizational policy changes to enhance the recruitment and retention of nurses by the Department and the future of the nursing profession within the Department, and recommend legislative and organizational policy changes to enhance the recruitment and retention of nursing personnel in the Department.

7. Authorize service dogs to be provided by VA to a veteran suffering from spinal cord injuries or dysfunction, other diseases causing physical immobility, hearing loss or other types of disabilities susceptible to improvement or enhanced functioning in activities of daily living through employment of a service dog.

8. Modify VA's system of determining non-service-connected veterans' "ability to pay" for VA health care services by introducing (as an upper income bound contrasted with current income limits) the "Low Income Housing Limits" employed by the Department of Housing and Urban Development (HUD), used by HUD to determine family income thresholds for housing assistance. This index is adjusted for all Standard Metropolitan Statistical Areas (SMSAs), and is updated periodically by HUD to reflect economic changes within the SMSAs. Would retain current-law means test national income threshold, but reduce co-payments by 80 percent for near-poor veterans who require acute VA hospital inpatient care.

9. Strengthen the mandate for VA to maintain capacity in specialized medical programs for veterans by requiring VA and each of its Veterans Integrated Service Networks to maintain the national capacity in certain specialized health care programs for veterans (those with serious mental illness, including substance use disorders, and spinal cord, brain injured and blinded veterans; veterans who need prosthetics and sensory aids); and extend capacity reporting requirement for 3 years.

10. Establish a program of chiropractic services in each Veterans Integrated Service

Network and require VA to provide training and educational materials on chiropractic services to VA health care providers. Authorize VA to employ chiropractors as federal employees and obtain chiropractic services through contracts; create a VA advisory committee on chiropractic health care.

11. Require the Office of Research Compliance and Assurance, which conducts oversight and compliance reviews of VA research and development, be funded by the Medical Care appropriation, rather than the Medical and Prosthetic Research appropriation.

12. Authorize $28,300,000 for major medical facility construction project at the Miami, Florida VA Medical Center.

13. Require Secretary of Veterans Affairs to assess all special telephone services made available to veterans, such as ''help lines'' and ''hotlines.'' Assessment would include geographical coverage, availability, utilization, effectiveness, management, coordination, staffing, cost, and a survey of veterans to measure effectiveness of these telephone services and future needs. A report to Congress would be required within 1 year of enactment.

14. Extend expiring authorities for VA to collect proceeds from veterans' health insurance policies for care provided for non-service connected care.

15. Provide authority for the Secretary to study, and then if determined feasible, obtain personal emergency-notification and response systems for service-disabled veterans.

16. Extend VA's authority to provide health care for those who served in the Persian Gulf until December 31, 2002.

Mr. FILNER. Mr. Speaker, I rise in support of the ''Department of Veterans Affairs Health Care Programs Enhancement Act of 2001''. I want to thank Chairman CHRISTOPHER SMITH, Ranking Member LANE EVANS and Chairman JERRY MORAN of the Health Subcommittee for addressing some of the concerns I raised about earlier versions of the bill. We now have a bill to which I am pleased to lend my support.

Mr. Speaker, as a long-time advocate of chiropractic and a user of its services, I am, perhaps, most gratified that we have agreed to a comprehensive proposal to create a permanent chiropractic program within the Department of Veterans Affairs. This legislation will require VA to establish a national chiropractic program that will make chiropractic services available in each geographic service area. VA has rebuffed Congress and the chiropractic profession time and time again in an attempt to bring better access to chiropractic services under the VA's umbrella. We asked VA to develop a policy under the Veterans Millennium Health Care and Benefits Act, but leaving the policy development in VA's hands, veterans' access to chiropractic services has worsened. We simply cannot allow VA to keep barring the door to chiropractic care.

Today is a fresh start for chiropractic care in VA. While I prefer the chiropractic care version this House approved in H.R. 2792, as amended, the provision in the bill before us today ensures that chiropractic care will be available in every VA network. To ensure that this program's implementation is smooth, the conference agreement establishes a chiropractic advisory committee that will provide VA the expertise and advocacy needed to address the issues involved in hiring chiropractors and ensuring that chiropractors are able to participate in its workforce using their skills and training to their fullest potential. I believe that this bill offers the fundamentals from which VA can begin to develop a sound chiropractic program. Eventually, I believe it will be necessary for VA to establish a director of chiropractic service and for Congress to specify, in law, an established number of sites for chiropractic care. Still, for the first time, this law will ensure that veterans have a real opportunity to access this important part of the health care continuum.

In our Subcommittee hearing this Fall, we heard from many of the veterans' service organizations and animal trainers on the invaluable assistance provided by service dogs to severely disabled people. I am pleased that this bill retains this provision.

We have strengthened the requirements for VA to report to Congress on programs that serve some of our most vulnerable veterans. We have focused these reporting requirements on VA's mental health programs. I believe this will give Congress a much clearer idea about what types of valuable specialized services are eroding. I am also pleased that these reports will make geographic service areas accountable for maintaining programs under their authority. For too long, we have heard VA's central office indicate that they are helpless over controlling the activities of their field managers. Making the networks accountable for the maintenance of specialized programs to serve disabled veterans puts the responsibility where the authority lies.

Mr. Speaker, I believe thousands of veterans will benefit from a provision in this bill, strongly advocated by Chairman SMITH, that adjusts VA copayments for acute hospital inpatient care to the cost-of-living veterans experience in different areas of the country. Salaries, food, and housing costs vary greatly across this Nation. This legislation permits VA to use a widely employed index of geographic variances in cost of living—one already used by the Department of Housing and Urban Development to assess a family's ability to afford housing—to gauge veterans' ability to pay for health care services. This legislation ensures that veterans, who are eligible for low-income housing in a given geographic location, but who are not considered medically indigent under the national Department of Veterans Affairs means-test, are given a break on the acute inpatient hospital copayments they would otherwise have to make.

I want to extend a special thanks to Congresswoman LOIS CAPPS for introducing H.R. 1435. This bill raised the Committee's awareness of the need for a round-the-clock telephone crisis and referral service. We intend to have the VA investigate its current resources and recommend a strategy for enhancing its current capabilities.

This measure contains a charter for a new Commission on VA Nursing. As we know, the nursing profession, inside and outside of VA has changed and VA must be prepared to be an ''employer of choice'' in the future. This Commission can give expert advise on where VA must position itself now and in the future to attract the best nurses available to treat our veterans. In addition, it contains provisions from S. 1188, and its companion introduced in the House by TOM UDALL, H.R. 3017. These provisions will provide additional opportunities for VA to recruit and retain nurses—an invaluable component of its health care staff.

The Health Care Programs Enhancement Act is a strong measure and I urge my colleagues to support the bill.

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

□ 2310

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

The SPEAKER pro tempore (Mr. TERRY). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3447.

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

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3447.

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

There was no objection.

## SPECIAL ORDERS

The SPEAKER pro tempore. 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.

## SUPPORT H.R. 3443, FAIRNESS TO ALL VIETNAM VETERANS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HORN) is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, I rise to introduce the Fairness to All Vietnam Veterans Act, H.R. 3443. This legislation directs the Secretary of Defense to report to Congress an appropriate way to recognize and honor Vietnam veterans who died in service of our Nation, but whose names are not listed on the Vietnam Veterans Memorial Wall.

Constituents began contacting my District Office regarding 74 members who died on the destroyer USS *Frank E. Evans* who are not listed on the Vietnam Veterans Memorial Wall. The names of these 74 brave Americans, and many others who have lost their lives serving the United States during the Vietnam conflict, deserve proper recognition. Some have been excluded due to technicalities. We should honor all the men and women of the Vietnam conflict who gave their lives serving our country.

The destroyer *Evans* was first launched near the end of the Second World War and was recommissioned for Korea and again for Vietnam. The *Evans* sailed from the Port of Long

Beach for the last time in the spring of 1969. After seeing serious combat off the coast of Vietnam, the *Evans* was sent to a brief training exercise called Operation Sea Spirit in the South China Sea. This operation involved over 40 ships of the Southeast Asia Treaty Organization.

On the morning of June 3, 1969, the crew of the *Evans* awoke to the sounds of the Australian carrier, *Melbourne*, splitting in half the American destroyer *Evans*. The forward half, where all 74 deaths took place, sank in 3 minutes. Although they were in the South China Sea, these sailors have been excluded from the wall because their downed vessel was just outside the designated combat zone which determines inclusion on the Vietnam Veterans Memorial Wall.

