The Senate met at 10 a.m. and was called to order by the Honorable Jean Carnahan, a Senator from the State of Missouri.

PRAYER

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

Almighty God, Creator, Ruler, our Adonai, sovereign Lord of all life, we pray in the spirit of Rosh Hashana, the days of awe and repentance and the time for reconciliation with You and with one another. Our raw nerves and agitated hearts need this sacred time to repent and return to You with humble and contrite hearts. Jews, Christians, Muslims, and all religions that honor You as God, together seek Your forgiveness for the prejudice, hatred, and toleration of injustice in our world. You have taught us that there is nothing more abhorrent than religious fanaticism that calls evil good or good evil. Sound the shofar in our souls, blow the trumpets, arouse us and call us to spiritual regeneration. Continue to heal our land and strengthen the spiritual awakening which is spreading throughout the Senate family and across the Nation. We celebrate our unity under Your sovereignty and the oneness of our shared commitment to You. Amen.

PLEDGE OF ALLEGIANCE

The Honorable Jean Carnahan led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
President pro tempore,

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Jean Carnahan, a Senator from the State of Missouri, to perform the duties of the Chair.

Robert C. Byrd, President pro tempore.

Mrs. Carnahan thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader. Mr. Reid. I thank the Chair.

SCHEDULE

Mr. Reid. Today the Senate is going to begin consideration of the Treasury-Postal Appropriations Act. That bill is going to be managed by Senators Dorgan and Campbell. They have every belief it can be finished today. There are some very important measures in the bill.

There will be no rollick votes today or tomorrow. Any rollick votes, the majority leader has indicated, will be held on Friday. So any votes that develop today as a result of the legislation on the floor will deal with Treasury-Postal or perhaps the Defense authorization bill. Those votes will be ordered to occur on Friday because of various things that are happening in the Senate.

IMPACT OF TERRORIST ATTACK ON LAS VEGAS AREA ECONOMY

Mr. Reid. Madam President, I ask unanimous consent that a memo from John Haycock of Haycock Petroleum, Las Vegas, be printed in the RECORD. This is a memo to his employees. It is one of the best dissertations on our free market system I have seen, and it was done as a result of the events of September 11.

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

Date: September 17, 2001.

To: Managers.

From: John Haycock.

The events of Tuesday, September 11th will have an effect on every business in this Country. I believe it is the responsibility of senior management to assess our specific situation and develop plans to mitigate and minimize any negative impact to Haycock Petroleum Company.

The following is a brief summary of what I believe to be the areas of impact to our Company and our business routine.

NATIONAL ECONOMY

As I write this memo, the market is down 560 points. While that is a significant loss, it is less than 5%, and certainly not unexpected. If the market closes at around that mark, I believe it will be a positive sign. If the market drops 10%, trading will be stopped.

The Fed dropped interest rates 1/2% this morning in a logical and responsible move which seemed to put a stop to the market drop.

I am a strong believer in the resiliency of a free market.

The National economy is headed for a tough time. There was talk of a recession before the attacks on Tuesday, and those events would seem to make a recessionary period more likely.

LOCAL ECONOMY

There is an immediate hesitancy to travel—especially by air. A significant drop in air travel will hurt our 2 major markets. Las Vegas depends on tourism, and the majority of our visitors arrive by air. Salt Lake depends on air traffic, especially going into the winter months, to feed the skiing industry, which is a huge part of that economy.

My opinion about the down-turn in air travel is that it will be somewhat short lived, assuming there are no more airline tragedies. Time normally heals, and 120 days from now, travel will be somewhat normal.

The Olympics in SLC is a variable. Depending on what happens between now and then, attendance could be significantly affected both by the fear of air travel, and the potential for terrorism.

Meanwhile, it is likely that there could be an increase in local unemployment as affected industries adjust to any drop in business.

I don’t believe that a short term drop in travel will have a long term effect on sustained growth in Utah and Nevada.

SUPPLY

Currently, supply does not seem to be an issue. There is a downward trend in the price of distillates, likely due to the glut of jet fuel. Gasoline is moving upward, but certainly not abnormally. If there is a move from airplane travel to travel by car, that would seem to encourage an increase in gasoline.

If however, there is bombing in the Middle East, pricing and supply will be immediately affected. We’ve been there before.

WHAT ABOUT US?

This will undoubtedly have an impact on our business.

Supply volatility is something we know how to deal with if necessary.

A downturn in the general economy will have effects on the demand for the products that we sell, and if necessary we will adjust our infrastructure accordingly.

Credit administration, which is a very big part of our business, should be approached very conservatively even in view of any decrease in demand.

The interest rate cut will help. Economic conditions are cyclical, and do not last forever.

We can help our own cause within our Company and our communities if we maintain a cautious optimism and do our jobs well.

Again, I believe in the resiliency of a free economy and I have a lot of faith in this Country.

This too shall pass.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. Gregg. Madam President, I understand it is the purpose of the leader to go to the Treasury-Postal bill, but I ask unanimous consent that I be allowed to speak as in morning business for 10 minutes.
Howard M. Metzenbaum, Chairman, Committee on the Judiciary, and Mr. Kyl on behalf of the Committee.

Mr. METZENBAUM. Senator HOLLINGS is chairman, has which I am the ranking member and view of what has to be done.

Mr. Kyl on behalf of the Committee.

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Mr. Kyl on behalf of the Committee.
The CONGRESSIONAL RECORD—SENATE 17231

September 19, 2001

this product or something else they make. I believe we should use the leverage of the American market as a way to say, if you are going to sell this type of equipment anywhere in the world, and you want to sell something in the United States also, you have an obligation to comply with our needs for our national security under a strict legal judicial structure.

I am before you to set up a regime that will be fair, that will be subject to the judicial controls necessary to protect the constitutional rights of people who are law-abiding but will also give our intelligence community the access to the information they need when they know there is somebody out there using encryption technology for the purposes of pursuing a terrorist act in the United States. There is no excuse for anybody to be underwriting that type of activity in our country. That is the intelligence level.

The second level, as I mentioned, was the apprehension level. Apprehension is extremely difficult when you are dealing with the terrorist community. There is an entire law enforcement concept in this Nation that says we apprehend after the act occurs. Yet if we wait until after the act occurs in the area of terrorism, the harm is so extreme, as we saw in New York and in Washington, that it becomes very hard to justify allowing the event to occur before we have declared that the individual needs to be apprehended. We have to change our mindset and our approach, and in doing so we have to address our constitutional protections so you do not end up undermining that because it will make the terrorist successful.

The simple fact is we are going to have to adjust our approach in the area of law enforcement to one of apprehending before the event approaches rather than after the event.

Second, we are going to have to face the fact that our borders are incredibly porous and we have to set up a new regime for managing our borders which allows the proper flow of individuals back and forth so we can have the access that people, for example, from Mexico wish to have to work in the United States. But we also have to have controls so we know who is coming into our country.

Again, I think the Guest Worker Program discussed and in the works is a way to address that. I have some thoughts in that area. This will be a key element of the United States of how we apprehend individuals who are bent on committing acts of terror in our borders.

The third element involved is crisis management and consequence management. We need to get its act under control. We have 46 agencies responsible for some element of terrorism or counterterrorism. There is tremendous overlap; that is, regrettably, turf issues. There is often indecision and lack of communication of information. In fact, in the instance we had in New York, there may have been a specific lack of communication of information. We need a centralized management structure within our Federal Government.

We have proposed in the Commerce-State-Justice bill it be divided for the purposes of domestic terrorist acts—no military but domestic terrorist acts—into two areas. In the Justice Department, appointment of a Deputy Attorney General of Terrorism, with a cross-jurisdiction responsibility. Unless you have budget authority for this individual, there is no point in having such an individual.

The Justice Department for crisis management and Federal Emergency Management Administration for consequence administration, they would essentially be coordinators of the issue of how we handle domestic terrorist events here in the United States. They would function as coequals, and would be sequential, however, in their response to an event.

This is just one proposal for how to do it. It is one that passed this Senate and has been strongly supported, for example, by the assistant leader, Senator SCHUMER. He came here yesterday for his support and Senator WARNER and Senator SHELBY, who participated in the hearings.

As I mentioned, this is just one approach to accomplishing this goal, but you need to accomplish this goal, and you need to accomplish it quickly. The key to accomplishing it, as I mentioned, is whoever is given the responsibility for managing the terrorist portfolio, that individual also has to have the cross-departmental lines because the only way you control things in this Government is if you control the dollars. If you do not control the dollars, you are not going to be able to control the activity. With the drug czar, we saw a complete failure of just naming someone to a position and claiming he has responsibility when he never got the authority to do the job. We cannot afford that on the issue of terrorism.

This is a public relations event. This must be an individual who has significant power and the responsibility and the capacity to carry out that responsibility because he has the power to do it.

My time has run out. I know there are other people who want to speak so I will yield the floor, but I do intend to speak further on this issue of how we manage our house on the issue of terrorism. There is a lot we need to do and a great deal that needs to be thought about in this area.

I especially thank the Senator from North Dakota for his courtesy.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

The remarks of Mr. SPECTER pertaining to the introduction of S. 1438 are located in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. ALLARD. Madam President, I request 10 minutes in morning business.

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

COLORADO FEDERAL JUDICIAL NOMINEES

Mr. ALLARD. Madam President, I come to the floor today to speak about an issue of great importance to the State of Colorado. This is the nomination and confirmation of Federal judges.

I am pleased to announce that recently the President nominated two outstanding individuals to fill vacancies on the Colorado Federal District Court.

The first is U.S. Chief Bankruptcy Judge Marcia Krieger of Denver, the other is Colorado District Court Judge Robert Blackburn of Las Animas. Both are extremely well qualified. 3rd Circuit Senator Holtzclaw for his support and Senator WARNER and Senator SHELBY, who participated in the hearings.

As I mentioned, this is just one approach to accomplishing this goal, but we need to accomplish this goal, and we need to accomplish it quickly. The key to accomplishing it, as I mentioned, is whoever is given the responsibility for managing the terrorist portfolio, that individual also has to have the cross-departmental lines because the only way you control things in this Government is if you control the dollars. If you do not control the dollars, you are not going to be able to control the activity. With the drug czar, we saw a complete failure of just naming someone to a position and claiming he has responsibility when he never got the authority to do the job. We cannot afford that on the issue of terrorism.

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in both Federal and State court, and he is currently a distinguished attorney in private practice in our State.

Mr. Tymkovich is a graduate of the University of Colorado School of law, he was a law clerk for the Chief Justice of the Colorado Supreme Court, and he recently served as cochair of the Colorado Governor’s Task Force on Civil Justice Reform.

Today I rise to speak not only of the tremendous qualifications of these three individuals, but to also urge that the Senate move expeditiously to confirm them as Federal judges.

The 10th circuit seat became vacant in October of 1999—nearly 2 years ago. One of the district court seats became vacant in April of 1998—over 3 years ago. The other seat became vacant in May of this year.

Recently, I researched some of the historialsents to the 10th circuit and one of the things that really jumps out is how quickly Federal judicial vacancies were filled in the past in Colorado.

It was unusual for a seat to remain vacant for a long period of time. I hope we can get back to this tradition.

