

social worker services from coverage under the medicare skilled nursing facility prospective payment system.

S. 1140

At the request of Mr. HATCH, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1169

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1169, a bill to streamline the regulatory processes applicable to home health agencies under the medicare program under title XVIII of the Social Security Act and the medicaid program under title XIX of such Act, and for other purposes.

S. 1256

At the request of Mrs. FEINSTEIN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1256, a bill to provide for the reauthorization of the breast cancer research special postage stamp, and for other purposes.

S. 1409

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1409, a bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities have failed to substantially comply with commitments made to the State of Israel.

S. 1421

At the request of Mrs. HUTCHISON, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 1421, a bill to direct the Federal Aviation Administration to re-implement the sky marshal program within 30 days.

S. RES. 139

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 139, a resolution designating September 24, 2001, as "Family Day — A Day to Eat Dinner with Your Children."

AMENDMENT NO. 1562

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of amendment No. 1562 proposed to H.R. 2500, a bill making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself and Mr. LOTT.)

S. 1426. A bill making emergency supplemental appropriations for fiscal year 2001 for additional disaster assistance, for anti-terrorism initiatives, and for assistance in the recovery from the tragedy that occurred on September 11, 2001, and for other purposes, considered and passed.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1426

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for fiscal year 2001, namely:

#### EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

##### EMERGENCY RESPONSE FUND (INCLUDING TRANSFERS OF FUNDS)

For emergency expenses to respond to the terrorist attacks on the United States that occurred on September 11, 2001, to provide assistance to the victims of the attacks, and to deal with other consequences of the attacks, \$40,000,000,000, to remain available until expended, including for the costs of (1) providing Federal, State, and local preparedness for mitigating and responding to the attacks, (2) providing support to counter, investigate, or prosecute domestic or international terrorism, (3) providing increased transportation security, (4) repairing public facilities and transportation systems damaged by the attacks, and (5) supporting national security: *Provided*, That these funds may be transferred to any authorized Federal Government activity to meet the purposes of this Act: *Provided further*, That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That \$40,000,000,000 shall be available only to the extent that an official budget request, that includes designation of the \$40,000,000,000 as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress: *Provided further*, That the President shall consult with the chairmen and ranking minority members of the Committees on Appropriations prior to the transfer of these funds: *Provided further*, That of the \$40,000,000,000 made available herein, \$10,000,000,000 shall not be available for transfer to any Department or Agency until 15 days after the Director of the Office of Management and Budget has submitted to the House and Senate Committees on Appropriations a proposed allocation and plan for use of the funds for that Department or Agency; \$20,000,000,000 may be obligated only when enacted in a subsequent emergency appropriations bill, in response to the terrorists acts on September 11, 2001: *Provided further*: That the President shall transmit an amended budget request proposing an alloca-

tion of funds: *Provided further*: That not less than one-half of the \$40,000,000,000 shall be for disaster recovery activities and assistance related to the terrorists acts in New York, Virginia, and Pennsylvania on September 11, 2001, as authorized by law: *Provided further*: That the Director of the Office of Management and Budget shall provide quarterly reports to the Committees on Appropriations on the use of these funds, beginning not later than January 2, 2002: *Provided further*: That the President shall submit to the Congress as soon as practicable detailed requests to meet any further funding requirements for the purposes specified in this Act.

#### GENERAL PROVISIONS

SEC. 1. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 2. Funds appropriated by this Act, or made available by the transfer of funds in this Act, may be obligated and expended notwithstanding section 10 of Public Law 91-672, section 313 of the Foreign Relations Authorization Act, fiscal years 1994 and 1995, and section 15 of the State Department Basic Authorities Act of 1956.

This Act may be cited as the "2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States."

By Mrs. HUTCHISON:

S. 1427. A bill to amend title 10, United States Code, to authorize disability retirement to be granted posthumously for members of the Armed Forces who die in the line of duty while on active duty, and for other purposes; to the Committee on Armed Services.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1427

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

#### SECTION 1. POSTHUMOUS DISABILITY RETIREMENT FOR MEMBERS OF THE ARMED FORCES WHO DIE IN THE LINE OF DUTY WHILE ON ACTIVE DUTY.