Although these men did not die in direct combat, they were instrumental in forwarding American objectives in Vietnam and participated in conflict just days before the collision that claimed their lives. The historical and personal records of the *Evans* tell a story of valor and patriotism, and, for some, the ultimate sacrifice for their country.

I believe that after examining the important role these men played in the Vietnam conflict, I hope you will agree that those who died deserve the honor of being listed on the Vietnam Veterans Memorial Wall.

Unfortunately, the case of the *Evans* does not stand alone. There are many families across the United States whose loved ones have been excluded from proper recognition.

I believe it is time for the Department of Defense to examine current policies for placement on the Vietnam Veterans Memorial Wall. H.R. 3443 asks for a complete study of the current standards and for an examination of those who died, such as those 74 on the *Evans*, that seem appropriate for inclusion on the wall.

The Fairness to All Vietnam Veterans Act has the support of the United States Ship *Frank E. Evans* Association, as well as hundreds of family members across the country, hoping to see loved ones properly recognized. I urge my colleagues to support and pass this much-needed and overdue piece of legislation.

Mr. Speaker, I include for the RECORD the bill, as well as various comments from Mr. Hennessy, a distinguished columnist of the Press Telegram in Long Beach, California.

H.R. 3443

*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 ''Fairness to All Vietnam Veterans Act''.

**SEC. 2. FINDINGS.**

Congress finds as follows:

(1) Public Law 96–297 (94 Stat. 827) authorized the Vietnam Veterans Memorial Fund, Inc., (the ''Memorial Fund'') to construct a memorial ''in honor and recognition of the men and women of the Armed Forces of the United States who served in the Vietnam war''.

(2) The Memorial Fund determined that the most fitting tribute to those who served in the Vietnam war would be to permanently inscribe the names of the members of the Armed Forces who died during the Vietnam war, or who remained missing at the conclusion of the war, on a memorial wall.

(3) The Memorial Fund relied on the Department of Defense to compile the list of individuals whose names would be inscribed on the memorial wall and the criteria for inclusion on such list.

(4) The Memorial Fund established procedures under which mistakes and omissions in the inscription of names on the memorial wall could be corrected.

(5) Under such procedures, the Department of Defense established eligibility requirements that must be met before the Memorial Fund will make arrangements for the name of a veteran to be inscribed on the memorial wall.

(6) The Department of Defense determines the eligibility requirements and has periodically modified such requirements.

(7) As of February 1981, in order for the name of a veteran to be eligible for inscription on the memorial wall, the veteran must have—

(A) died in Vietnam between November 1, 1955, and December 31, 1960;

(B) died in a specified geographic combat zone on or after January 1, 1961;

(C) died as a result of physical wounds sustained in such combat zone; or

(D) died while participating in, or providing direct support to, a combat mission immediately en route to or returning from such combat zone.

(8) Public Law 106–214 (114 Stat. 335) authorizes the American Battle Monuments Commission to provide for the placement of a plaque within the Vietnam Veterans Memorial ''to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service, and whose names are not otherwise eligible for placement on the memorial wall''.

(9) The names of a number of veterans who died during the Vietnam war are not eligible for inscription on the memorial wall or the plaque.

(10) Examples of such names include the names of the 74 servicemembers who died aboard the USS Frank E. Evans (DD–174) on June 3, 1969, while the ship was briefly outside the combat zone participating in a training exercise.

**SEC. 3. STUDY AND REPORT.**

(a) STUDY.—The Secretary of Defense shall conduct a study that—

(1) identifies the veterans (as defined in section 101(2) of title 38, United States Code) who died on or after November 1, 1955, as a direct or indirect result of military operations in southeast Asia and whose names are not eligible for inscription on the memorial wall of the Vietnam Veterans Memorial;

(2) evaluates the feasibility and equitability of revising the eligibility requirements applicable to the inscription of names on the memorial wall to be more inclusive of such veterans; and

(3) evaluates the feasibility and equitability of creating an appropriate alternative means of recognition for such veterans.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report based on the study conducted under subsection (a). Such report shall include—

(1) the reasons (organized by category) that the names of the veterans identified under subsection (a)(1) are not eligible for inscription on the memorial wall under current eligibility requirements, and the number of veterans affected in each category;

(2) a list of the alternative eligibility requirements considered under subsection (a)(2);

(3) a list of the alternative means of recognition considered under subsection (a)(3); and

(4) the conclusions and recommendations of the Secretary of Defense with regard to the feasibility and equitability of each alternative considered.

(c) CONSULTATIONS.—In conducting the study under subsection (a) and preparing the report under subsection (b), the Secretary of Defense shall consult with—

(1) the Secretary of Veterans Affairs;

(2) the Secretary of the Interior;

(3) the Vietnam Veterans Memorial Fund, Inc.;

(4) the American Battle Monuments Commission;

(5) the Vietnam Women's Memorial, Inc.; and

(6) the National Capital Planning Commission.

THEY MUST BE REMEMBERED

(By Tom Hennessy)

There will be speeches this weekend; Memorial Day remembrances of heroic people and hallowed names.

But those hallowed names are not likely to include the USS Frank E. Evans. Or the 74 largely forgotten crew members who died aboard the destroyer at the height of the Vietnam War.

And whose names are not listed on the Vietnam Wall.

This is their story.

Launched near the end of World War II, recommissioned for Korea and again for Vietnam, the Evans sailed from her home port, Long Beach, in the spring of 1969. It would be her last voyage.

After combat off the coast of Vietnam, she and her 272-man crew were ordered to join ''Operation Sea Spirit,'' a training exercise involving 40-plus ships of the Southeast Asia Treaty Organization.

On the morning of June 3, she was in the South China Sea with companion ships that included the Melbourne, an Australian carrier.

''I had watched a movie the night before,'' says Tom Manley of Long Beach. ''I'd left my clothes on because I had the early morning watch and had gone to sleep about midnight.''

At 3:30 a.m., Manley and shipmates were awakened in terrifying fashion.

''The whole ship turned over on its side,'' says Manley. ''Everybody fell down. A guy came down the ladder with a flashlight and said . . . that we needed to get out.''

A boilerman 3rd class, Manley helped shipmates to their feet. One, Pete Taylor, had broken his arm. Together, he and Manley managed to reach the ship's fantail.

''A lot of guys were jumping in the water,'' says Manley. ''Pete was worried. Because of his broken arm, he couldn't swim. I said I'd try to find a life jacket in case we had to go into the water. I walked toward the front of the ship where they kept the life jackets.''

Manley was stunned by what he saw. ''There was no front of the ship. It was gone.''

HORRIFIC MESSAGE

Aboard the American carrier Kearsage, Doug Care of Santa Clarita was working the Sea Spirit radio circuit.

''I had been on the circuit about five minutes when the radio came to life with a fellow with an Australian accent and impeccable radio procedure. He gave a message I'll never forget:

''Melbourne has just collided with Evans. Envision many casualties. Request all possible assistance.''

Care thought it was ''a stupid time'' for a drill. But as he read the message back to the Melbourne, he knew it was no drill. For one thing, ''the admiral aboard the Kearsage was looking over my shoulder still in his bathrobe.''

In the forward engine room of the Evans, Roy ''Pete'' Peters also knew it was no drill. He had been standing messenger mid-watch when an order came to increase speed, followed by a second order to throttle down and stop.

We immediately stopped all forward movement and were all thrown forward and down,'' he recalls. ''All the lights went out. Steam immediately filled the compartment and made it hard to breathe.''

As Peters was slammed to the deck and burned by the steam, the ocean began entering the engine room. It was a mixed blessing.

''The cold water felt good, but I was a noqualified swimmer in boot camp and barely made it around the pool to qualify as a swimmer,'' he said

Peters began working his way toward the top of the engine room, hoping to find an air pocket.

''I felt the water rising up my chest toward my face. I knew I was going to die . . . I heard guys praying and crying. I remember hearing Terry Baughman (a shipmate) crying, 'God, please help us!'

''As the water rose, I could see the faces of my mother and father and I saw the face of my girlfriend, Karen. I promised that if I got out of there, I would go back and marry her if she would have me.''

CHAOS ABOVE

Crew member Bill Thibeault of Norwich, Conn., managed to get topside.

''There were helicopters flying around and lights all over. I didn't really realize what had happened until I got onto the ship's uppermost deck. Then I saw all the torn-up metal and pipes and everything, and I thought, 'Where's the rest of the ship?' ''

The Evans had been struck amidships, and cut in two. The forward half, where all the deaths took place, sank in three minutes. The other half would be destroyed months later in target practice.

''I give the Melbourne credit,'' says Manley. ''They turned the ship around and it was back within minutes even though it had damage to its front. They were trying to help us.''