The Senate should carefully review all nominees, I have taken this responsibility very seriously as a Senator. But when we get qualified candidates that are not controversial, we should confirm them in a timely manner.

That is why I am today asking that the Judiciary Committee begin the process of reviewing these three individuals. I look forward to hearings and confirmation this fall.

Colorado needs to have a full complement of Federal judges. We are a fast growing State. We have a heavy case load in our Federal courts, and these vacancies need to be filled.

I have worked hard to support the selection of Federal judges of the highest qualification.

That is why Senator Campbell and I have formed a Judicial Vacancy Advisory Committee to screen candidates for district court vacancies in Colorado, this is a non-partisan process.

This past spring, once we learned the process that would be followed by the President in selecting Federal judges, we appointed a six-member advisory committee. This committee was made up of distinguished lawyers in our State. They reviewed dozens of candidates for the two district court vacancies in Colorado. They narrowed the list down to nine qualified individuals.

I personally interviewed all nine, and I was very satisfied that all nine would make fine Federal judges.

Senator Campbell and I then forwarded these nine names to the President and his legal counsel. The President announced his selection of Judges Kriegler and Blackburn from this list. I am proud of these choices, and I am proud of the prior choice of Mr. Tymkovich for the 10th circuit.

I intend to work very hard to see that they are confirmed by the Senate in a timely manner.

In fact, I encourage the leadership in the Senate to move forward with a number of other nominations that relate to law enforcement—for example, U.S. marshals and the U.S. attorneys.

I hope that in a very expeditious and rapid manner we get these positions to the Senate the country filled and confirmed, particularly in light of the events of the last week and a half.

Madam President, I conclude by saying I think it is important that we move forward with all law enforcement nominations as quickly as possible and that we move forward with judicial nominations as quickly as possible.

I yield the floor.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Appropriations Committee is discharged from further consideration of H.R. 2590, and the Senate will now proceed to its consideration.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2590) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. Dorgan. Madam President, I will be joined in the Chamber in a few minutes by my colleague, Senator Campbell from Colorado, who is working on other parts of this legislation.

This legislation is the product of the work of the subcommittee on appropriations dealing with Treasury, Postal and general government accounts.

In the last 2 days, President Bush has indicated it is time for America to go back to work. And we must do that in the Senate.

This appropriations bill contains funding for counterterrorism, for activities to allow us to track down terrorist activity. For example, in the Office of Foreign Assets Control in the Treasury Department we have the financial crimes enforcement network.

We have a counterterrorism fund in the Treasury Department. We fund the Secret Service. We fund the Customs Service. We have a substantial amount of resources in this piece of legislation to deal with the issue of counterterrorism in tracking down those who committed the heinous acts of terror against our country last week.

Although we go back to work in the Senate now, the shadow of the acts of terrorists committed against our country last week remains. We go to work now with a new purpose, a new resolve: to heal, to respond, and then to prevent these kinds of acts of mass murder committed by madmen from ever happening again in our country or in the world.

Madam President, before I talk about the specific bill, I wish to make some comments generally about these issues. I am committed to having a vote this week, and I want to repeat some of them about where we are, what all of this means, and what we, as a country, must do.

There are unique moments in history, too often born of tragedy, when Americans stand together with a relentless and fierce determination to try to combat the forces of evil and to reaffirm that our freedom is secure. This is one of those moments in the life of America.

A week ago yesterday cowards struck innocent men, women, and children in New York City, in Washington, DC, on airplanes, including on one airplane that went down in Pennsylvania. Their target was not just New York; it was those buildings. Their target was all of America. It was an act of war committed by madmen directed against our country. It deserves, and will get, a fierce, strong, and on-target response.

I must say I have no illusions about that. The campaign to rid the world of terrorism will be long and difficult; and our actions must be bold and strong, but not reckless. Now, even as we prepare to respond to terrorism, our country has changed all of us. We now carry a heavy burden of grief. We also carry the responsibility to ensure that our response is swift, severe, and just.

But we also have an opportunity today to hold high the torch of freedom, and to say to the world: We are heartbroken about our loss, but America’s spirit will not bend.

When I left the Capitol Building late in the evening of September 11, and drove past the Pentagon, there were clouds of black and gray smoke billowing from the fire caused by the terrorists. And even today, over a week later, F-16 and F-15 Air Force fighter planes fly routine patrols over the skies of our country’s Capital.

When I arrived home from the Capital the night of the terrorist attacks, as I walked in the front door, my 14-year-old son, at about 11 o’clock in the evening, heard the door close, got out of bed, and came to me, and said: Dad, what happened? And who did this? I told my son: This was an act of evil by deranged madmen. The President and Congress will tell America that we will search for, find, and punish those responsible for these acts of terrorism.

That is our pledge to us, to our children, and to the world: We will not give
in to terrorism. We are all Americans; and we will respond with an iron re-
solve, anchored now by a new unity.

That unity, and the basic goodness of the American people, will lead us to all of us in the hours immediately following the attacks, when people were reported to have waited in lines for 4 and 5 hours to give blood.

So many heroes stepped forward and risked their lives to help others who were the victims of these terrorist at-
tacks. And amidst the carnage and the destruction grew a stronger bond among the American people. It is an understanding that we live in America but, more importantly, America lives in us.

So now we begin to wage war on ter-
rorism. And we ask all other countries in the world to join us. Those countries that believe in freedom must join us in our campaign to make the world safe from these acts of mass murder.

Terrorist training camps in foreign lands cannot be allowed to exist. Coun-
tries that harbor terrorists must, as the President said, pay a price for harb-
or these terrorists. We must dedi-
cate ourselves, as a nation, to those tasks.

Last week it was commercial air-
liners, full of passengers and jet fuel, used as a bomb. In the future it could be a small vial of deadly biological agents or chemical agents that could kill a million people, or it could be a suitcase-sized nuclear bomb placed in the trunk of a rusty car parked at a dock in a major city. If ever we must understand our responsibility for world leadership to try to stop the spread of nuclear weapons, to reduce the threat of the spread of weapons of mass de-
struction, and to combat terrorism, it must be now. That leadership is our re-
sponsibility. That mantle is on our shoulders.

Over a century ago, on the blood-
stained ground of Gettysburg, Abra-
ham Lincoln said: "* * * we here high-
ly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom. * * * *".

Today, in this time, and in this place, we should consecrate those words from nearly 140 years ago and let them again inspire our Nation’s resolve that those who died did not die in vain.

Our response to the deadly crimes that took them from us will be dedi-
cated to destroying the ability of ter-
orists to wage this kind of war, and giving those who live a new birth of freedom the hope and the fear and the impact of terrorist acts.

To those who lost their lives, those who loved them—their relatives and friends—we say: Our country grieves with you. Our country reaches out to you. And you are not alone.

Last week, a couple days following the attack on the Pentagon, I joined some colleagues to go to the Pentagon.

When I came back from the Pentagon, I mentioned in this Senate Chamber an act by a young Marine that was so in-
spiring.

That young Marine, as we were looking at the damage to the Pentagon, was hanging by a crane, in a bucket with a steel cable; and I was wondering what he was doing because they had hoisted this young Marine up to this open gash in the Pentagon where the plane had exploded. The fire had consumed the building; and the building had col-
lapsed.

The cable and the metal basket, and a young man standing in the basket, was dangling from the crane up by the 4th floor. He was trying to get in a po-
sition to reach in. He reached in this cavernous hole that had been caused in the Pentagon, and he pulled out a flag—a brilliant red and gold U.S. Ma-
ine Corps Commandant. I saw it in an office.

It was untouched, unburned. It was not something I could understand, that a flag such as this could have survived that fire. But he said to us, as he held this flag: I am going to give this flag to the Marine Corps Commandant. He said: They couldn’t destroy this flag; and they can’t destroy our country.

And I thought, in many ways he says it for all of us. I have no idea how that flag survived. But that flag, and that young Marine, I think, said it for all of us: our determination, our resolve, and our endurance.

The road ahead is going to be diff-
cult. The road ahead requires us to do much, and it will still have a discussion about the parts of our economy. We must deal with that.

How does that connect to terrorism? The American people in many cir-
cumstances are very leery about get-
ting back into an airplane unless they feel they are safe. We must move quickly to assure the safety of the American people while they are flying. How do we do that?

No. 1, we will move very quickly to include the use of sky marshals in com-
mercial airplanes. Those sky marshals are already being employed. I expect that will dramatically increase.

No. 2, security at American airports must increase in a very substantial way. I would have a discussion about having the Federal Government take responsibility for the airport security apparatus. We must close those gaps that have existed, that we have known for a long while have existed in airport security.

There are a series of other rec-
ommendations as well. The Senate Commerce Committee will be holding hearings tomorrow on a range of these issues. Dealing with the security of our airports and the security of our aviation is important, as well as dealing with the economy generally. They are very much related.

The economy was soft prior to the attacks. And all indica-
tions, from the newspapers this morning and all of this week, are there will be more and more layoffs. We must act decisively and we must act quickly to forestall the further softening of the economy and give assurance that the economy can be restored and can be vibrant and can grow once again. There isn’t anything much more
important than the Congress and the President joining together to do that, to give the American people the confidence this economy can have a strong and vital future.

I studied and taught economics in college. One of the things most people forget about economics is, No. 1, there is naturally a business cycle. It has a contraction and expansion side. No one has been able to repeal the business cycle, nor will they. No. 2, even though we were going through a contraction side of the business cycle, there is some belief among people in Washington and elsewhere—in some cases a belief among economists—that the economy is made up of an engine room of the ship of state in which there are massive amounts of dials and gauges and levers. If you can just turn them all right and adjust them all right—the quantity of money, tax cuts, spending, all of that stuff—and interest rates, adjust them just right—the ship of state will move forward.

It is not that at all. It just is not that at all. This economy moves forward when people are confident about the future. When people are confident about the future, they make decisions that express that confidence. They will buy a home. They will buy a car. They will take a trip. They will do a whole series of things that express confidence that have in their impact the opportunity to create an expanded economy.

Exactly the opposite happens when people are not confident. If people are not confident about the future, the economy tends to contract because they defer decisions. They don’t take the trip. They decide not to buy the home. They don’t buy the car. They don’t make the decisions as consumers that they might otherwise make because they are not confident about the future

This economy has always and will always rest on a mattress of confidence. Do the American people have confidence about the future or don’t they? If they do, this economy will grow and expand. If they don’t, it will contract. It is that simple.

This is not like making some sort of public policy that can employ that confidence building in a way that is very constructive. It is critical that we begin that immediately.

Let me turn briefly to this appropriations bill which has elements that deal with our foreign policy, and also the issue of how to instill confidence with respect to the economy. This is an appropriations bill dealing with the Treasury Department. But it is much more than that. About one-half of all Federal law enforcement is in this bill. It deals with the Office of Management and Budget, the White House, the Secret Service, U.S. Customs, GSA, and a whole range of Federal agencies.

I will talk a bit about what this bill does and why it is brought to the floor in the manner we have brought it to the floor.