(a) AUTHORITY.—Chapter 61 of title 10, United States Code, is amended by adding at the end the following new section:

##### "§ 1222. Posthumous retirement: retroactive effective date; related elections

"(a) AUTHORITY.—Upon a determination by the Secretary concerned that it is advantageous for the survivors of a member of the armed forces who dies in the line of duty while on active duty, the Secretary concerned may—

"(1) posthumously retire the member under section 1201 of this title effective immediately before the member's death; and

"(2) make for the deceased member any election with respect to survivor benefits under laws referred to in subsection (c) that the deceased member would have been entitled to make upon being retired under that section, except that the Secretary may not make an election under section 1448(b)(1) or 1458 of this title.

"(b) CONSTRUCTION WITH SECTION 1201 REQUIREMENTS.—Nothing in this section modifies the requirements set forth in section

1201 of this title regarding determinations or eligibility.

“(C) ADMINISTRATION OF BENEFITS LAWS.—A retirement and election under subsection (a) shall be effective for the purposes of laws administered by the Secretary of Defense or any Secretary concerned and laws administered by the Secretary of Veterans Affairs.

“(d) NONREVIEWABILITY OF DETERMINATIONS.—A determination or election made by a Secretary concerned under subsection (a) is not subject to judicial review.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1222. Posthumous retirement: retroactive effective date; related elections.”.

#### SEC. 2. SURVIVOR BENEFIT PLAN.

(a) SURVIVING SPOUSE ANNUITY.—Section 1448(d) of title 10, United States Code, is amended by striking paragraph (1) and inserting the following:

“(1) SURVIVING SPOUSE ANNUITY.—The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of a member who—

“(A) dies in the line of duty while on active duty after—

“(i) becoming eligible to receive retired pay;

“(ii) qualifying for retired pay except that the member has not applied for or been granted that pay; or

“(iii) completing 20 years of active service but before the member is eligible to retire as a commissioned officer because the member has not completed 10 years of active commissioned service; or

“(B) dies in the line of duty while on active duty and is posthumously retired under section 1201 of this title pursuant to section 1222 of this title.”.

(b) DEPENDENT CHILD ANNUITY.—Paragraph (2) of such section is amended by striking “or if the member’s surviving spouse subsequently dies” and inserting “or if the payment of an annuity to the member’s surviving spouse under that paragraph subsequently terminates”.

(c) COMPUTATION OF SURVIVOR ANNUITY.—Section 1451(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5) SERVICE MEMBERS POSTHUMOUSLY RETIRED.—In the case of an annuity provided under section 1448(d)(1)(B) of this title, the retired pay to which the member would have been entitled when the member died shall be determined for purposes of paragraph (1) based upon the retired pay base computed for the member under section 1406(b) or 1407 of this title as if the member had been retired under section 1201 of this title on the date of the member’s death.”.

(d) CONFORMING AMENDMENT.—Section 1451(c)(3) of such title is amended by striking “section 1448(d)(1)(B) or 1448(d)(1)(C)” and inserting “clause (ii) or (iii) of section 1448(d)(1)(A)”.

#### SEC. 3. EFFECTIVE DATE AND APPLICABILITY.

This Act and the amendments made by this Act shall take effect on September 10, 2001, and shall apply with respect to deaths of members of the Armed Forces occurring on or after that date.

By Mr. JOHNSON:

S. 1430. A bill to authorize the issuance of Unity Bonds in response to the acts of terrorism perpetrated against the United States on Sep-

tember 11, 2001, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. JOHNSON. Mr. President, I rise today to offer a bill to unite our citizens in this time of great crisis. As Americans, we feel many emotions, from anger to sadness, because of the tragedy of the terrorist attacks this past week.

The American people have responded with incredible acts of heroism, kindness and generosity. The outpouring of volunteers, blood donors and contributions of food and money demonstrates that America will unite to provide relief to the victims of these cowardly terrorist acts. This response is the true American spirit our country has always known.

So many of my constituents in South Dakota have called my office this week to ask what they can possibly do to help their fellow Americans who are suffering today. Many have given blood, others have donated to aid organizations, and most have offered prayers for the victims and their families. One woman asked whether she could buy the equivalent of the old war bonds that allowed our citizens to contribute to the war effort back in World War II.

Based on my constituent’s idea, today I am introducing legislation that directs the United States Treasury to issue Unity Bonds. Americans who purchase these savings bonds will be contributing to disaster relief to the victims of Tuesday’s attack and to our Nation’s war against terrorism.

We will recover from this week’s attacks. We will rebuild our Nation’s infrastructure, and we will rebuild our Nation’s spirit. But it will take a sustained, long-term effort to stamp out terrorism against the United States and all other liberty-loving nations.