Cargo nets were lowered on the carrier and its crew ''came down and helped some of our people.

''We assembled on the fantail of the Melbourne,'' he says. ''They must have broke out their full ration of Foster lager. There were cases all over the place.''

Manley and others were transferred to the Kearsage.

''It took three days until we got to Subic Bay (in the Philippines),'' he says. ''There was no way to tell anyone who was alive and who wasn't. My sister was calling (the Navy) every day and they wouldn't tell her anything. The Navy wouldn't release any information. When I got to Subic, I was able to call.''

In New York City, Dorothy Reilly, a Roman Catholic nun, caught the end of a newscast by Walter Cronkite. ''He immediately broke in and said that the Frank E. Evans had been sunk . . . I said out loud, 'That's by brother's ship.'

''I ran to the radio to see if there was more news. I remembered someone saying that there were two ships with almost the same name, but when I heard on the radio that the ship was from Long Beach, I knew it was the ship my brother was on as well as his 20-year-old son.''

Lawrence J. Reilly Sr. survived. His son, Lawrence Jr., did not.

There was a memorial service later for young Lawrence Reilly, who had lived in Long Beach. In the middle of it, his son, 15 months old, cried out, ''Daddy.''

''It was a heart-wrenching moment,'' says Dorothy. ''The newspapers carried that picture and even if it were not in print, it would be indelibly printed in the hearts of all who heard that cry.''

Peters, the Evans crew member who had been sure he was going to die, did not. Someone in the engine room had found a hatch leading to safety.

Peters was treated aboard the Melbourne for burns, then airlifted to the Kearsage, where he underwent surgery to remove burned skin. He was hospitalized in Subic Bay.

Of his injuries, he says, ''I am sure others had it worse.''

Yes, Peters did marry his girlfriend, Karen. They just celebrated their 31st anniversary. Peter has an insurance business in Redondo Beach.

The captain of the Evans was later reprimanded, ''but most of us survivors never felt he was guilty of anything,'' says Peters.

The Melbourne's skipper was acquitted and then resigned from the Australian Navy.

THREE IN FAMILY

Seventy-four men, including five from Long Beach, lost their lives aboard the Evans in the dark, early hours of June 3, 1969. A list appears with this column, and three names on it resonate like the script from ''Saving Private Ryan'': Gary Loren Sage, Gregory Allen Sage, Kelly Jo Sage.

They were brothers.

''They were also my cousins,'' says Gayle Pierce, of Lincoln, Neb. ''Their memorial is in Niobrara, Neb., their hometown. It is a great memorial.''

Two years ago, on Memorial Day, a ceremony was held at the Sage Memorial. Eighteen members of the USS Frank E. Evans Association (which will convene in Long Beach in 2003) showed up in Niobrara to honor the three fallen shipmates.

''I think it is just wonderful that so many persons have kept the memories of these men alive,'' Pierce says.

MISSING NAMES

But on The Vietnam Memorial wall, the nation's most visible reminder of the war, the memory of the lost Evans crew members has not been kept alive. Their names are not listed.

Why not?

''Technicalities,'' Peters says with frustration. ''I've done a lot of research on this.''

To qualify for the wall, he says, a veteran had to have been killed in the combat zone, en route to it or while returning from a combat mission.

For the 74 lost Evans men that parameter is very thin, as Peters notes.

''We'd been on the gun line for two weeks. We came off the line and rendezvoused with the other ships for Operation Sea Spirit.''

(A year earlier, appreciative Army officials had cited the Evans for ''Conspicuously outstanding gunfire support in a critical and demanding phase of the war.'')

Peters and everyone else interviewed for this column believe the names of the men belong on the wall.

''I think they should be there,'' says Manley, 54, and accounting manager. ''I had three tours in Vietnam, but I knew guys on that ship who died who had more tours than I did. It's just not right.''

His wife, Mary, agrees, but more tersely.

''It stinks,'' she says.

Thibeault, the Connecticut survivor, says the lost men should be regarded as combatants.

''They weren't killed in action. But we were there. We had fired our guns. These guys should be remembered.''

He has tried to have them remembered in another way.

''I've contacted The History Channel. I've been trying to contact some Hollywood people as well, without any success. There should be a movie about this.''

Through the years, Manley has remained somewhat tight-lipped. Mary says he has only begun to talk about it recently.

Yet, a few days ago, they note, their daughter, Jennifer, 24, asked, ''What's the Evans?''

Says Manley, ''Maybe I haven't talked about it enough.''

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2002 AND THE 5-YEAR PERIOD FY 2002 THROUGH FY 2006

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, to facilitate the application of sections 302 and 311 of the Congressional Budget Act and section 201 of the conference report accompanying H. Con. Res. 83, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2002 and for the five-year period of fiscal years 2002 through 2006. This status report is current through December 5, 2001.

The term ''current level'' refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 83. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2002 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for discretionary action by each authorizing committee with the ''section 302(a)'' allocations made under H. Con. Res. 83 for fiscal year 2002 and fiscal years 2002 through 2006. ''Discretionary action'' refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2002 with the ''section 302(b)'' suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation.

The fourth table gives the current level for 2003 of accounts identified for advance appropriations in the statement of managers accompanying H. Con. Res. 83. This list is needed to enforce section 201 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

The fifth table compares discretionary appropriations to the levels provided by section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985. If at the end of a session discretionary spending in any category exceeds the limits set forth in section 251(c) (as adjusted pursuant to section 251(b)), a sequestration of amounts within that category is automatically triggered to bring spending within the established limits. As the determination of the need for a sequestration is based on the report of the President required by section 254, this table is provided for informational purposes only. The sixth and final table gives this same comparison relative to the revised section 251(c) limits envisioned by the budget resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2002 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 83—REFLECTING ACTION COMPLETED AS OF DECEMBER 5, 2001

[On-budget amounts, in millions of dollars]

| | Fiscal year 2002 | Fiscal years 2002–2006 |
|---|---|---|
| Appropriate Level: | | |
| Budget authority | 1,666,635 | n.a. |
| Outlays | 1,615,644 | n.a. |
| Revenues | 1,638,202 | 8,878,506 |

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2002 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 83—REFLECTING ACTION COMPLETED AS OF DECEMBER 5, 2001—Continued

[On-budget amounts, in millions of dollars]

| | Fiscal year 2002 | Fiscal years 2002–2006 |
|---|---|---|
| Current Level: | | |
| Budget authority | 1,619,571 | n.a. |
| Outlays | 1,603,368 | n.a. |
| Revenues | 1,673,487 | 8,898,383 |
| Current Level over (+) / under (−) | | |
| Appropriate level: | | |
| Budget authority | −47,064 | n.a. |
| Outlays | −12,276 | n.a. |
| Revenues | 35,285 | 19,877 |

n.a.=Not applicable because annual appropriations Acts for fiscal years 2003 through 2006 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2002 in excess of $47,064,000,000 (if not already included in the current level estimate) would cause FY 2002 budget authority to exceed the appropriate level set by H. Con. Res. 83.

OUTLAYS

Enactment of measures providing new outlays for FY 2002 in excess of $12,276,000,000 (if not already included in the current level estimate) would cause FY 2002 outlays to exceed the appropriate level set by H. Con. Res. 83.

REVENUES

Enactment of measures that would result in revenue loss for FY 2002 in excess of $35,285,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 83.