First, let me again say that central to this bill is the funding of a range of issues that are important to the current discussion we are having about counter terrorism. The counter terrorism fund within the Treasury Department is critical. We have increased that fund in this appropriations bill, as well as the funding for the Office of Foreign Asset Control, which has the capability and the expertise to track terrorists. The Financial Crimes Enforcement Center is the same. It has the important capability of tracking the finances and the banking transactions these people use.

The U.S. Customs Service is a very large agency that has the responsibility of protecting our borders. That is obviously critical to the counter terrorism efforts. If we are not able to some basic control over our borders, we don’t have the capability of keeping terrorists out.

We all understand the role of the Secret Service in protecting the President and vital public officials in our country, the many other duties they perform. So this legislation is important legislation. It is timely. We have brought it to the Senate today hoping we could, in this new spirit of unity, move this legislation as quickly as possible.

The subcommittee has worked on this bill. We brought it to the full Appropriations Committee. That committee has also will make, and this bill now is a recommendation of the full Appropriations Committee of the Senate. I am pleased to offer it today.

This bill contains a total of $32.3 billion in new budget authority. Of that amount, $15.6 billion is for mandatory accounts. The committee recommendation is within the 302(b) allocations which come from the budget we passed. It strikes a balance between our priorities, the administration’s initiatives, and the agencies requirements.

My colleague, Senator CAMPBELL, who will be in the Chamber in a bit, is now working on a range of these things that I mentioned just now and assisted by his staff, Pat Raymond and Lula Edwards, in putting this bill in the condition we now have it, as well as my staff, Chip Walgren, Nicole Rutberg, and Matthew King, who is detailed to us to try to get this clearest. It is a collaborative bipartisan piece of legislation which reflects both congressional and administration priorities.

The bill consists primarily of salaries and expense accounts for a good many agencies. The majority of the increases in this legislation are for agencies to lose them to maintain current levels. The initiatives I will highlight are just a few initiatives that are very important.

(Mr. BAYH assumed the chair.)

Mr. DORGAN. Mr. President, in this legislation we have doubled the amount of funding to $10 million that the Customs Service would have to combat the issue of forced child labor practices.

All of us understand what is happening with respect to child labor around the world. It is not a fair competition. It is not fair for people to use child labor and ship their products to our marketplace in the United States and call it fair trade. We have had testimony from the heart of the Senate in years past of young children, 8, 10, 12 years old, working in carpet factories in some parts of the world, in which those who run the carpet factories have actually taken gunpowder and burned the fingers of these young children. They burn the fingertips of the children in order to create burn scars so that the children who use needles to work on these carpets and rugs will not injure themselves. It won’t hurt because now they are scarred and burned from these deliberate burns caused by their employers.

Is that something we want to happen in this world? I don’t think so. Do we want to buy from people making products by employing 10- and 12-year-old kids whose fingers they have burned so they can sew rugs and ship them to America to be bought in Pittsburgh, Fargo, Minneapolis, and other cities? No. It is not the right thing.

So we double the amount of money to deal with child labor. We need to investigate child labor and prohibit the import of goods from other countries into this country when those goods are made by forced child labor.

We add $25 million in this piece of legislation for a new northern border initiative to hire additional Customs Special Agents, inspectors, and canine enforcement teams to enforce our trade laws and to protect our borders. In light of the tragic events a week ago yesterday, this is merely a down payment, I am sure, on a much larger requirement for the Customs Service with respect to security on all of our borders. But I fully expect many of the things that will be addressed by these deliberations will be addressed by the emergency appropriation we enacted last week.

We are very concerned about the security of America’s borders. We know there are known terrorists around the world. We know that we can only maintain our borders and become part of terrorist cells in our country. We also know that, for example, on New Year’s Eve
in the year 1999, as we entered the new millennium, at one of our border points on the northern border in the State of Washington a terrorist was apprehended. If they are embarrassing—and in January next year and issue 12 reports of people going to the IRS offices asking for help and who get the wrong answer at least 73 percent of the time—then there is something fundamentally wrong with the folks who are running this agency and trying to make this happen. I, again, have great respect for Commissioner Rosetti. He comes from a business background, and I know he will do a good job. He made the point to me of why this happened and he has taken action to change this. He asked that I defer this monthly investigation to January rather than start it in October. I said that is fine. But we are going to have 12 reports to the Congress, and I am going to read every one of them. If I see reports that say 73 percent of the people ask for help from the Internal Revenue Service they get wrong answers, there is going to be hell to pay because we are spending a lot of money to make sure the American people get the service they deserve.

The name of this agency has three words: Internal Revenue Service. If we don’t put “service” back in the Internal Revenue Service, how long will we expect the American people to voluntarily comply with this tax system? It is a tiny issue, but it is one about which I feel very strongly. We need to make this work for people. When each of these reports is issued, I will come to the floor and share them with my colleagues. I hope they share—as I am sure they do—my concern about an agency that gets it wrong 73 percent of the time when they are being asked for taxpayer assistance.

We add $5 million for a new program for grants for drug testing and treatment and intervention to State and local governments for criminal justice populations. One of the things we know about these issues of incarceration and recidivism, and so on, is that people who go into our prisons and jails with a drug problem and who don’t get treatment are going to come out with a drug problem, and they are likely to commit crimes to buy the drugs to continue taking these drugs. The fact is, we have to be smart about this and start making sure that people who are drug addicted as they go into jails and prisons are required to get drug treatment. It doesn’t make any sense to throw them in jail and put them back on the street with a drug addiction. You are just begging for more crime. And they will comply. That hurts this country, and we can do much better.

We add $100 million above the President’s request of $330 million for the continued modernization of the Customs Service. This is a tiny issue, but it is one that has been concerned about this and has a hold—I wish that hold can be eliminated so that we can bring down on us. We have so much trade back and forth across our borders, the system simply can’t handle it. We are trying to fund this system called ACE, and I believe the $4.5 billion is what it will be very helpful to facilitating trade across our borders.

While I am talking about Customs, let me make another point about which I feel strongly. The Customs Service does not have it. Customs Commissioner. Think of that. We have this heinous terrorist act committed against our country, mass murders, unspeakable horrors in our country. When we deal with these counter terrorism acts and put together a program of counter terrorism, one critical element is our U.S. Customs Service. They are on the border, and we have to secure our borders to try to prevent terrorists from coming into the country. We have to put the U.S. Customs Service in all the law enforcement agencies to do that.

The Customs Service previously ran, is now contributing to the Sky Marshal Program. That is up and operating in a skeleton way. The Customs Service is an integral part of counter terrorism. We do not have a Commissioner at the Customs Service. We have a nominee, but there are two holds on the nominee. One has been dropped. In the Senate, there is still, as I understand it, a hold on the nominee. We have a person whom I think is perfectly qualified to run the Customs Service. This is an agency without a head, and we have someone in the Senate who is holding the nomination and will not allow us to confirm him. The result is an agency without an agency head at a time when we clearly need the direction and leadership that agency head can give at this point.

As I understand it, the hold that exists—I will not use the name of my colleague, but I am sure that it has been in the papers. One of our colleagues has put a hold on the President’s nominee to head Customs because our colleague objects to his reluctance to commit to the use of a new security detection technology. There is a debate about technology. There was another hold that was released, I believe, last week over a textile issue.

Look, this is not the time to be holding up the President’s nominees. It is not the time to hold up a nominee who is so critical as the head of the U.S. Customs Service. Let’s get this nomination before the Senate and confirm this nominee so this person can be down at the White House and with the President’s direction, bring the Customs Service fully into this circle of agencies that are going to be critical in combating terrorism. We ought to do that today.

In fact, I say to my colleagues, if there is one person whom I think is the one that has been concerned about this and has a hold—I wish that hold can be eliminated so that we can bring
this nomination before the Senate. I want to confirm this person. I would like to do it today. It is not my decision to bring it before the Senate, but I hope the committee chair and ranking member will talk to the Senator who is holding up the Customs Service nominee and let’s get that done. The President has selected a good person. If we have some disagreements with him, go ahead and disagree with him and restore that. We are in the third and final year of the money to try to make certain we prevent future terrorist acts. As I close—and my colleague from Colorado, Senator CAMPBELL, is here—let me say how much I enjoyed working with him. I know people view Congress sometimes as an area where there is a great deal of debate, and that is certainly true. I do not think debate is bad for the country. I think it is good. When you get the best of what everyone has to offer, the American people are best served. There are more instances than not where we come together and work with somebody for whom we have great respect, and that is certainly the case with Senator CAMPBELL and myself.

He chaired this subcommittee, and I was happy to work with him and felt the experience was a great experience. I am now chairing the subcommittee and exactly this is a great experience to be working with my colleague from Colorado, Senator BEN NIGHTHORSE CAMPBELL.

I will make two final points. One, to go back to this issue of how, I think, this country predictably is very concerned at this moment about terrorism. We have been through a frightening ordeal, and we are not yet through it. We must, as the President has indicated, work together; we must achieve national unity. Part of that national unity is to resolve that we will track down and punish those who committed these acts of mass murder against so many American citizens. We must do that thoughtfully, not recklessly. It is very important the way we go about this. Part of it is also to try to make certain we prevent future terrorist acts.

Yesterday, the Attorney General indicated there might be some evidence there were other airplanes that were targeted. He indicated there might be some terrorists who are still not apprehended, and they are searching for them. Even as we, in the middle of this nightmare we have gone through, try to make certain the American people understand everything humanly possible is being done to prevent another terrorist attack, even as we do that, as the President said, we must go back to work. So part of that work is to pass an appropriations bill today.

This bill is also central to the question of counter terrorism and combating terrorism because it includes the counter terrorism account. In the Treasury, U.S. Customs, the Secret Service, and the Financial Crimes Enforcement Network which is involved with the FBI in tracking all of the money back and forth. So we have many things in this legislation that directly relate to this need we have as a nation to move aggressively.
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For that reason, my fervent hope is we will not spend a great deal of time with a lot of amendments on this bill, and I ask my colleagues to join me in trying to find that agreement to pass this legislation today.

Let me describe what I was hoping to do. I have great heartburn about what has been happening with respect to Cuba. The Treasury Department and the Office of Foreign Assets Control—OFAC—have been levying fines against people who travel to Cuba because it was against the law. I will give an example: A retired lady to whom I talked by phone is a bicyclist, and she answered an ad in a cycling magazine with a Canadian company, a travel company, doing a cycling tour. So she joined something like 10 or 12 bicyclists through this Canadian travel company, and they went to Cuba, and they bicycled with a retired American woman. They bicycled in Cuba. Then 18 months later she got a letter from OFAC and the Treasury Department levying a $7,650 fine against her for riding a bike with a Canadian travel group in Cuba.

Another fellow I talked to received a $19,020 fine for a weekend visit to Cuba. When he was in the Cayman Islands with some friends, the friends invited him to go to Cuba for the weekend, and he did.

OFAC has begun a new enforcement action against Americans who travel in Cuba. I fully intended to offer an amendment to this bill to stop that. OFAC ought to be about tracking terrorists, not tracking down retired ladies who ride bicycles in Cuba.