Unity Bonds will allow Americans who want to show their support for this great country to participate in a meaningful way. I urge you to join me in helping to unite our citizens.

By Mr. MCCONNELL (for himself and Mr. BURNS):

S. 1143. A bill to authorize the Secretary of the Treasury to issue War Bonds in support of recovery and response efforts relating to the September 11, 2001 hijackings and attacks on the Pentagon and the World Trade Center, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. MCCONNELL. Mr. President, no American was spared from the horrific and violent assaults on New York and the Pentagon which shocked us all the morning of September 11, 2001. Yet, even as heroic rescue workers sift through the rubble that remains, our nation is coming together in its resolve to respond to these despicable acts. This indefatigable spirit is a shining symbol of America’s resilience and purpose.

The United States will undoubtedly meet the challenges which we now face. As President Bush has stated, “Now that war has been declared on us, we will lead the world to victory.”

Winning the war against terrorism will require the full support of the American public who stand so anxious and so willing to contribute. Therefore, today I am introducing legislation to direct the Department of the Treasury to establish a special category of U.S. savings bonds designated War Bonds.

These War Bonds will give voice to countless Americans who are looking for opportunities to make a difference in this time of need. By investing in a U.S. War Bond, patriotic citizens will have an opportunity to make a direct contribution to the war against the scourge of terrorism and provide much-needed resources for the effort to rescue the injured, rebuild the broken, and retaliate against the enemy.

America’s battle against the evil of terrorism will amount to much more than the immediate steps which are being undertaken in the aftermath of Tuesday’s carnage. Unlike previous conflicts when Americans had the luxury of recognizing a precise moment of victory, this battle’s success will be assured only if our shores never again fall victim to terrorist acts. Thus, by definition, this war will be ongoing. As such, it will be essential for our Government to generate consistent public support for its actions.

The national campaign to sell U.S. War Bonds will serve not only to generate revenue, but will provide an opportunity to educate all Americans on the complicated nature of the terrorist threat and the resulting comprehensive nature of our response. This national effort will build on one of America’s proudest traditions. Dating from the Revolutionary War through World War II, our country has relied upon U.S. War Bonds to respond to the threats posed by our most dangerous enemies. The World War II effort generated more than \$200 billion in revenue from patriotic Americans eager to respond to the call of duty. I have no doubt that today’s Americans will respond in kind, thus providing unprecedented support for the long road ahead.

I call on all of my colleagues to join me in supporting this legislation.

By Mr. DASCHLE (for himself, and Mr. LOTT):

S.J. Res. 23. A joint resolution to authorize the use of United States Armed Forces against those responsible for the recent attacks launched against the United States; considered and passed.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

## S.J. RES. 23

Whereas, on September 11, 2001, acts of treacherous violence were committed against the United States and its citizens; and

Whereas, such acts render it both necessary and appropriate that the United States exercise its rights to self-defense and to protect United States citizens both at home and abroad, and

Whereas, in light of the threat to the national security and foreign policy of the United States posed by these grave acts of violence, and

Whereas, such acts continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States,

Whereas, the President has authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States.

*Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This joint resolution may be cited as the "Authorization for Use of Military Force".

**SEC. 2. AUTHORIZATION FOR USE OF UNITED STATES ARMED FORCES.**

(a) That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.

(b) **WAR POWERS RESOLUTION REQUIREMENTS.—**

(1) **SPECIFIC STATUTORY AUTHORIZATION.—** Consistent with section 8(a)(1) of the War Powers Resolution, the Congress declares that this section is intended to constitute specific statutory authorization within the meaning of section 5(b) of the War Powers Resolution.

(2) **APPLICABILITY OF OTHER REQUIREMENTS.—** Nothing in this resolution supersedes any requirement of the War Powers Resolution.