Enactment of measures resulting in revenue loss for the period FY 2002 through 2006 in excess of $19,877,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 83.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION—REFLECTING ACTION COMPLETED AS OF DECEMBER 5, 2001

[Fiscal Years, in millions of dollars]

| House Committee | 2002 | | 2002–2006 Total | |
|---|---|---|---|---|
| | BA | Outlays | BA | Outlays |
| Agriculture: | | | | |
| Allocation | 7,350 | 7,350 | 7,350 | 7,350 |
| Current Level | | 2 | | |
| Difference | −7,350 | −7,348 | −7,350 | −7,350 |
| Armed Services: | | | | |
| Allocation | 146 | 146 | 398 | 398 |
| Current Level | | | | |
| Difference | −146 | −146 | −398 | −398 |
| Banking and Financial Services: | | | | |
| Allocation | | | | |
| Current Level | 8 | 9 | 46 | 47 |
| Difference | 8 | 9 | 46 | 47 |
| Education and the Workforce: | | | | |
| Allocation | 5 | 5 | 32 | 32 |
| Current Level | | | | |
| Difference | −5 | −5 | −32 | −32 |
| Commerce: | | | | |
| Allocation | 2,687 | 2,687 | −6,537 | −6,537 |
| Current Level | | | | |
| Difference | −2,687 | −2,687 | 6,537 | 6,537 |
| International Relations: | | | | |
| Allocation | | | | |
| Current Level | | | | |
| Difference | | | | |
| Government Reform: | | | | |
| Allocation | | | −1,995 | −1,995 |
| Current Level | | | −4 | −4 |
| Difference | | | 1,991 | 1,991 |
| House Administration: | | | | |
| Allocation | | | | |
| Current Level | | | | |
| Difference | | | | |
| Resources: | | | | |
| Allocation | | −3 | 365 | 88 |
| Current Level | | −3 | | −3 |
| Difference | | | −365 | −91 |
| Judiciary: | | | | |
| Allocation | | | | |
| Current Level | 109 | 109 | 299 | 159 |
| Difference | 109 | 109 | 299 | 159 |
| Small Business: | | | | |
| Allocation | | | | |
| Current Level | | | | |
| Difference | | | | |
| Transportation and Infrastructure: | | | | |
| Allocation | | | | |
| Current Level | 3,000 | 4,200 | 8,600 | 11,300 |
| Difference | 3,000 | 4,200 | 8,600 | 11,300 |
| Science: | | | | |
| Allocation | | | | |
| Current Level | | | | |
| Difference | | | | |
| Veterans; Affairs: | | | | |
| Allocation | 264 | 264 | 3,205 | 3,205 |
| Current Level | | | | |
| Difference | −264 | −264 | −3205 | −3,205 |
| Ways and Means: | | | | |
| Allocation | 1,360 | 900 | 15,409 | 15,069 |
| Current Level | 6,425 | 6,425 | 36,708 | 36,708 |
| Difference | 5,065 | 5,525 | 21,299 | 21,639 |

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2002—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

| | Revised 302(b) suballocations as of September 20, 2001 (H.Rept. 107–208) | | Current level reflecting action completed as of December 5, 2001 | | Current level minus suballocations | |
|---|---|---|---|---|---|---|
| | BA | OT | BA | OT | BA | OT |
| Agriculture, Rural Development | 15,668 | 16,044 | 16,018 | 16,282 | 350 | 238 |
| Commerce, Justice, State | 38,541 | 38,905 | 38,656 | 38,847 | 115 | −58 |
| National Defense | 299,860 | 293,941 | 306,697 | 301,120 | 6,837 | 7,179 |
| District of Columbia | 399 | 415 | 452 | 454 | 53 | 39 |
| Energy & Water Development | 23,705 | 24,218 | 24,596 | 24,770 | 891 | 552 |
| Foreign Operations | 15,167 | 15,087 | 15,957 | 15,720 | 790 | 633 |
| Interior | 18,941 | 17,800 | 19,120 | 18,017 | 179 | 217 |
| Labor, HHS & Education | 119,725 | 106,224 | 108,509 | 101,486 | −11,216 | −4,738 |
| Legislative Branch | 2,892 | 2,918 | 2,974 | 2,941 | 82 | 23 |
| Military Construction | 10,500 | 9,203 | 10,500 | 9,190 | | −13 |
| Transportation[1] | 14,892 | 53,817 | 15,300 | 53,965 | 408 | 148 |
| Treasury-Postal Service | 17,022 | 16,285 | 17,069 | 16,256 | 47 | −29 |
| VA–HUD–Independent Agencies | 85,434 | 88,062 | 85,434 | 88,463 | | 401 |
| Unassigned[2] | | | | 13,397 | | 13,397 |
| 662,746 | 682,919 | 682,919 | 661,282 | 700,908 | −1,464 | 17,989 |

[1] Does not include mass transit BA.
[2] Reflects 2002 outlays for FY2001 Appropriations contained in P.L. 107–38 the Emergency Supplemental Appropriations Act in Response to Terrorist Acts on the United States.

STATEMENT OF FY2003 ADVANCE APPROPRIATIONS UNDER SECTION 201 OF H. CON. RES. 83—REFLECTING ACTION COMPLETED AS OF DECEMBER 5, 2001

[In millions of dollars]

| | Budget authority |
|---|---|
| Appropriate Level | 23,159 |
| Current Level: | |
| Commerce, Justice, State Subcommittee: | |
| Patent and Trademark Office | |
| Legal Activities and U.S. Marshals, Antitrust Division | |
| U.S. Trustee System | |
| Federal Trade Commission | |
| Interior Subcommittee: | |
| Elk Hills | 36 |
| Labor, Health and Human Services, Education Subcommittee: | |
| Employment and Training Administration | |
| Health Resources | |
| Low Income Home Energy Assistance Program | |
| Child Care Development Block Grant | |
| Elementary and Secondary Education (reading excellence) | |
| Education for the Disadvantaged | |
| School Improvement | |
| Children and Family Services (head start) | |
| Special Education | |
| Vocational and Adult Education | |
| Treasury, General Government Subcommittee: | |
| Payment to Postal Service | 48 |
| Federal Building Fund | |
| Veterans, Housing and Urban Development Subcommittee: | |
| Section 8 Renewals | 4,200 |
| Total | 4,284 |
| Current Level over (+) under (-) Appropriate Level | −18,875 |

COMPARISON OF CURRENT LEVEL TO DISCRETIONARY SPENDING LEVELS SET FORTH IN SECTION 251(c) OF THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985—REFLECTING ACTION COMPLETED AS OF DECEMBER 5, 2001

[In millions of dollars]

| | Statutory cap [1] | Current level | Current level over (+) under (−) statutory cap |
|---|---|---|---|
| General Purpose: | | | |
| BA | 546,945 | 659,524 | 112,579 |
| OT | 537,383 | 665,752 | 128,369 |
| Defense: [2] | | | |
| BA | n.a. | 333,047 | n.a. |
| OT | n.a. | 336,423 | n.a. |
| Nondefense: [2] | | | |
| BA | n.a. | 326,477 | n.a. |
| OT | n.a. | 329,329 | n.a. |
| Highway Category: | | | |
| BA | n.a. | n.a. | n.a. |
| OT | 28,489 | 28,489 | |
| Mass Transit Category: | | | |
| BA | n.a. | n.a. | n.a. |
| OT | 5,275 | 5,275 | |
| Conservation Category: | | | |
| BA | 1,760 | 1,758 | −2 |
| OT | 1,232 | 1,392 | 160 |

n.a. = Not applicable.
[1] Established by OMB Sequestration Update Report for Fiscal Year 2002.
[2] Defense and nondefense categories are advisory rather than statutory.

COMPARISON OF CURRENT LEVEL TO DISCRETIONARY SPENDING LEVELS RECOMMENDED BY H. CON. RES. 83 REFLECTING ACTION COMPLETED AS OF DECEMBER 5, 2001

[In millions of dollars]

| | Proposed statutory cap | Current level | Current level over (+)/under (−) proposed statutory cap |
|---|---|---|---|
| General Purpose: | | | |
| BA | 699,687[2] | 659,524 | −40,163 |
| OT | 672,950[2] | 665,752 | −7,198 |
| Defense: | | | |
| BA | n.a. | 333,047 | n.a. |
| OT | n.a. | 336,423 | n.a. |
| Nondefense:[1] | | | |
| BA | n.a. | 326,477 | n.a. |
| OT | n.a. | 329,329 | n.a. |
| Highway category: | | | |
| BA | n.a. | n.a. | n.a. |
| OT | 28,489 | 28,489 | |
| Mass Transit category: | | | |
| BA | n.a. | n.a. | n.a. |
| OT | 5,275 | 5,275 | |
| Conservation category: | | | |
| BA | 1,760 | 1,758 | −2 |
| OT | 1,232 | 1,392 | 160 |

n.a.=Not applicable
[1] Defense and nondefense categories would be advisory rather than statutory.
[2] Includes $20,001 million in BA and $9,347 million in OT for emergency-designated appropriations that are not included in the current level.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, December 6, 2001.*

Hon. JIM NUSSLE,
*Chairman, Committee on the Budget, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2002 budget and is current through December 5, 2001. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 83, the Concurrent Resolution on the Budget for Fiscal Year 2002. The budget resolution figures incorporate revisions submitted by the Committee on the Budget to the House reflect funding for emergency requirements, disability reviews, an Earned Income Tax Credit compliance initiative, and adoption assistance. These revisions are required by section 314 of the Congressional Budget Act, as amended. In addition, section 218 of H. Con. Res. 83 provides for an allocation increase to accommodate House action on the President's revised request for defense spending.