However, I am not going to offer that amendment because I do not want slow passage of this bill. And the fact is, the House has already included an amendment on this issue in its version of the bill that is under consideration. I am going to try my damndest to make sure—and I hope my colleague from Colorado will join me—that we accept the House provision which would suspend the enforcement of the ban on travel to Cuba so that we do not have $7,000 to $19,000 fines being levied against American citizens who have traveled there, some of whom have told me personally that they had no idea this was against the law.

My point is this: I was fully intending to come to the floor to offer that amendment. I know it would be controversial. I know four or five of my colleagues who would want to stand up and oppose that amendment. I think it is not in this bill that I am going to offer an amendment to this. But I am going to try my damndest to make sure that we suspend the enforcement of the ban on travel to Cuba so that we do not have $7,000 to $19,000 fines being levied against American citizens who have traveled there, some of whom have told me personally that they had no idea this was against the law.

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Mr. CAMPBELL. Mr. President, I join my colleague, Chairman DORGAN, in placing before the Senate our committee's recommendations for the fiscal year 2002 funding for the Treasury Department, the Postal Service, the Executive Office of the President, and various independent agencies.

I want to associate my comments with the chairmen's comments as they deal with terrorism. Certainly we have had huge changes worldwide in the last week. We are going to be in for the long haul, a very difficult, expensive, and deadly kind of a war that we have never faced before. I know we all want to do our very best in Congress, but I remind my colleagues, as the chairman already has, of the focus of these appropriations bills. As the other Senators are in their offices contemplating amendments they might offer to this bill, I remind them there is an emergency supplemental moving through now and probably that is the better vehicle if they want to do some changes or some amendments.

There are probably better vehicles dealing specifically with the terrorist activities than the TPO bill. In our bill these recommendations include funding for Federal agencies that are now working on the tactical and security needs of our Nation, and have been for years and years. It is clear those needs and others addressed by the funding legislation merit swift consideration.

This bill was crafted by the Subcommittee on Treasury and General Government. It contains a total of $32.4 billion of new budget authority. Of that, $15.7 billion is for mandatory accounts. The committee recommendation is within the 302(b) allocations and strikes a delicate balance between congressional priorities, administration initiatives, and agency requirements. I thank Chairman DORGAN and his staff for the professional manner in which they prepared this bill in such a short period of time.

This bill allows these Federal agencies to simply maintain current levels. Of this $15.7 billion, $2.6 billion is the President's initiatives, and these are the initiatives in this bill. Title I provides a total of $14.9 billion for the Department of the Treasury. Of this, $277 million is more
than the administration requested. The committee has again placed a priority on Treasury’s law enforcement needs as well as support for efforts by State and local law enforcement agencies.

Let me repeat a couple of highlights the chairman mentioned. We have $230 million to the Customs Service for continued development of the badly need-
ed Automated Commercial Environment computation system called ACE.

It has money to continue emphasis on the need for the Gang Resistance Education and Training program, called the GREAT Program, which has been very successful, by including $3 million more than the administration requested for grants to State and local law enforcement. It has additional funding for the integrated violence reduction strategy to allow ATP to comprehensively investig-
ated drug trafficker to make sure the felons do not possess guns.

It has $348 million to the IRS for continuing efforts to modernize their computer system.

Title II provides $76.6 million to the U.S. Postal Service and continues to require free mailing for overseas voters and the blind, as well as 6-day delivery, to which Chairman DORGAN has spoken, and prohibits the closing or consolidation of small and rural post offices.

Title III recommends a total of $755.5 million for the Executive Office of the President, which is $23.7 million more than the administration requested.

This part of the bill includes the Office of Management and Budget, the Office of National Drug Control Policy, the Federal drug control programs, and funding for the national antidrug media campaign.

A special note: The committee also provided $42 million to the Counternarcotics Technology Assessment Center, a program that transfers tech-
nology to State and local law enforcement. I believe since we started the program—it is going into its fourth year—it has been hugely successful.

Over 2,500 local police jurisdictions have received grants of equipment they could not afford and for which they do not have the money to do the research and development.

It increases funding to the High-Inten-
tensity Drug Trafficking Areas program, the HIDTA program, by $20 mil-
lon, which supports programs at their current level. It coordinates Federal, State, and local efforts to combat drug use.

It recommends a total of $185 million to the national antidrug media cam-
paign and requires $5 million be spent on the new drug of choice of too many young teenagers called Ecstasy.

Title IV provides funding for the independent agencies, such as the Fed-
eral Election Commission, the General Services Administration, and the Na-
tional Archives, as well as agencies in-
volved in the Federal employment arena, such as the Federal Labor Rela-
tions Authority, the Merit Systems Protection Board, the Office of Govern-
ment Ethics, the Office of Special Counsel, and the Office of Personnel Management. Also included in the title are the mandatory accounts to provide for Federal annuities, retiree health benefits, and life insurance. The com-
mittance is increased by $0.6 billion for this title.

The administration requested fund-
ing for 12 courthouse construction projects. As Senator DORGAN men-
tioned, we have been able to increase that number of projects to 20. We have provided funding for 12 additional projects such as border stations.

In addition, the Senate has continued an ag-
gressive effort to make sure the Fed-
ental Government real estate is main-
ained properly, by providing $844.8 million for the GSA repairs and alter-
ations account for Federal buildings that are in deterioration.

The funding contained in the bill al-
ows agencies to continue their work. It will not be able to accommodate all Members’ requests, and I remind my colleagues that any funding amend-
ments must be offset. If we have those being contemplated that deal with ter-
torism, there might be a better vehicle through the supplemental.

I thank Chairman DORGAN and his staff, Chip Walgren, Nicole Rutbery, Matt King, and Nancy Olkewicz, for their courtesy during the preparation of this bill. They have been terrific to work with.

We are focused on these recent at-
tacks, but clearly we have to move for-
ward, as the chairman mentioned, with our work and our various budget pro-
posals as we have prepared them. My support for this committee’s rec-
ommendations comes with my under-
standing that funding needs for some agencies may change. I feel certain most of those can be han-
dled through the supplemental appro-
riation and hope they will.

Additionally, I am particularly pleased that Chairman DORGAN agreed to my request to provide additional funding to the U.S. anti-doping initia-
tive, called the USADA. This funding will be necessary to ensure that our Olympic athletes, our Pan American, and Paralympic athletes are free from drugs and are taught about the ethics of fair competition. I thank the chair-
man for including additional help in the Ecstasy program, as I mentioned.

Speaking of the antidrug media cam-
paign, we have provided over $748 mil-
lon for that campaign since 1998. This year, we have $185 million for the fiscal year 2002. But preliminary findings re-
leased by the Office of National Drug Control Policy last year showed that the campaign is having a positive ef-
fect.

Unfortunately, more recent informa-
tion seems to indicate that while this report card may be good, it may have been somewhat premature. While I agree we must take steps to protect youth from the lure of illegal drugs, we must make sure we wisely spent in the media campaign and that it is reducing the use of drugs be-
cause our resources clearly will be strapped in this new war on terrorism.

With this opportunity, I will highlight a new international crime initiative in southern Europe and how it relates to law enforcement agencies and funding by the pending Treasury appropria-
tions bill. It comes as no surprise that international terrorism often relies on international crime, particularly through drugs, to finance its cam-
paigns of terrorism. The Southern Eu-
ropean Cooperative Initiative, called SECI, is based in Bucharest, Romania, and represents a consortium of 11 coun-
tries with a combined population of 135 million people. The members of SECI have pooled their expertise and limited resources in a collaborative effort to combat international crime in south-
estern Europe. Members include Alba-
nia, Bosnia-Herzegovina, Bulgaria, Cro-
atia, Greece, Hungary, Macedonia, Moldova, Romania, Slovenia, and Tur-
key. Most Senators have visited one or more of those places in the past.

Most in the Senate have two or more jobs. One of my jobs as the chairman of the Helsinki Commission is fighting crime and corruption. It has been a top priority of mine and the Commission in these member countries, as well as throughout all of Europe. As part of this effort, I was pleased when the Foreign Operations Subcommittee in-
cluded language I requested in the fis-
cal year 2001 committee report urging the State Department to continue pro-
viding advice and support in coopera-
tion with the FBI to SECI. That is in their bill in recognition of the direct and indirect impact of transnational crime on Americans and American business at home and abroad.

The subcommittee is requesting in the fis-
cal year 2002 committee report that the State Department designate up to $1 million in technical assistance for SECI. This investment directly helps a number of U.S. law enforcement agen-
cies in their fight against a wide range of transnational crimes.

At least three Justice Department agencies currently are working with SECI: The FBI, the Drug Enforcement Administration, and the Immigration and Naturalization Service. In addi-
tion, at least two Treasury Department law enforcement agencies, the U.S. Customs and the U.S. Secret Service, are working with SECI to support their efforts.

For example, the Secret Service cur-
rently sponsors task forces throughout the United States and across the globe recognizing cooperation among coun-
tries, law enforcement agencies, aca-
demia, and the private sector, repre-
senting the best hope for defeating
the cybercriminal and preventing counterfeiting, computer-based fraud, and other electronic crimes that resulted in hundreds of millions of dollars of losses to American consumers and industry.

Because of their expertise and experience with the task force approach, the Secret Service has been asked to be the architects and leaders of SECI's highly innovative financial crimes task force in southern Europe. This task force, the first of its kind in the region, will be based in Bucharest and will be operational by the end of the year. The Secret Service expects to open an office in Bucharest and will have two special agents dedicated to this cooperative effort.

Tomorrow, on September 20, the General Accounting Office is expected to release a report on international crime which was requested last year. This report confirms that the threat from international crime is growing and more high-level cooperation among Federal enforcement agencies is necessary.

The good work of the Treasury law enforcement agencies in addressing new criminal threats from overseas is warranted and welcome. Passage of the Treasury appropriations bill will continue to provide essential support for these agencies in their fight against criminal elements at home and abroad.

Amendment No. 1570

Mr. DORGAN. Mr. President, I send a substitute amendment to the desk on behalf of myself and Mr. CAMPBELL, which is the text of the Senate committee-reported bill. I ask unanimous consent that the amendment be agreed to, that the motion to reconsider be laid upon the table, that the amendment be considered as original text for the purpose of further amendment, and that no points of order be considered waived.

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

The amendment (No. 1570) was agreed to.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WYDEN. Mr. President, I ask unanimous consent to speak in morning business.

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

Aviation Security

Mr. WYDEN. Mr. President, I come to the floor today to discuss the issue of aviation security. The Senate Commerce Committee, on which I serve, had hearings this week on this issue. I want to take a few minutes this morning to discuss the history of this issue, the history of the debate in Congress about aviation security. I do that with one overriding concern. I do not want to be back on the floor of the Senate in 6 months or a year taking my turn once again to come with floor speeches about how sorry and upset and how sad the Senate is that another air tragedy has occurred. I think it is important for the Senate to step back and take a look at this issue now so we are not dealing with it again in another 6 months or a year.

Beginning my discussion this morning, I want to talk about the pattern of the past with respect to aviation security. Let's make no mistake about it. There is a clear pattern. Again and again, there have been air tragedies. Again and again, there is outrage in the Congress and in the country. Again and again, task forces are established and commissions are assigned to make reports and recommendations. Again and again, there has been incremental and ultimately ineffective implementation of changes that simply don't get the job done when it comes to aviation security.