**DEPARTMENTS OF COMMERCE,  
JUSTICE AND STATE, THE JUDICIARY,  
AND RELATED AGENCIES  
APPROPRIATIONS ACT, 2002**

On September 13, 2001, the Senate amended and passed H.R. 2500, as follows:

*Resolved,* That the bill from the House of Representatives (H.R. 2500) entitled "An Act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2002, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert: *That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:*

**TITLE I—DEPARTMENT OF JUSTICE****GENERAL ADMINISTRATION****SALARIES AND EXPENSES**

*For expenses necessary for the administration of the Department of Justice, \$93,433,000, of*

*which not to exceed \$3,317,000 is for the Facilities Program 2000, to remain available until expended: Provided, That not to exceed 43 permanent positions and 44 full-time equivalent workyears and \$8,136,000 shall be expended for the Department Leadership Program: Provided further, That not to exceed 41 permanent positions and 48 full-time equivalent workyears and \$4,811,000 shall be expended for the Offices of Legislative Affairs and Public Affairs: Provided further, That the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, forfeited real or personal property of limited or marginal value, as such value is determined by guidelines established by the Attorney General, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs: Provided further, That any transfer under the preceding proviso shall not create or confer any private right of action in any person against the United States, and shall be treated as a reprogramming under section 605 of this Act.*

**JOINT AUTOMATED BOOKING SYSTEM**

*For expenses necessary for the nationwide deployment of a Joint Automated Booking System including automated capability to transmit fingerprint and image data, \$22,500,000, to remain available until expended.*

**LEGAL ACTIVITIES OFFICE AUTOMATION**

*For necessary office-automation expenses of organizations funded under the headings "Salaries and Expenses", General Legal Activities, and "Salaries and Expenses", General Administration, and of the United States Attorneys, the United States Marshals Service, the Antitrust Division, the United States Trustee Program, the Executive Office for Immigration Review, and the Community Relations Service, \$34,600,000, to remain available until expended.*

**NARROWBAND COMMUNICATIONS**

*For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems, \$204,549,000, to remain available until expended.*

**PORT SECURITY**

*For expenses necessary for counter-terrorism, counter-narcotics, and other law enforcement activities at United States seaports, including Great Lakes ports, \$39,950,000, to remain available until expended, to be available only for facilities, equipment, and supplies occupied or used by federal law enforcement agencies, including the United States Customs Service.*

**ADMINISTRATIVE REVIEW AND APPEALS**

*For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, \$45,813,000.*

**DETENTION TRUSTEE**

*For necessary expenses of the Federal Detention Trustee who shall exercise all power and functions authorized by law relating to the detention of Federal prisoners in non-Federal institutions or otherwise in the custody of the United States Marshals Service; and the detention of aliens in the custody of the Immigration and Naturalization Service, \$88,884,000, of which \$87,166,000 shall be available only for prisoner movements handled by the Justice Prisoner and Alien Transportation System: Provided, That the Trustee shall be responsible for overseeing construction of detention facilities or for housing related to such detention; the management of funds appropriated to the Department for the exercise of any detention functions; and the direction of the United States Marshals Service and Immigration and Naturalization Service with respect to the exercise of detention*

*policy setting and operations for the Department.*

**OFFICE OF INSPECTOR GENERAL**

*For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$46,006,000; including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance, and operation of motor vehicles, without regard to the general purchase price limitation for the current fiscal year.*

**UNITED STATES PAROLE COMMISSION****SALARIES AND EXPENSES**

*For necessary expenses of the United States Parole Commission as authorized by law, \$8,836,000.*

**LEGAL ACTIVITIES****SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES**

*For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia, \$527,543,000: Provided, That of the funds made available in this appropriation, \$2,612,000 shall remain available until expended only for courtroom technology: Provided further, That of the total amount appropriated, not to exceed \$1,000 shall be available to the United States National Central Bureau, INTERPOL, for representation expenses.*

*In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, as amended, not to exceed \$4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.*

**SALARIES AND EXPENSES, ANTITRUST DIVISION**

*For expenses necessary for the enforcement of antitrust and kindred laws, \$130,791,000: Provided, That, notwithstanding any other provision of law, not to exceed \$130,791,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection, shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2002, so as to result in a final fiscal year 2002 appropriation from the general fund estimated at not more than \$0.*

**SALARIES AND EXPENSES, UNITED STATES****ATTORNEYS**

*For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, \$1,260,353,000; of which not to exceed \$2,500,000 shall be available until September 30, 2003, for: (1) training personnel in debt collection; (2) locating debtors and their property; (3) paying the net costs of selling property; and (4) tracking debts owed to the United States Government: Provided, That \$800,000 shall be available only for grants to develop and conduct programs to train State and local law enforcement and prosecutors in the investigation and prosecution of child pornography and child exploitation crimes: Provided further, That of the total amount appropriated, not to exceed \$8,000 shall be available for official reception and representation expenses: Provided further, That of the*