Since my last letter dated September 6, 2001, the following legislation has been enacted into law, and has changed budget authority, outlays, and revenues for 2002:

An act to provide for the expedited payment of certain public safety officer benefits (Public Law 107–37);

Emergency supplemental appropriations for recovery and response to terrorist attacks (Public Law 107–38);

Air Transportation Safety and System Stabilization Act (Public Law 107–42);

An act to implement an agreement for a U.S.-Jordan Free Trade Area (Public Law 107–43);

A joint resolution approving the extension of nondiscriminatory treatment to products of the Socialist Republic of Vietnam (Public Law 107–52);

The U.S.A. PATRIOT Act (Public Law 107–56);

The Departments of Interior and Related Agencies Appropriations Act, 2002 (Public Law 107–63);

The Military Construction Appropriations Act, 2002 (Public Law 107–64);

The Energy and Water Development Appropriations Act, 2002 (Public Law 107–66);

The Treasury and General Government Appropriations Act, 2002 (Public Law 107–67);

The Legislative Branch Appropriations Act, 2002 (Public Law 107–68);

An act making continued appropriations, 2002 (Public Law 107–70);

The Departments of Veterans, and Housing and Urban Development and Independent Agencies Appropriations Act, 2002 (Public Law 107–73);

The Agriculture, Rural Development, Related Agencies Appropriations Act, 2002 (Public Law 107–76); and

The Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 2002 (Public Law 107–77)

In addition, the Congress has cleared for the President's signature the Department of Transportation and Related Agencies Appropriations Act, 2002 (H.R. 2299).

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

FISCAL YEAR 2002 HOUSE CURRENT LEVEL REPORT AS OF DECEMBER 5, 2001

[In millions of dollars]

| | Budget authority | Outlays | Revenues |
|---|---|---|---|
| Enacted in previous sessions: | | | |
| Revenues | | | 1,703,488 |
| Permanents and other spending legislation | 984,540 | 934,501 | |
| Appropriation legislation | | 280,919 | |
| Offsetting receipts | −321,790 | −391,790 | |
| Total, previously enacted | 662,750 | 893,630 | 1,703,488 |
| Enacted this session: | | | |
| An act to provide reimbursement authority to the Secretaries of Agriculture and the Interior from wildland fire management funds (P.L. 107–13) | | −3 | |
| Fallen Hero Survivor Benefit Fairness Act of 2001 (P.L. 107–15) | | | −7 |
| Economic Growth and Tax Relief Reconciliation Act of 2001 (P.L. 107–16) | 6,425 | 6,425 | −31,337 |
| An act to clarify the authority of the Department of Housing and Urban Development with respect to the use of fees (P.L. 107–18) | 8 | 9 | 8 |
| An act to authorize funding for the National 4–H Program Centennial Initiative (P.L. 107–19) | | 2 | |
| Supplemental Appropriations Act, 2001 (P.L. 107–20) | 65 | 4,576 | |
| An act to provide for expedited payments of certain benefits (P.L. 107–37) | 5 | 5 | |
| Emergency supplemental appropriations for response to terrorist attacks (P.L. 107–38) | | 13,397 | |
| Air Transportation Safety and System Stabilization Act (P.L. 107–42) | 3,000 | 4,200 | 1,400 |
| An act to implement an agreement for a U.S.-Jordan Free Trade Area (P.L. 107–43) | | | −2 |
| A joint resolution approving the extension of nondiscriminatory treatment of products of the Socialist Republic of Vietnam (P.L. 107–52) | | | −33 |
| U.S.A. PATRIOT Act (P.L. 107–56) | 104 | 104 | |
| Interior and Related Agencies Appropriations Act, 2002 (P.L. 107–63) | 19,148 | 11,901 | |
| Military Construction Appropriations Act, 2002 (P.L. 107–64) | 10,500 | 2,678 | |
| Energy and Water Appropriations Act, 2002 (P.L. 107–66) | 24,595 | 15,972 | |
| Treasury, Postal Service, General Government Appropriations Act, 2002 (P.L. 107–67) | 32,137 | 27,936 | |
| Legislative Branch Appropriations Act, 2002 (P.L. 107–68) | 2,974 | 2,509 | 2 |

FISCAL YEAR 2002 HOUSE CURRENT LEVEL REPORT AS OF DECEMBER 5, 2001—Continued

[In millions of dollars]

| | Budget authority | Outlays | Revenues |
|---|---|---|---|
| Veterans, HUD, and Independent Agencies Appropriations Act, 2002 (P.L. 107–73) | 109,229 | 64,803 | −32 |
| Agriculture, Rural Development Appropriations Act, 2002 (P.L. 107–76) | 75,237 | 41,363 | |
| Commerce, Justice, State Appropriations Act, 2002 (P.L. 107–77) | 39,223 | 26,608 | |
| Total, enacted this session | 322,650 | 222,485 | −30,001 |
| Cleared, pending signature: | | | |
| Transportation and Related Agencies Appropriations Act, 2002 (H.R. 2299) | 17,505 | 22,021 | |
| Continuing Resolution: | | | |
| An act making continuing appropriations, 2002 (P.L. 107–70) | 412,791 | 243,218 | |
| Entitlements and Mandatories: | | | |
| Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted | 205,224 | 222,014 | |
| Total Current Level | 1,619,571 | 1,603,368 | 1,673,487 |
| Total Budget Resolution | 1,666,635 | 1,615,644 | 1,638,202 |
| Current Level Over Budget Resolution | | | 35,285 |
| Current Level Under Budget Resolution | −47,064 | −12,276 | |
| Memorandum: | | | |
| Revenues, 2002–2006: | | | |
| House Current Level | | | 8,898,383 |
| House Budget Resolution | | | 8,878,506 |
| Current Level Over Budget Resolution | | | 19,877 |

Source: Congressional Budget Office.

Notes: P.L. = Public Law.

Section 314 of the Congressional Budget Act, as amended, requires that the House Budget Committee revise the budget resolution to reflect funding provided in bills reported by the House for emergency requirements, disability reviews, an Earned Income tax Credit compliance initiative, and adoption assistance. In addition Sec. 218 of H. Con. Res. 83 provides for an allocation increase to accommodate House action on the President's revised request for defense spending. To date, the Budget Committee has increased the budget authority allocation in the budget resolution by $40,147 million and the outlay allocation by $25,170 million for these purposes. Of those amounts, $38,701 million in budget authority and $25,027 million in outlays are not included in current level because the funding has not yet been enacted.

For comparability purposes, current level budget authority excludes $1,349 million that was appropriated for mass transit. The budget authority for mass transit, which is exempt from the allocations made for the discretionary categories pursuant to sections 302(a)(1) and 302(b)(1) of the Congressional Budget Act, is not included in H. Con. Res. 83. Total budget authority including mass transit is $1,620,920 million.

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 addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## TRIBUTE TO DISTINGUISHED PROFESSOR DAN DAVIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, there is no greater profession than that of teaching, and I rise to pay tribute to an outstanding educator who, over a 30 year span, has positively impacted the lives of thousands of people.

Dan Davis was recently selected Distinguished Professor of the Year by the faculty and staff of Malcolm X Community College in Chicago under the leadership of Dr. Wayne Watson, Chancellor of the Chicago City Colleges, and Mrs. Ziri Campbell, President of Malcolm X College.

Professor Davis graduated from Crane High School, All American, All State and All City in varsity basketball. He holds a BA degree in education, Summa Cum Laude, and a Masters Degree from Northwestern University in Health and Physical Education.

Dan and I both live in the same community and oftentimes are mistaken for each other since I, too, am sometimes called Dan Davis. I usually tell people that the difference is while Dan was scoring points in basketball, I was analyzing the game from the bench, and while he was graduating Summa Cum Laude, I was graduating ''Thank You Laude.''

Dan Davis played varsity basketball and was an All Big Ten Academic Selection in 1968–1969 from Northwestern. He has served as Athletic Director for Malcolm X College for the past 13 years, Project Administrator for the National Youth Sports Program for the past 13 years, and Illinois State Coordinator for the National Youth Sports Program for the past 9 years.

In addition to his regular teaching and directorship responsibilities, Coach Davis is an active participant in College Governance, Student Government, Local 1600 of the AFL–CIO, former Vice Chair, and the President's Scholarship Gala Committee.

In 1992, coach Davis was selected by the United States Department of State to teach and to serve as Athlete and Program Specialist in Africa. He taught and supervised sports clinics in Egypt, Uganda and Kenya. Professor Davis also served as Vice President for Personnel and Head Basketball Coach for the United States Upper Deck All Stars Professional Basketball Team, which toured Europe from 1996 to 1998.

Professor Davis has earned meritorious awards, among the top ten in the United States, from Malcolm X College for eight consecutive years.