It would be an enormous disservice to those lives that have been lost and to the many who love them if the only response of this Congress is again to issue more reports, let more commissions go forward, and once again fail to act with respect to putting in place the actual provisions that are going to protect our citizens with respect to terrorism.

The American people deserve quick, decisive, and sweeping aviation security reforms. It is time now to get the job done right.

For a variety of reasons, for more than 20 years, plans to improve aviation security have not been put into practice. What I intend to do this morning is to outline specifically some of those proposals, to describe what happened to them, and why they didn't seem to be acted on.

After the Pan Am Flight 103 bombing over Lockerbie in 1988, and again after the TWA Flight 800 crash near Long Island in 1996, the government's response of those specific proposals, to describe what happened to them, and why they didn't seem to be acted on.

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For a variety of reasons, for more than 20 years, plans to improve aviation security have not been put into practice. What I intend to do this morning is to outline specifically some of those specific proposals, to describe what happened to them, and why they didn't seem to be acted on.

After the Pan Am Flight 103 bombing over Lockerbie in 1988, and again after the TWA Flight 800 crash near Long Island in 1996, the government's response of those specific proposals, to describe what happened to them, and why they didn't seem to be acted on.
crash went further, recommending a full criminal background check and the FBI fingerprint check. However, the inspector general of the Department of Transportation inspector general found that more than 50 percent of the machines were being used to screen fewer than 225 bags per day, even though their capacity is 225 bags per hour.

According to a 1999 report by the National Research Council, at some locations the throughput rate has been so low that operators could even lose their skills for operating the equipment.”

The reason I am going through this 15-year chronology is that on September 11, 2001, known vulnerabilities in America’s aviation system remained unaddressed.

Last week's hijackers knew there were holes. The General Accounting Office, that serves the U.S. Congress, had documented these significant gaps in our system. The terrorists took advantage of those gaps, and the price paid by our country has been far too great.

Now it is time to correct these vulnerabilities. The legislation should include the following elements:

- First, swift implementation of the specific to-do list that I have outlined this morning should be a top priority. This is a to-do list not made up from some sort of cavalier review by an interest group. This is a to-do list taken from recommendations from the inspector general of the United States Department of Transportation recorded in 2000 that categories 'the throughput rate has been so slow that operators could even lose their skills for operating the equipment.'

- Second, Tuesday's unprecedented attack points to the need for a number of additional safeguards. As we all know, a number of our colleagues have advocated armed sky marshals onboard many flights. Certainly this is a sensible recommendation, a credible deterrent; and I support that.

- I also think there needs to be a significant improvement in the technology that is used to screen passengers and baggage. The technology exists to coordinate efforts between law enforcement and the airline industry, so no more turf fights, no more lack of communication. Focusing on information sharing of the best and most current intelligence is absolutely key so that the names and faces of those who are apparently unknown to the airline industry but known to the intelligence gathering can be out and available so as to provide an important tier of protection for the public.

- The technology exists to coordinate efforts between law enforcement and the airline industry, so no more turf fights, no more lack of communication. Focusing on information sharing of the best and most current intelligence is absolutely key so that the names and faces of those who are apparently unknown to the airline industry but known to the intelligence gathering can be out and available so as to provide an important tier of protection for the public.

- Third, and perhaps most important, Congress must fundamentally rethink who should be responsible for carrying out day-to-day functions, such as the screening of passengers, and who should be responsible for overseeing the system. A number of forward-thinking Members of the Senate have been after this issue for years, particularly the chairman of the Senate Commerce Committee, Senator Hollings. He has been suggesting this since 1996 and before.

- One last point. I came to the Chamber this morning to get through the 15-year chronology of inaction with respect to aviation security so as to set out on the record how again and again the inspector general and the General Accounting Office have laid bare the vulnerabilities of our security system. But aviation security functions "the throughput rate has been so slow that operators could even lose their skills for operating the equipment.'

- The country expects the leaders, when we look at the Congress, when we look at those in the various government agencies in the airline industry, all of them would now say that if they could do it again, it would be very different. We would not have

But last year—just last year—the Department of Transportation inspector general found that these machines were not being deployed in a variety of locations. Congress provided funding, and machines were deployed in a variety of locations.

Many airports were not complying with the FAA’s rules anyway. For 35 percent of the employee files reviewed by the inspector general, there was no evidence that a complete background check was ever performed.

Let’s reflect on that. In 35 percent of the individual cases, the test intruder, many of those cases, the test intruder, the test intruder—a 68-percent success rate. In response to that tragedy rectifying the FAA to implement criminal fingerprint checks and hiring at least 14 airport workers who had criminal convictions.

Congress passed legislation in 2000 directing the FAA to implement criminal fingerprint checks and expanding the list of disqualifying offenses. New requirements, however, apply only to large airports, and those still are re-requirements to repeat fingerprint checks periodically.

In 1993, the Department of Transportation inspector general reported weaknesses in airport measures to keep unauthorized persons out of restricted areas. A followup review in 1996 found no significant improvement.

In 1999, the inspector general reported that in a test of eight major airports, undercover agents were able to penetrate安检 zones in 117 out of 120 attempts—a 68-percent success rate. In many of those cases, the test intruder, an individual who was testing the system, was able to actually board an aircraft. Now, the list goes on.

I want to mention just several more in terms of laying out this chronology.

Following the 1988 Pan Am Flight 103 bombing, there was a major effort to develop baggage-screening equipment in order to detect explosives. Technology was developed, but it was still not widely deployed at the time of the 1996 TWA crash.

The White House commission created in response to that tragedy recommended the widespread deployment of fingerprint checks at airports. Congress provided funding, and machines were deployed in a variety of locations.

But last year—just last year—the Department of Transportation inspector general found that these machines were not being deployed in a variety of locations. Congress provided funding, and machines were deployed in a variety of locations.

But last year—just last year—the Department of Transportation inspector general found that these machines were not being deployed in a variety of locations. Congress provided funding, and machines were deployed in a variety of locations.
this pattern, from 1987 until September 11, at the very least, that constantly resulted in this cycle of tragedy, outrage, recommendations, and then essentially slow motion implementation. I do not want to be back here in 6 months or a year. I don’t want to be back in just a few months waiting with the distinguished Senator from North Dakota and the President of the Senate, waiting in line to give speeches about yet another tragedy. The American people know their elected officials share their grief right now. What they want to see is that we can get the job done, that this time it is going to be different. This time the Congress is going to take the to-do list that has been spelled out by the General Accounting Office and the inspector general for years now and, without any more delay, that to-do list is going to be put in place and the American people will have every possible measure of security as they fly in our skies.

I yield the floor.

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

The PRESIDING OFFICER (Mrs. LINCOLN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DAYTON. Madam President, I ask unanimous consent that I be permitted to speak for up to 5 minutes as in morning business.

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

The remarks of Mr. DAYTON are printed in today’s Record under “Morning Business.”

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The remarks of Mr. DORGAN and Mr. ALLEN are printed in today’s Record under “Morning Business.”

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

The remarks of Mr. ALLEN pertaining to the introduction of S. 1433 are printed in today’s Record under “Statements on Introduced Bills and Joint Resolutions.”

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. CARNAN. Mr. President, last Tuesday’s terrorist attack is having an immeasurable effect on our country. We are a nation of heavy and broken hearts devastated by the tremendous loss of life, property, and sense of security. My heart goes out to the victims and their families. We continue to take solace in the heroic deeds of the rescue workers and the patriotic response of Americans across the country.

September 11 was a dark day in our history. But we have had dark days before.

In the midst of World War II, Thornton Wilder wrote:

Every good and worthwhile thing stands moment by moment on the razor edge of danger and must be fought for whether it is a home, or a field, or a country.

We will lead the fight for freedom today. And, as in times past, we will be victorious.

Last week Congress acted with unity and speed to respond to the attack on our people. We are authorized the use of force. We provided $40 billion for the relief effort.

We must deal promptly and decisively on another front. The ongoing stability of the aviation industry must be an immediate priority.

First of all, we need to act quickly to heighten security in our airports and on commercial aircraft. We must make Americans feel safe so that they will continue to fly.

Unfortunately, improving security will not be enough. Our Nation’s airlines are clearly suffering as a result of the Federal Aviation Administration’s decision to ground commercial aircraft last week. While most airlines began operating again last Thursday, it is unclear when carriers will be able to resume their full schedules. Moreover, it appears that ticket sales are declining, which will further weaken this already distressed industry.

We must respond to this crisis to ensure that last week’s attackers do not succeed in bringing down our Nation’s airlines. Congress must provide a meaningful economic recovery package to help stabilize the airline industry.

A number of proposals are currently being considered. They include extending credit or guaranteed loans to the airlines, and providing direct compensation for losses sustained as a result of last week’s events. I am extremely supportive of these measures.

I also believe that any relief package for the airlines must include an additional component to provide assistance to displaced workers. This Congress must demonstrate that while we stand ready to bolster the airline industry, we are also committed to supporting the men and women who represent its heart and soul.

I fear that even if a stabilization package is put in place, that somehow, in the next few weeks, the problems afflicting the airline industry will have a devastating impact on thousands of hard-working men and women. I believe we must enact a meaningful relief package designed to both reinforce the airline industry and provide support for displaced workers.

I am currently crafting a proposal to provide support for displaced workers. We do not know how long these employees will be out of work or indeed if they will ever be able to be employed by the airline industry again. They are going to need financial assistance. They are going to need retraining. And they are going to need health coverage. As with other aspects of the disaster relief effort, the Federal Government needs to take the lead.

Our airline industry needs help. So do its many employees. I am committed to ensuring that assistance for displaced workers is part of the larger airline relief package that we will take up in the days ahead.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

ENERGY AND NATIONAL SECURITY

Mr. MURKOWSKI. Mr. President, let me take the floor to clarify a rumor that is circulating among some of the media that has been drawn to the attention of our colleagues. It is the Senator from Alaska is in the process of offering an amendment to the Department of Defense authorization bill proposing the opening of ANWR. That is certainly not the case. It would be inappropriate and in poor taste.

I resent the fact that these rumors are being circulated by some groups that have not even taken the time to
contact our office, let alone contact me personally. Our press department has had several inquiries from members of the media asking if that is our intent. Where those rumors are generated from, I don’t know. But if I get the opportunity to find out, it is my intention to enter them into the RECORD.

Obviously, the activities of the last several days and the tragedy in New York on the 11th of September brought about the reality that, indeed, as we look at terrorism, we have to look at the sources that fund terrorism in the Middle East. We need to make a determination, as we attempt to hold those responsible, to also address the funding mechanism. It is also appropriate that we address our increased dependence on imported sources of energy relative to the vulnerability of the national security of our Nation.

That somehow we would attempt to propose an ANWR amendment to the Department of Defense appropriations bill is something we have not even contemplated, and I resent certain implications of those who reported that it is the intention of the office of the junior Senator from Alaska.

I hope my statement clarifies the RECORD factually. If there are any inquiries, we will be happy to respond to them directly.

My own contention is that there is a place for the consideration of the matter of domestic energy development, including ANWR. That belongs in the energy bill where it should be debated and evaluated fairly by all individual Members based on its merits and in the interest of national security and the national interest of our Nation.

It is my hope that we can work with the committee chairman, Senator BINGAMAN, to bring forward an energy bill that will address the priorities needed for energy, which is the lifeblood of our national economy, and we can do it in a manner that is within the expedited crisis we have before us relative to energy, national security, and other matters.

I thank the Chair for this opportunity, and I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. CRAIG. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business for no more than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Idaho.

REFLECTIONS IN AFTERMATH OF TERRORIST ATTACK

Mr. CRAIG. Mr. President, all of us who come to the floor of the Senate are like most Americans today. In anything we do or approach, we approach it with a heavy heart, recognizing the devastation that has gone on around us that has been inflicted upon some of our friends or some associates we know of as it relates to the devastation the terrorists brought down upon New York City and here in Washington, DC, with our Nation’s military center, the Pentagon.

As we all know, the President asked for support and authority. This Congress responded last week very appropriately. I was not able to be here at that moment. I was en route to my son’s wedding in Washington State.

The difficulty of all of that was that I was not here, but I was also traveling at a very difficult time. Thirty some hours later, and I were able to observe a fine wedding, and we were pleased to be with our family and have our family around us, as I think most Americans would wish they could at a moment of crisis.

I am now, as most public people, wrestling with a variety of decisions that will ultimately be critical to our country and will spell out, in part, our future and the success of this great Nation.

I am confident that the administration is doing everything within its power at this moment to either directly or indirectly deal with the issue and to respond as all Americans and as most freedom-loving people in the world would wish we would.

I submit for the RECORD the story of two Idahoans, one now announced dead, the other still missing as a result of the plane crash into the Pentagon. Their names are Ron Vauk and Brady Howell.

I recommended Ron years ago to his appointment at the Naval Academy. He was an accomplished Naval Reserve officer, a submariner and Academy graduate who was on watch at the Naval Command Center last Tuesday. His family lives in Boise, ID. I talked with his mother this morning.

Brady, on the other hand, was a 26-year-old newlywed from Sugar City, ID. He was a civilian employee at the Pentagon, excited about his job, and starting a family. Our hearts go out to all of them. I visited with his wife last evening.

Many of us are experiencing that kind of ation at this crisis reaches down and out across America to touch many, if not all, of our citizens in a fairly direct way.

I am always caught in the great resilience of America. While we were bent on a mission from that stronger than ever and more greatly committed to the phenomenal values we, as of last Monday, took for granted:

ed: The freedom of movement, the marvelous sense of human individualness we had in this country, as protected by a Constitution that had provided an unalterable shield of innocence in our country. To have that shaken to its very core on Tuesday, to find out that we were just a little less free and a great deal more concerned about the very freedoms we have. Our challenge now is to be able to think in a comprehensive and responsible way, to secure and maintain our civil liberties and, at the same time, to be able to draw bright lines that establish a much clearer line and sense of security for our people and in a way to detect and control the kind of environment in which terrorists can live and ultimately prosper. That is going to be the role and responsibility of this Congress.

I, as most Americans, still stand resolved and optimistic that that can be done. It can be done well. We in the Senate have a role to play in all of that.

Over the weekend, I was struck by the comments made by the foreign minister of the Talibain Government in response to our comments, that Osama bin Laden be turned over to U.S. authorities. The head of that government stated that it is not consistent with our custom for a host to ask a guest to leave. The guest must leave on his own accord: the President of the Talibain said.

This statement confirms what all of us have assumed: that bin Laden is in Afghanistan and they are harboring him even at the risk of their own ruin. It is equally unfortunate that individuals in the media are already posturing the American people for a no-collateral damage goal in our military objectives against these terrorists. Such posturing is dangerous, as it clearly undermines the support of our President to act both in the short term as well as in the long term to do one very simple but overpowering thing—that is, to secure our Nation’s security and our citizens’ security and our freedom.

I am confident this President will not bow down to the suggestion that there might or there should be no collateral damage. If his mission becomes clear, he already understands his goal.

There is no doubt that many new legislative proposals will be debated here in the Senate in the coming months to address issues of American security and the fight against international terrorism. One of the issues I hope we will discuss is that of U.S. energy dependence. Clearly, as we watch Americans line up in front of Red Cross centers to give blood to help the wounded, let us remember the very lifeblood of this country’s economy is the energy that drives it.

I am not talking about the energy of the human mind. I am talking about
the physical presence of energy—gas, oil, coal, the kinds of things that have fueled the economy that were turned into the phenomenal piece of explosive power. I saw that event last Tuesday as a renegade.

Now more than ever before Americans recognize that once again the Middle East is the crucible that could spell our success or failure or might dictate to us the character of our economy in the future. For one simple reason: not the politics of the region—that is daunting enough as we know it—but it is what they provide for the economy of the world. They are the oil barrel of the world. From that we ask at least 55 to 60 percent of our use on a daily basis.

We now consume in excess of 700,000 barrels of oil a day from Iraq alone. Is it possible that some of our own oil money is being turned against us in the form of energy that the terrorists used ultimately to bring down the Trade Center and to punch a hole in the side of our Pentagon last Tuesday? Yes, it is possible. It is possible in part because for so many years we have ignored the fact of a growing dependency on foreign oil while we have turned ourselves away from increased domestic oil production and increased efficiency that ultimately produce the ability for our nation to stand alone, stand tall, and stand secure in its energy supply.

At least for the last 2 years, Congress has been doing the right thing. We have been struggling mightily with the shaping of a national energy policy. President Bush has established that as one of his top legislative priorities: to create greater energy independence on the part of this country so that now we know more than ever before that we can act with relative independence as we shape new foreign policy, and now, of course, we can read the watch on the arm of someone on the ground. We cannot read what is in that person’s mind. That is impossible with the technology of today. That comes from the human side of the capability I talk about, which we have been under-investing in, or divesting of, for the last several decades.

Clearly, we must get back into the minds of the citizens of the world—those who would do us damage and view our country as an evil. It is only then that we can use the look-down from 3 miles high to determine where that person is going and when he or she may be there. But we must access the mind as well as observe the movement.

If we can accomplish all of those things—and I believe we can, and I believe our President will ask us to invest in those—then we will all stand in a bipartisan way to support it, because what is at stake here is the very strength of our country and the very freedom of our citizens. I have never once questioned the fact that we will not only stand for the test, but in the end, without question, we will win.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized. Mr. BYRD. Mr. President, this is Constitution Week. Of course, I am talking about the U.S. Constitution. A point that all Governors and Senators might well remember: No State constitution in this country is like the Federal Constitution. No State’s constitution so clearly and so strictly delineates the separation of powers as precisely as does the U.S. Constitution.

So it is here in the Senate that the Constitution is defended—the U.S. Constitution—and it is here that we support the separation of powers, the checks and balances; and the one Constitution that we are bound by in this institution is the U.S. Constitution, a copy of which I hold in my hand. I want to take a little while today to talk about this Federal Constitution.

On Monday of this week we marked the 214th anniversary of the U.S. Constitution. Of course, the Senate was not in on Monday, and consequently I have been forced to wait until today to speak about the Constitution. Again, this is Constitution Week. In tragic and sad times, we instinctively reach for what matters most in our lives: Our faith, our families, and our fundamental rights as Americans.

As we struggle with the horrific events of September 11, we should take a measure of strength from the events of another September day, an 18th century September day. On September 17, 1787, an extraordinary convention of American statesmen, meeting at Independence Hall in Philadelphia, adopted the Constitution of the United States of America. My memory may prove me wrong, but I believe that, too, was a Monday—as was September 17, in 2001, this year of our Lord. So today I wish to commemorate that singular event by discussing several of the constitutional provisions that shape the structure and guide the operations of the U.S. Senate. I think there will never be a better time, or a more propitious time, or a time when we more need to think and to speak of the Constitution of the United States, than this time, and amidst the circumstances that have attracted the attention and galvanized the attention of Americans, wherever they may live—in this country or elsewhere—as well as the people of other countries. So it is timely to think about the Constitution of the United States.

And for this Senate in which the State of West Virginia was assigned three Members while California was entitled to 30.
Or, consider a Senate in which Members served for life—or for just a single year.

How about a system in which the House of Representatives elected the Senate?

Or a Senate in which Members voted as a State block rather than as individuals?

To our modern ear, these options sound preposterous, perhaps, but to the Framers of the Constitution, these proposals deserved serious consideration.

There was nothing inevitable about the Constitution as we now know it. Every word required delicate construction, balancing, and refinement. In cases where the Framers could not fully agree on a particular point, they chose ambiguity—or even silence.

Among that charter’s 55 draftsmen—only 39 actually signed the document—there was no two-chamber, various-territory rule. That knowledge served the Framers well as they struggled to fashion the institutional structure of the United States Senate.

Let us examine some of the State-related options that the Convention’s delegates confronted from the Convention’s convening on May 25 until its adjournment on September 17.

First the issue of representation. Delegates representing large States at the Constitutional Convention advocated a strong national government. In Edmund Randolph’s Virginia Plan, the number of Senators in each State would be determined by that State’s population of free citizens and slaves. Large States, then, stood to gain the most seats in the Senate. As justification for this advantage, these delegates noted that their States contributed more of the Nation’s financial and defense resources than did small States, and they were not the State of Government.

Small-State delegates countered with a plan designed to protect States’ rights within a confederated system of government. Fearing the effects of majority rule, they, the small States, demanded equal representation in Congress. This was the system, they noted, that was then in effect under the Articles of Confederation. When the Convention agreed to divide the national legislature into two chambers, various-territory knowledge served the Framers well as they confronted this country’s most divisive issue and created a Federal system of Government.

Senators already knew what I am saying. Many people on the outside who are watching through that electronic eye up there know it. These things were taught long ago in the early years of a child’s schooling, but this is Constitution Week. We need to be reminded, and now in the circumstances that confront this country and the nation, it especially since Tuesday, September 11, we must be reminded that we are to be guided by a constitution, the United States Constitution.

We must zealously guard the powers of the legislative branch in times like these when there is a war, when there is a military conflict. Powers have a way of gravitating toward the Chief Executive, and it is in times like those, in times like these, that we must be vigilant of the constitutional prerogatives and powers that are vested in this body, the legislative branch.

We must be on our guard more than ever because the Constitution lives and breathes, and the circumstances are behind us, if and when they indeed are ever put behind us, and I assume that they will be put behind us at some point in time.

It might be a good thing to point out the Senate meeting behind closed doors. The Constitutional Convention, where the Framers gave us this Constitution, met behind closed doors, with sentries at the doors and the windows drawn. We have learned since that lesson.

Be conscious of the Constitution and this institution (the Senate) and its prerogatives and its precedents, its rules. We need particularly now to be reminded of these things.

A second major issue related to the number of Senators allotted to each State. Once the convention’s delegates established the principle of equal State representation in the Senate, they needed to determine how many Senators a State would be allotted. Few, if any, delegates considered that one Senator per State would be sufficient representation. Lone States might leave their State unrepresented in times of illness or other absences, and they would have no colleague to consult with on State-related issues. Additional Senators would make the Senate a more knowledgeable body, perhaps, better able to counter the influence of the House of Representatives. But, some believed a very large Senate would soon lose its distinctive character, would lack the agility needed to effectively counterbalance the House, and would make it easier for Senators to escape personal responsibility for their actions.