□ 2320

In 1997, Malcolm X college won the Silver Conte Award, designating Malcolm X College's program as the best in the Nation.

Dan Davis has been instrumental in assisting more than 300 students and student athletes in acquiring scholarships as well as their college degrees. Equally important, Professor Davis is viewed by many of his professional peers as a coach, a master teacher and a mentor extraordinaire because of his high standards and unswerving commitments to his student, his community, education and his college, where he is indeed a distinguished professor.

In addition to being a distinguished professor, Dan Davis is a distinguished citizen, a good neighbor, a role model, a person who grew up in an inner city community, Crane High School, which at one time housed what is now Malcolm X College. He returned home, brought his skills and attributes and has given something back, has given something of himself on a regular basis.

Yes, I congratulate Dan Davis and his family for their outstanding citizenship. All of us who know him are proud of his accomplishments. I commend him for not only being a distinguished professor, he is indeed an outstanding citizen and a distinguished American.

The SPEAKER pro tempore (Mr. TERRY). Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

(Mr. LIPINSKI 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 North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

(Mrs. CLAYTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

## IN HONOR OF THE CONSTRUCTION TRADES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Mr. Speaker, on the three-month anniversary of September 11, I rise to pay tribute to the unsung heroes of the World Trade Center disaster—the thousands of volunteers from the construction trades and the New York City construction industry.

As we all know, the rescue and recovery efforts in response to the attacks on the World Trade Center involved unprecedented, selfless acts of heroism by thousands of firefighters, police officers, Emergency Medical Service workers, and ordinary citizens, who all risked their lives to save others.

But often overlooked is the heroism of thousands of men and women from the building trades who ALSO risked their lives and their

health working side-by-side uniformed rescue workers all along.

These volunteers—construction workers, iron and steel workers, and many others—toiled alongside firefighters and police officers, digging tunnels and gaining access to victims by operating cranes, burning steel, driving trucks, and moving debris by hand as part of the ''Bucket Brigade.''

Many of these individuals gave their time and labor for a week or more, giving up their salaries, families and the comforts of daily life to search for survivors around the clock.

They did so at great risk to their health as fires raged and toxic fumes emanated from the burning rubble.

Three months later, those fires are still smoldering, and the fumes are still endangering everyone working at Ground Zero.

But even as their boots melt from the heat of the fires below, hundreds of workers are persevering at the site, removing what remains of seven office buildings that once symbolized the center of the global economy.

They embrace this unprecedented and perilous challenge out of enduring determination to get New York get back on its feet and one day restore Lower Manhattan's majesty and vibrance.

Throughout this heartbreaking process, these unsung heroes have shown profound respect for the victims and their families.

The hushed silence at the site, which lasted for many days after the bombing, reflected an appreciation for the magnitude of the horror—and the fact that they were working on the surface of a mass grave.

I want to extend my deepest gratitude to the New York City Department of Construction and Design, who, at my request, preserved a segment of the ruins to be transformed into a national monument at an appropriate time in the future.

We all remember images of steel fragments from the towers that plunged upright into the pavement like arrows in the hearts of all New Yorkers, and nearby fire trucks that were partially submerged in the rubble.

Thanks to the care and respect that workers have demonstrated in dismantling and removing the wreckage, these images will be preserved in honor of those who were lost, and in remembrance of a black Tuesday that this nation must never forget.

The scores of companies, organizations and union members who have cooperated in clearing the site with extraordinary speed, efficiency and safety include, but are not limited to: a special team of the New York City Office of Emergency Management and the New York City Department of Design and Construction; with main contractors Turner Construction Co./Plaza Construction, Bovis Construction, Amec Construction and Tully Construction; and dozens of subcontractors, including Thornton-Tomasette Engineering, LZA Engineering, New York Crane, Bay Crane, Cranes Inc., Slattery Association, Grace Industries, Big Apple Demolition, Regional Scaffolding & Hoisting, Atlantic-Heydt Scaffolding, York Scaffolding, Weeks Marine, and Bechtel Corp.

In addition, many other entities worked to resolve the daily problems confronted by the Fire Department of New York, the New York City Police Department and the Port Authority Police Department in rescuing and recovering their own.

Every New York City agency, especially the New York City Department of Sanitation and the Department of Environmental Protection, was involved, as were the New York State Police, The National Guard, the Federal Emergency Management Administration, the Army Corps of Engineers, Con Edison, Verizon, and the Port Authority of New York and New Jersey.

Mr. Speaker, many Members of Congress and the Senate have come to Ground Zero. They have seen devastation, but also resilience and redemption in the work that's being done there.

I know I speak for this entire body in expressing our country's deep appreciation for the risks taken and sacrifices made by the unsung heroes at Ground Zero, who have reminded us what the American spirit is all about.

## PAKISTAN TIES TO TALIBAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I come to the House floor this evening to talk about several matters of concern regarding Pakistan.

I appreciate Pakistan's willingness to assist us in the fight against Osama bin Laden and his terrorist networks, and I know that General Musharraf continues to make a concerted effort to cooperate with the United States in our global fight against terrorism. Under the current circumstances, due to the attacks of September 11, I do feel that it is appropriate to provide economic assistance to Pakistan for General Musharraf's willingness to support the U.S. in seizing Osama bin Laden and eliminating the al Qaeda terrorist network. In fact, I also felt that it was appropriate that the economic sanctions that were in place against Pakistan were rightfully lifted by President Bush earlier this year.

However, Mr. Speaker, I stand strong in my argument against military aid to Pakistan, even under the current circumstances. I oppose the lifting of military sanctions, and I still feel the U.S. should exercise its discretion not to provide military assistance.

The Pakistani dictatorial government has in the past been directly involved in the planning and logistical support of Taliban military operations. Not only has Pakistan provided institutional support to terrorist activities by the Taliban and other groups, it has also provided weapons as a result of its irresponsible weapons export policies. Withholding military assistance to Pakistan will help pressure Musharraf to withdraw its support to terrorist groups.

Mr. Speaker, there have been several recent reports that corroborate the difficulty Pakistan has in separating itself from the Taliban. According to an article from last Saturday's New York Times, Western and Pakistani officials report that one month after the Pakistani government agreed to end its support of the Taliban, its intelligence agency was still providing safe passage for weapons and ammunition to arm them.

In September, the U.S. issued an ultimatum to Pakistan that if they wanted to join the United States in the fight against terrorism, Pakistan had to end its ties to the Taliban.

Pakistani intelligence claims that the last sanctioned delivery of weapons to the Taliban occurred about a month after the U.S. issued this ultimatum. However, it is clear that the Inter-Services Intelligence, ISI, has perpetuated military support of the Taliban. The ISI is a powerful group of military jihadi who are not representatives of the government. Nevertheless, they operate fiercely within Pakistan; and accordingly, Pakistan inevitably engages in logistical and military support of the Taliban.

My other concern at this time, Mr. Speaker, regarding Pakistan is that it is a nuclear power. A country with nuclear power that has links to the Taliban and al Qaeda is a recipe for disaster. An article reported that nuclear experts in Pakistan may, in fact, have links to al Qaeda. The fear is that nuclear experts have the knowledge and experience to provide nuclear weapons and related technology to transfer these goods to terrorists.

The article in the New York Times reports that American intelligence officials are increasingly convinced that Pakistan may become the site of a furtive struggle between those trying to keep nuclear technology secure and those looking to export it for terrorism or for profit.

Mr. Speaker, my last comment is that historically, U.S. arms exports to Pakistan have been used against India, primarily through crossborder military action in Kashmir. Since the terrifying example of terrorism in India on October 1 when a suicide car bomb exploded in front of the Kashmir State Assembly while it was in session, there have literally been murder incidents on a daily basis in Kashmir. The escalated terrorist violence in India has been horrific and left numerous civilians and military men victim to cold-blooded murder.

Last week I read that suspected terrorists shot and killed a judge in Kashmir, along with his friends and two guards. This is the first attack on the judiciary of Jammu and Kashmir state. Over the weekend I read that an Islamic militant group invaded an Indian army convoy in Kashmir and the attack left nearly 10 men dead and over 20 wounded.

These examples of murder by Pakistani-based militant groups should be evidence enough that weapons can and will fall into the hands of terrorist networks and potentially be used against India and other U.S. allies.

Mr. Speaker, I realize that the Bush administration is not proposing any major change in policy with regard to military assistance to Pakistan, but with removal of congressional sanctions, stepped up military assistance

remains a possibility. I continue to oppose that option, and I believe that the circumstances in Pakistan this weekend and over the last few weeks still do not warrant that kind of military assistance.