Given these considerations, delegates had a narrow choice regarding the number of Senators. During the Convention, they briefly discussed the advantages of two seats versus three.

Gouverneur Morris of Pennsylvania, the man with the peg leg, stated that the three Senators would provide a more knowledgeable body and perhaps, better able to counter the influence of the House of Representatives. But, some believed a very large Senate would soon lose its distinctive character, would lack the agility needed to effectively counterbalance the House, and would make it easier for Senators to escape personal responsibility for their actions.

Both the Congress under the Articles of Confederation and the Constitutional Convention used a voting method that gave each State one vote. This system of block voting was meant to reinforce State solidarity, but it often frustrated those State delegations divided by controversial issues. The alternative, of course, was for Members to vote as individuals. Those Framers who had served in State legislatures had ample experience with the per capita system. At the Convention, they spent little time debating the two proposed voting methods. On July 14, Elbridge Gerry of Massachusetts stated that per capita voting in the Senate would “prevent the delays and inconvenience that had been experienced in Congress, where the Framers gave us this Constitution, met behind closed doors, with sentries at the doors and the windows drawn. We have learned since that lesson.”
the plan of election by State legisla-
tions through popular vote, never
gained the adherents it needed to be-
tures available. Only Penn-
delegates easily accepted this election
method would introduce and
cherish local interests and local preju-
plan was introduced by Gov. Edmund
the Continental Congress and would
devise the House of Representatives, and the peo-
people and would all have to fall prey to cor-
rupption. Madison cited Maryland’s suc-
ccessful experiment with indirect elec-
tion. Elected by a unique electoral col-
But they did not have parties in those days, but I am speaking within
the context of the current moment, the
Constitution’s Framers understood that no matter which method they
chose for electing Senators, it would have a significant impact on the Sena-
tes’ future relationships with the
House, the people, and the States.
From the beginning, most delegates
dismissed any notion of implementing the British House of Lords’ peerce-
system on the Second Branch and the
This system contradicted the egal-
tarian notions outlined in the Declara-
tion of Independence. The system set
forth in the Virginia Plan received lit-
tle support, as well. Had this measure
passed, the House would have selected
Senators largely independent of public
opinion. Despite Madison’s assurances, the system of indirect elections ultimately
proved vulnerable to corruption. Fol-
lowing the Civil War, newspaper re-
porters accused State legislatures of accepting bribes or remaining willfully
deadlocked,” and therefore, unable to elect a Senator. Reformers
reacted to these allegations by advocat-
ing a constitutional amendment that would provide for the election of
Senators by popular vote. This one sub-
stantive correction to the Framers’ handiwork for the Senate went into ef-
fect in 1913 as the Constitution’s 17th
amendment.
And, next, to the issue of term
length. The 5-year Senate term rep-
resented a compromise between those
Framers who wanted a strong, inde-
pendent Senate and those who feared
the possible tyranny of a Senate insu-
lated from popular opinion. While few
delegates to the 1787 Convention want-
ed to emulate the House of Lords’ life-
long terms, or the Congress under the
Articles Confederation’s single-year
terms, the Framers’ reaction against
these extremes helped shape their ar-
guments for and against long terms in the Senator.
Delegates examined the experience of the various State legislatures. Al-
though the majority of States set 1-
year terms for both legislative bodies, five State constitutions established
longer terms for upper house members. South Carolina’s senators received 2-
year terms. In Delaware, the senate had 3-year terms with one-third of the sen-
ate’s nine members up for reelec-
tion each year. New York and Virginia implemented a similar class system but
with 4-year terms instead of 3.
Only Maryland’s Senate featured 5-
year terms, making that legislative body the focus of the convention’s Senator
term debates.
The delegates either praised Mary-
land’s long terms for checking the ex-
cesses of the House or feared them for the same reason. Some members of the Convention believed that even 5-year terms were too short
to counteract the dangerous notions likely to emerge from the House of Repre-
sentatives. Edmund Randolph, and other convention delegates cited Maryland’s experiences when they argued for long Senate
terms. According to Madison, the sen-
ate of Maryland had never “created just suspicions of danger.” Far from
being the more powerful branch, the
Senate actually yielded power, at times, to Maryland’s House of Dele-
gates.
On June 13, the convention took up a
provision for 7-year Senate terms. This
countered heated criticism from sev-
eral Framers. For Alexander Hamilton,
only lifelong terms could check the
“amazing violence and turbulence of the democratic spirit.” Other delegates
preferred 4-year terms. Madison de-
vised a 9-year-term proposal with one-
third of the seats subject to election every 3 years. He received little sup-
port for this plan, but he argued in its favor until the final votes on June 26. On that date, and following the failure
of his own measure, Madison joined the majority of his colleagues in voting for a 6-year term. In the Federalist papers,
Madison argued that Maryland’s experi-
ment with 5-year terms proved that slightly longer terms posed no danger
to bicameral legislatures. In fact, he expected the agreed-upon 6-year terms to have a stabilizing effect on the new
government. Long terms would control turnover in the legis-
lature, longer terms would make Senators largely independent of public
opinion.
The Articles of Confederation set no
qualifications for delegates to the Continental Congress. It left these deci-
sions up to the individual States. By
contrast, convention delegates sup-
ported establishing membership limita-
tions for House and Senate Members. Influenced by British and State prece-
dents, they established age, citizen-
ship, and residence qualifications for Senators, but voted against proposed religion and property requirements.
There was a lot of sentiment especially on property requirements as to age. I might pay particular attention to that aspect.
The Framers debated the minimum age for Members of the House of Repre-
sentatives before they considered the Senate. Madison, Edmund Randolph,
and other convention delegates cited Maryland’s experiences when they argued for long Senate...
The qualification first came under consideration on August 6 when the Committee of Detail reported its draft of the Constitution. Article V, section 3 stated, “Every member of the Senate shall be 21 at the time of his election, a resident of the state from which he shall be chosen.” Two days later, Roger Sherman moved to strike the word “resident” from the portion of the clause that related to the House, and insert in its place “inhabitant,” a term he considered to be “less liable to misconception.” Madison seconded the motion, noting that “resident” might exclude people occasionally absent on public or private business. Delegates agreed to the term, “inhabitant,” and voted against adding a time period to the requirement. The following day, they amended the Senate qualification to include the word, “inhabitant” and passed the clause by unanimous agreement.

We now turn to the issue of who gets to make executive and judicial nominations. Argued over the course of several weeks, the Constitution’s nomination clause split the delegates into two factions. The first faction wanted the executive to have the sole power of appointment. The second wanted the Senate to have that responsibility. The second faction followed precedents that the Articles of Confederation and most of the State constitutions had established favoring legislative appointment. The Massachusetts constitution offered yet another approach. This third way particularly interested the convention delegates. For over 100 years, Massachusetts had divided the appointment responsibilities between its Governor, who made the nominations, and its legislative council, which confirmed the appointments. Rather than adopt the Massachusetts model immediately, the delegates initially agreed to language that split the responsibility in a different way. The President would appoint executive branch officers, who would serve during his term, and the Senate would appoint members of the judiciary because they would hold their positions for life—a period most likely to exceed the tenure and authority of one President. However, the Framers in favor of a strong executive argued that Senate appointments would lead to government by a “cabal” swayed by the interests of constituents. Other delegates, fearful of monarchies, wanted to remove the President entirely from the appointment process. On September 4, the Committee of Eleven reported an amended appointment clause. Unanimously adopted on September 7, the clause, based on the Massachusetts model, provided that the President shall appoint “in the advice and consent of the Senate, shall appoint” the officers of the United States—certain officers.
in The Federalist 75. Remarkably, given the delegates’ extreme dissenion over treaty-making, he wrote, the clause “is one of the best digested and unexceptionable parts of the plan.”

Let me pause here to say that we can witness the Convention as it worked. And we know that time after time after time the Convention would vote one way one day, and a few days later vote on the same matter again and again and again and again and again, and then perhaps vote again before the close of the Convention and arrive at an entirely different conclusion.

If the Convention had been open to the public, the Framers would have been severely restricted and constrained, and would have paused and thought once, twice, and three times, and more, before they would have changed their votes. They might, on a later day, have come to believe that in the earlier vote they had voted the wrong way.

By having the closed Convention, by meeting secretly, they were able to have full discussions of a matter, have a tentative vote, vote one way, perhaps a few days later vote a different way, and in the final analysis, in order to do the right thing, after considerable reflection and after hearing the arguments of others, vote again finally and, perhaps, differently.

That would have been very difficult to do had there been galleries, had there been the media, newspapers, had there been television—which, of course, there could not have been. It would have been difficult.

I say that to say that in some situations voting in executive session, in secret session, may, in the last analysis, be in the best interests of the country.

Early in the Convention, most delegates were inclined to a constitutional impeachment provision would help to hold national officers accountable for their actions. Throughout the summer of 1787, committee members reported impeachment plans to the full Convention. The Virginia Plan proposed a supreme tribunal to hear and determine cases including, among other concerns, the “impeachments of any National officers.” On June 13, the Committee of the Whole amended the plan to provide that the President could be “removable on impeachment of malpractices or neglect of duty.” The revised measure did not specify the procedures for trying the President. In June and July, the Framers debated whether Congress should have a role in the impeachment process. Alexander Hamilton, the Connecticut delegate is again—Roger Sherman asserted that the “National Legislature should have the power to remove the Executive at pleasure.” Virginia’s George Mason objected to Sherman’s plan. And President would become merely a “creature of the Legislature.” John Dickinson of Delaware countered with an unsuccessful motion to make the executive “removable by National Legislature at request of majority of State Legislatures.”

Yet, they were all over the place.

On August 6, the Committee of Detail reported that the House of Representatives “shall have the sole power of impeachment” and the executive “shall be removed from his office by ‘conviction in the Supreme Court, of treason, bribery, or corruption.’” Two weeks later, the committee added that “the judges of the supreme court be triable by the senate, on impeachment by the house of representatives.”

Can you imagine what it would be like in this day and time to have a Constitutional Convention with all the doors open, the windows open, the galleries open, the media there? After every vote, Members would rush out the doors to tersely and explain their votes. Members would not later be able to easily change their minds and their votes upon more careful thought, upon more considered reflection.

So there are those today who would hem and haw and holier: Oh, we must not do this. We cannot do this. The people are entitled to hear everything we say.

Well, those Framers were very wise men. It was they who wrote the Constitution which I hold in my hand. Of course, there have been some amendments added later, but those men were wise men. And, remember, they were placing their lives, their fortunes, and their sacred honor on the barrelhead.

Of course, we had fought a war, but many of them were among those who voted on the Declaration of Independence in 1776.

The constitutional plan then went for reform. The obfuscation of one member from every State represented at the Convention. The committee removed the full Supreme Court from the process. The report, influenced by the Massachusetts Constitution of 1780, stated, “The Senate of the U.S. shall have power to try all impeachments [by the House of Representatives]”—naturally—“but no person shall be convicted without the concurrence of two thirds of the members present.”