## PUBLIC HEALTH SECURITY AND BIOTERRORISM RESPONSE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentlewoman from New Mexico (Mrs. WILSON) is recognized for half of the time until midnight as the designee of the majority leader.

Mrs. WILSON. Mr. Speaker, the hour is late, at least here on the east coast, but we have just prepared for passage tomorrow morning a landmark piece of legislation to improve health security in this country, and I think it deserves some additional explanation as to what is in that bill and how it will help America to prepare for and to defend against any bioterrorist attack against American citizens here at home, and I would like to take a few minutes to explain how we came to this legislation and what it is intended to do and some of its provisions.

We expect to vote on this bill tomorrow here in the House although we debated it here on the floor about half an hour ago.

We need to be better prepared for terrorist attacks involving biological agents. There are about 36 different pathogens, or germs, that are designated by the Centers for Disease Control as extremely dangerous. They are in a list that is maintained by the Centers for Disease Control, and we have got to be better prepared against those kinds of biological toxins, because the fact is that the world has changed.

The idea of using disease as a weapon of warfare is not a new one. It has existed for a long time, and countries have developed biological warfare capabilities even in spite of the fact that there were treaties against that.

In 1979 there was an anthrax outbreak in the former Soviet Union near the town of Sverdlovsk, and it created some casualties near that site. At the time, America suspected that there was a biological warfare in Sverdlovsk, but we were able to confirm that after the end of the Cold War.

In the Gulf War and its aftermath, we knew that Iraq was developing biological warfare capability, including anthrax, and we also knew that they had used chemical warfare agents, including against their own people; and we have no illusions about the willingness of Saddam Hussein to destroy his own people or to use biological warfare against the United States or any other enemy of the Iraqi Government.

□ 2330

The use of biological warfare or serious toxins by terrorists is something that people have contemplated, but in some ways it goes into the unthinkable.

In Japan, there was use by a terrorist network of a nerve agent in the subways which kind of alerted us to the potential for using very toxic substances as a terrorist tool, but there was nothing like what we saw here on the east coast of the United States with the anthrax attack that followed on the September 11 attacks on the United States.

The fact is that terrorism has changed. It changed in a very significant way. In the 1970s and 1980s, most terrorist networks were either fighting in wars of national liberation, trying to get attention for a cause, trying to shock governments for effect, but they actually avoided mass casualties, and did not want to have a response against their cause by public opinion writ large. They did not want mass death.

But the terrorists we are dealing with now, and unfortunately, there are cells throughout the world, want to cause massive death and high numbers of casualties. The threat has changed, and America has to change with it.

In the 1970s and 1980s and certainly through the 1990s, our response to the threat of bioterrorism was largely to deal with our military. We developed a vaccine for anthrax, and while it was highly controversial and there were some problems with it, we began inoculating American military personnel against some strains of anthrax. We focused on military protection and not on homeland defense.

We also developed what are called National Guard civil support teams in about 27 States now, where there are teams of people who are designed to deal with unusual threats within the United States; but still, those were relatively small efforts, and focused on the capabilities of our military.

It was really about force protection for the military: How do we keep the American military able to continue to fight for the United States in the face of a potential biological warfare attack. We really did not deal completely with the threat of bioterrorism here at home.

The fact is that a new effort is required in the wake of the anthrax attacks and the new kind of terrorism represented by Osama bin Laden and his al-Qaeda network. What we saw in New York and in Washington, D.C. is frightening, but it is also something we have to cope with. We have seen a terrorist network that has the ability to organize and plan simultaneous attacks, rather sophisticated attacks, in the United States. They were able to maintain secrecy over a period of time within the United States. They did not come from outside, they were within us, within the United States. They had access to the money in order to carry out this very sophisticated operation, and their objective was not to shock or to win in the realm of world public opinion; their objective was mass casualties and the deaths of thousands of civilians.

In light of that, and in light of the anthrax attacks that followed on the attacks in New York and Washington, D.C., we know we have a new need that we have not faced in this country before. It is going to involve all levels of government, because it is the local fire department and the local emergency room of our hospitals that will see the first impact of any epidemic that is caused by a bioterrorist agent. We have to make sure that everybody is trained that needs to be trained.

Likewise, at the State level and at the Federal level, there are also different kinds of responsibilities. At the National Centers for Disease Control, they worked with States and other networks, but there are all levels of government involved, and it will involve also private entities.

If I am sick, I do not go to the government. If my children are sick, I do not go to the government, I go to our doctor. Our doctor has to be connected in to an early alert system, just as everyone's doctor needs to be. That will involve planning, it will involve training of people, it will involve the development of curricula and ways of communicating very quickly to medical professionals throughout this country what they should be looking for, what kinds of symptoms show up in the first hours, and how to distinguish those symptoms from other things that might not be so threatening: What is the difference between anthrax and the flu, and how as a doctor in rural New Mexico can I make that distinction so that I can care for my patients, but I do not have to frighten them unnecessarily?

The second thing we knew we needed to do was to expand the availability of vaccines and medical equipment to deal with a large crisis. That is something that the Secretary of Health and Human Services, Tommy Thompson, brought to our attention in the Committee on Energy and Commerce, that in the event of a mass outbreak, not a naturally-occurring outbreak of a disease but the intentional spreading of disease in different parts of the United States simultaneously, that we were not prepared for that kind of a man-made epidemic, and so we need to expand our stockpiles of vaccines. We need to increase the availability of smallpox vaccine. We need to make sure that we have the stockpiles of medical equipment and diagnostic equipment to be able to deal with any epidemic very quickly and effectively across the United States.

We knew that we needed to better control and know about what pathogens exist in the United States. One of the things that I think surprised a lot of people after the outbreak of anthrax here in Washington and New York and Florida was that one of the first questions the FBI asked was, well, what labs in the United States have anthrax?

The first answer was, we do not know, because there is no requirement to say what we have. The only requirement in Federal law is that one has to

report or register, as it says in the law, we have to report when we transfer a culture from one entity to another entity.

So if I am a researcher working at the University of Iowa, and I have been for 20 years, on very dangerous pathogens, I do not have to tell anybody unless I take one of my samples and send it up to another university, the University of Minnesota. I would only have to tell them that I transferred it.

That does not make any sense. We need to know, of all these 36 very toxic pathogens, these germs that can cause such havoc to our health, we need to know who has them; and even more than that, in addition to requiring that we register what we have, we need to have a sample, a culture of what germs everybody has and is doing research on in the United States.

The reason is this: We can now map the genes not only of the human being but of almost any organism. If we can have an encyclopedia, if you will, of all of these dangerous toxins within the United States and know what their DNA, their genetic code is, then if there is an outbreak of anthrax, we can tell what the parents are or who the parents are, if you will.

Then we can help law enforcement deal with any outbreak and possibly determine where that outbreak is likely to come from, or, perhaps even more importantly, be able to rule out large numbers of samples, or even rule out that the sample came from within the United States.

So the bill that we are going to vote on tomorrow requires the registration of any of these dangerous serious germs, these 36 germs that are listed by the CDC, and also providing a sample of that, and creating a national registry, a genomic registry of what the genes of these germs look like.

We know that our food systems and our water systems are vulnerable to contamination. We have 54,000 community water systems across the country, most of them serving very small villages and communities across the country. We have probably 100 or 200 very large water systems, but most of our water systems are very small. They are often run on a voluntary basis or a cooperative basis, where people get together and they have treated well water. Unfortunately, they are also vulnerable because of that. We need to make sure that our water supply and our food supply is safe, and develop ways to survey any potential contamination of them.

We also knew that we needed to do more research, not only research on countermeasures, but research to better understand these pathogens, to know what their vulnerabilities are so that our vaccines and our public health response can be much better.

We need better ways of mapping and surveying disease outbreaks, and detecting when we have hazardous germs that are present.

All of us saw in the news in the last couple of weeks the men in the white suits with their Q-tip swabs going around testing things and wiping things and putting them on Petri dishes and trying to grow something, and then putting it under a microscope, and maybe 2 or 3 days later they would know whether they had anthrax or not on that particular sample that they took from the back of a telephone somewhere in the Capitol building.

Well, that does not make any sense in this day and age. We need to be able to research, develop, and deploy the technology for real-time continuous monitoring of the air, of the water; even do portal monitoring, so if one walks through a door and there is some kind of a germ that comes in with one that is a very serious germ, we can detect it, just like walking through a metal detector at the airport, entirely passively.

We know we need better communications, and to plan communications in advance, not only between public health doctors and State health laboratories and the CDC, but between Federal officials and the public. The public needs information.

□ 2340

If there is a problem, we need to know about it so we can deal with it. And that means getting the straight scoop from Federal agencies even if they do not know everything, if they can just in a clear way tell us what they do know. We need to plan those things in advance because once there is a crisis, everybody starts working off the back of an envelope; and it is much easier to have those things thought out in advance.

Finally, we know that we need to expand our laboratory capacity and expand the Centers for Disease Control. The anthrax attacks on the eastern coast of the United States were relatively small. They were frightening. They caused sickness and they caused death. But in a way maybe it was the canary in the mine shaft. They were relatively small attacks involving four letters in three different States. But it overwhelmed our laboratory system. We do not have the capacity in our laboratory system. We do not even have a level 4, which is to deal with the most serious pathogens; we do not even have a level 4 laboratory in the United States west of the Mississippi River.

We are not prepared to be able to deal with a potential outbreak and epidemic and we need to. So in a bipartisan way in the House we came up with the Public Health Security and Bio-Terrorism Response Act. We hope to vote on it tomorrow, and it has some very important things in it. It has $1 billion authorized for planning and preparedness activities, for training, for lab capacity, to educate health care personnel and develop curriculum for health care personnel and to develop new drugs and new therapies and new vaccines against the most serious toxins that we can face in a country in a man-made epidemic.

It authorizes $450 million for the Centers for Disease Control. We are going to update and modernize the CDC, and this bill will include funds to do that. We put into the bill $1 billion for the Secretary of Health and Human Services to expand the national stock piles of vaccine and medical equipment and other supplies, to purchase more small pox vaccines, to have things ready if we need it.

I remember as a young lieutenant in the Air Force I was stationed overseas in England, and one of the things we had in England were prepositioned hospitals that were kind of stored in pallets in these old World War II hangars that were rehabilitated for this purpose so that if we ever did go to war in Europe, we would have prepositioned hospitals ready to go there in storage in the event of an emergency. It is kind of still within the project that we are talking about, making sure we have the supplies on hand to counteract any man-made epidemic.

We establish a national data base of dangerous pathogens. The CDC can update that list anytime they want to. Right now there are 36 very different dangerous diseases on that list, and we require that they be registered and that they give us a culture of that germ so that we can have a national encyclopedia of the genomes of these different samples from around the country. There is $100 million that is authorized for the Food and Drug Administration to hire more inspectors at our borders to make sure we are monitoring our food supply.

We certainly need to increase the research and development to be able to detect things remotely and give these people the tools to make this meaningful so that they can reassure us that the food supply is safe, that it has not been contaminated. And there is $100 million in the bill to develop vulnerability analyses and emergency response plans for our water systems.

Overall this is a very good bill. It sets out national policy in public health safety. It will require that the establishment within the health and human services department of an office of emergency preparedness require the development of national plans to deal with a new bioterrorist threat.

There are some things that it does not do. We do not claim that this bill includes all the things we are going to need to do to protect the public health. We know that probably next year we are going to have to do some things with the National Guard and the military to strengthen that first response that every Governor turns to when something goes wrong in their State. We do know that this really deals mostly with living things, with pathogens, with organisms and not so much with other kinds of poisons, whether they be radionuclides or chemicals. And those surveillance systems are different than those you see for disease. And we need to think differently about how we do that.

Finally, it does not include water research and development for real-time monitoring. That is in a separate bill. It is sponsored by the gentleman from New York (Mr. BOEHLERT), and we may see that come forward here possibly this week or next week to really expand our research and development on water safety and water monitoring.

This is a very good solid bill. It is a very important bill, in some ways because it has been worked quietly and in a bipartisan way here in the House; we have not talked about it much. We have not explained what is in here, and I think it is a real concern of Americans. I know it is a concern of mine of, well, what if there is something that makes my family sick; and how do we know whether someone is trying to hurt them or hurt us. What if someone were to be as organized and as ruthless as there were in the attacks on September 11; but instead of using aircraft, they used disease. They use small pox or they were more effective with anthrax or ebola or all kinds of other things that would be devastating to our families and our communities.

The Federal Government has a responsibility to step up to the challenge, to change the way we think about our health and our health security. And I think this bill goes a long way to taking us there. And I commend the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) for their leadership on this. And I look forward to an overwhelming vote on this tomorrow to pass the bioterrorism bill.

## RECESS

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

Accordingly (at 11 o'clock and 47 minutes p.m.), the House stood in recess subject to the call of the Chair.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4780. A letter from the Chief, Programs and Legislation Division, Department of the Air Force, Department of Defense, transmitting notification that the Commander of Air Force Material Command is initiating a standard cost comparison of the Aircraft Maintenance and Support Activities at Edwards Air Force Base, California, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

4781. A letter from the Secretary, Department of Education, transmitting Final Regulations—Direct Grant Programs, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

4782. A letter from the Acting Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule—Direct Grant Programs (RIN: 1890–AA02) received November 29, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4783. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a listing of gifts by the U.S. Government to foreign individuals during fiscal year 2001, pursuant to 22 U.S.C. 2694(2); to the Committee on International Relations.

4784. A letter from the Under Secretary for Export Administration, Department of Commerce, transmitting notification of certain foreign policy-based export controls which are being imposed on Liberia; to the Committee on International Relations.

4785. A letter from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Leasing of Sulphur or Oil and Gas in the Outer Continental Shelf—Revision of Requirements Governing Surety Bonds for Outer Continental Shelf Leases (RIN: 1010–AC68) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4786. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety and Security Zones; Naval Force Protection, Bath Iron Works, Kennebec River, Bath, Maine [CGD01–01–175] (RIN: 2115–AA97) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4787. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety and Security Zones; Coast Guard Force Protection for Station Jonesport, Jonesport Maine; Coast Guard Group Southwest Harbor, Southwest Harbor, Maine; and Station Rockland, Rockland Harbor Maine [CGD01–01–164] (RIN: 2115–AA97) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4788. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Aircraft Security under General Operating and Flight Rules [Docket No. FAA–2001–10738; SFAR 91] (RIN: 2120–AH49) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4789. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Temporary Extension of Time Allowed for Certain Training and Testing [Docket No. FAA–2001–10797; SFAR 93] (RIN: 2120–AH51) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4790. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Change of Using Agency for Restricted Areas R–3008A, R–3008B, R–3008C, and R–3008D; Grand Bay Weapons Range, GA [Docket No. FAA–2001–10285; Airspace Docket No. 01–ASO–8] (RIN: 2120–AA66) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4791. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class D Airspace; White Plains, NY [Airspace Docket No. 01–AEA–05FR] received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4792. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revocation of Class D Airspace, Fort Worth Carswell AFB, TX [Airspace Docket No. 2001–ASW–04] received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4793. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment and Revision of Restricted Areas, ID [Airspace Docket No. 99–ANM–15] (RIN: 2120–AA66) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4794. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace, Farmington, NM [Airspace Docket No. 2001–ASW–08] received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4795. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Coudersport, PA [Airspace Docket No. 01–AEA–16FR] received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4796. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Israel Aircraft Industries, Ltd., Model 1125 Westwind Astra Series Airplanes [Docket No. 2001–NM–202–AD; Amendment 39–12362; AD 2001–15–27] (RIN: 2120–AA64) received November 16, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4797. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, transmitting the Department's final rule—Board of Veterans' Appeals: Rules of Practice—Notice of Appeal in Simultaneously Contested Claim (RIN: 2900–AJ73) received November 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4798. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, transmitting the Department's final rule—provision of Hospital and Outpatient Care to Veterans'—Enrollment Decision Level; Copayments for Inpatient Hospital Care and Outpatient Medical Care (RIN: 2900–AK50) received November 30, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4799. A letter from the Secretary, Department of the Treasury, transmitting a request to raise the statutory debt ceiling; to the Committee on Ways and Means.

4800. A letter from the Secretary, Department of Labor, transmitting the Department's eighth report on the impact of the Andean Trade Preference Act on U.S. trade and employment from 1999 to 2000, pursuant to 19 U.S.C. 3205; to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 2440. A bill to rename Wolf Trap Farm Park as ''Wolf Trap National Park for the Performing Arts'', and for the other purposes; with an amendment (Rept. 107–330). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 311. Resolution providing for consideration of the bill (H.R. 3295) to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission

to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes (Rept. 107–331). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 312. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2883) to authorize appropriations for fiscal year 2002 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for the other purposes (Rept. 107–332). Referred to the House Calendar.

***N O T I C E***

***Incomplete record of House proceedings.***

***Today's House proceedings will be continued in the next issue of the Record.***