Ah, there you have it! Alexander Hamilton, later, explained this decision noting that no other institution would be sufficiently dignified—or no other institution would be sufficiently dignified—or independent to handle the proceedings. The Constitution of France on September 8 and despite Madison’s objection that the executive would become dependent on the legislature, the Convention, thank God, passed the final measure by a vote of eight States to two.

Mr. President, there are, of course, other provisions in the Constitution that guide the operations of the Senate.
of our responsibilities to preserve that great document and to amend it only with great care and after great deliberation.

At this perplexing time in this year of our Lord 2001, we must be ever more on guard that we, as the elected Representatives of a great people, as we go forth, hold in our hands, as it were, the Constitution of the United States; that we resist any temptation because of the demands of the moment, the exigencies of the day, we resist the temptation to put that Constitution aside in order to avoid debate and expedite the business before the Senate. Let’s not hesitate to ask questions. Let’s look before we leap.

I yield the floor.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2002—Continued

The PRESIDING OFFICER (Mr. Nelson of Nebraska). The Senator from Kentucky.

Mr. MCDONNELL. Mr. President, is there an amendment pending?

The PRESIDING OFFICER. There is not.

AMENDMENT NO. 1773

Mr. MCDONNELL. Mr. President, I send an amendment to the desk on behalf of myself and Senator BURNS. The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky (Mr. MCDONNELL), for himself and Mr. BURNS, proposes an amendment numbered 1773.

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

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

The amendment as follows:

(Purpose: To authorize the Secretary of the Treasury to issue War Bonds in support of the September 11, 2001, hijackings and attacks on the Pentagon and the World Trade Center)

At the end of title VI, insert the following:

SEC. 1. (a) From funds made available by this or any other Act, the Secretary of the Treasury may provide for the administrative costs for the issuance of bonds, to be known as "War Bonds", under section 3102 of title 31, United States Code, in response to the acts of terrorism perpetrated against the United States on September 11, 2001.

(b) If bonds described in subsection (a) are issued, such bonds shall be in such form and denominations, and shall be subject to such terms and conditions of issue, conversion, redemption, maturation, payment, and rate of interest as the Secretary of the Treasury may prescribe.

Mr. MCDONNELL. Mr. President, I rise today to offer an amendment which would authorize the Secretary of the Treasury to use such funds as he deems appropriate to establish and make available war bonds for purchase.

I am proud that along with a bill that Senator BURNS and I have offered which is pending as this amendment, there are at least four other measures which have been offered that would create a new investment vehicle for Americans who are anxious to contribute to the war on terrorism. Clearly, the Congress and the American people are anxious to establish such a program.

Each of the bills which have been introduced are similar. In fact, two of them adapt the language Senator BURNS and I originally introduced almost verbatim. It is safe to assume that the goal of each of the sponsors is identical. That goal is to develop a way for patriotic Americans to contribute directly to the effort to rebuild the broken and retaliate against the enemy of international terrorism.

How many times have we heard over the last few days from our constituents: What can I do to help? The war bond is a way to help.

There has been a great deal of wonderful and soaring rhetoric on display since the terrible attacks of September 11, 2001. These words have helped our Nation steel its resolve and recognize the imperative of rooting out terrorism wherever it may lurk. As a result, the public is unified in its desire to take decisive action. The legislation that Senator BURNS and I are offering today would allow the Secretary of Treasury to channel the enlistment of American compassion and unity.

Specifically, we propose allowing the Secretary to establish a new form of U.S. savings bond that would be designated war bonds. The war bonds would be in such form and denominations and be subject to such terms and conditions that the Secretary deemed most appropriate.

Some have pointed out that current economic conditions may argue against the need for war bonds to be used as a tool for funding the war on terrorism. I argue that view misses the most important point. There is no question that America is the most powerful nation economically and militarily on earth. However, what is less certain is whether it is the very nature of this effort, and a war bond campaign could be an invaluable tool for funding the war on terrorism. I argue that view misses the most important point. There is no question that America is the most powerful nation economically and militarily on earth. However, what is less certain is whether it is the very nature of this effort, and a war bond campaign could be an invaluable tool for funding the war on terrorism.

If the Government chooses to engage in this effort, I envision a war bond drive similar to those that were so successful during World War II. Influential Americans could be engaged to lead the effort, and every American citizens by gutless and faceless cowards.

The act will create an opportunity for ordinary citizens to participate in this country's recovery and response efforts as well as to support the President and our nation in the rebuilding efforts as we bring to justice those responsible for the horrific death and destruction of Tuesday, September 11th, 2001.

Throughout this nations history, bonds have been used as a vehicle for our citizens to come to the aid of this nation and now, as much as ever in our nations history, the combined support of our people is needed. By investing in these bonds, Americans are given a way to feel a part of the solution rather than feeling helpless in the face of these terrible events of last week.

Americans are not only demanding action, they are looking for an opportunity to be of service themselves, to demonstrate their commitment to this country and to do it in a meaningful, tangible way. This bill is one answer to that demand and that opportunity.

I suggest the absence of a quorum.

In closing, I ask my colleagues to join me in supporting this amendment which would allow the Secretary to establish war bonds and continue a long and proud tradition of American citizenship and involvement in our Nation’s most important causes.

Mr. BURNS. Mr. President, today, I proudly join my dear friend and colleague, Senator MITCH MCDONNELL, in offering an amendment to the Treasury and General Government Bill introducing the War Bond Amendment of 2001.

This legislation is in response to the many constituents in my state and indeed, Americans from all over this country, looking for a tangible opportunity to do something positive in reaction to the despicable acts of cowardice perpetrated upon this nation and its citizens by gutless and faceless cowards.

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I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.
Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SESSIONS. Mr. President, in the midst of the disaster we saw in New York, we had a number of images all of us will remember. One that will stick in my mind was as one of those great buildings was collapsing and the smoke and the dust and debris were barreling down the streets and people were running away, one of those people who was running was a fireman. As he got to a certain point, he slowed down, took off his hat and threw it as hard as he possibly could.

That courageous professional at that moment knew hundreds, perhaps thousands, were dying in that building and he could not save them, that many of his friends and brother firemen had been there at the scene closer than he, inside the building and that they would not make it out.

It was a very poignant scene for me, and having been involved in some of these issues on the Judiciary Committee and as a Member of the Senate, I think it is important for each one of us to remember that in any terrorist attack, any really serious national disaster we have in this country, it will not be the Federal Government that is first on the scene. It will be our police officers and firemen, hundreds of whom we lost in New York City, doing what they were paid to do—respond to the scene, to give aid to those in distress, at the risk of their lives. Certainly the Biblical reference that “Greater love hath no man than this, that a man lay down his life for his friends,” applies to those people.

We as a nation know we have problems with terrorism. We as a nation have heard people talk for days on television that we could be facing a chemical or a biological attack on our nuclear power generating facilities. Now is the time to act.

We need to ask ourselves, and we have been asking ourselves in this Senate for some time, and I have been actively involved in this, how are we training our responders who are there to react to that event. Each event is different. This event is different from a biological attack, a chemical or a biological attack or even a nuclear attack.

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And who knows what else could be conjured up in the minds of these diabolical people.

It is important for this Nation to fulfill our obligation to those people we will be sending out to respond to these events, that they have the very best in equipment and the very best in knowledge and training on how to handle each and every one of these events, each being different from the other.

We have begun to make progress on that. I congratulate Senator Byrd, Senator Judd Gregg, and chairs the relevant subcommittee, Senator Richard Shelby of Alabama, a member of the Appropriations Committee, and others who have over the past few years taken steps to establish programs to train those first responders, those firemen, those policemen, those emergency medical technicians.

I am particularly interested in the Center for Domestic Preparedness at Anniston, AL, a center developed to train the first responders who are training 5,000 first responders from all over the country. That center is in the old Fort McClellan, the military base that was a chemical training school for the U.S. Army that had a cadre of people with expertise in chemical and biological issues, and it had live agent training forces for them. They had the barracks from the closed military base, places to stay, exercise rooms, and classrooms available. It was the perfect location to establish this center. It has done well.

Just a few weeks before this tragedy occurred, I was very pleased to see we had a major increase in funding for that center, taking us now to $30 million for the year. Of the total of the perhaps $20 billion we spend on terrorism, maybe more in this country, it is very small. But that will allow us, if it becomes final law this year—and I hope it will, particularly after this tragic event—to train, instead of 5,000 first responders a year, 10,000 first responders a year. They will be able to deploy them around this country. In fact, many have already been trained. We have received great references from the people who have completed the training. The chiefs of police and firemen who sent their members to the school have bragged about the training they received. Indeed, New York has sent a lot of people there; 146 of New York police and firefighters have been around the fires there, and 226 in the Washington, DC, metro area have been so trained. We are making progress. I believe it is the right thing to do.

At a time like this, we don’t need to overreact. We don’t need to do things that are not appropriate. But we need to coalesce all the information we have been gathering for a number of years that relates to the kind of attacks this Nation may face, take that information and figure out how to be better prepared. One of the most critical things we can say is every first responder, every fireman, every policeman, every emergency medical technician in the country needs to have been given by his or her Federal Government the best information we can give them when they are asked to put their lives on the line and respond to an attack.

We have equipment and we need to make sure we can use the equipment to determine if it is a biological agent or chemical agent that may be distressing people in a certain area of town. We need to know that before we go in there. This is a matter about which I feel strongly.

It is appropriate, as so many have, to pay the highest tribute to those people, particularly in New York City, who are at great risk of their lives, and many of whom lost their lives, responded to the care and protection of American citizens. We give great tribute to them. We give them the tools, the information, the training and equipment so they can be even better at protecting our citizens’ lives and even better at protecting their own lives.

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

The PRESIDING OFFICER. The clerk will call the roll.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2001—Continued

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

Mr. DORGAN. Mr. President, one of our colleagues, Senator McConnell, today offered an amendment. I believe that amendment deals with what are called unity bonds. That is Senator Johnson from South Dakota. He asked that this be introduced on his behalf, and as manager I will do so.

I ask unanimous consent that we set aside the McConnell amendment.

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

Mr. DORGAN. Mr. President, one of our colleagues, Senator McConnell, today offered an amendment. I believe that amendment deals with what are called unity bonds. That is Senator Johnson from South Dakota. He asked that this be introduced on his behalf, and as manager I will do so.

I ask unanimous consent that we set aside the McConnell amendment.

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

Mr. DORGAN. Mr. President, I send an amendment to the desk offered by Senator Johnson.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DOR- 
GAN], for Mr. JOHNSON, proposes an amendment numbered 1574.

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

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

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DOR- 
GAN], for Mr. JOHNSON, proposes an amendment numbered 1574.

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

The PRESIDING OFFICER. Without objection, it is so ordered.
The amendment is as follows:

The amendment is as follows:

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “‘Unity Bonds Act of 2001’.

SEC. 2. FINDINGS.

Congress finds that—

(1) a national tragedy occurred on September 11, 2001, whereby certain individuals tried to steal America’s freedom;

(2) Americans must resist all attempts to steal their freedom;

(3) United Americans will be victorious over their enemies, whether known or unknown;

(4) Americans must respond to this tragedy in a spirit not of revenge, but of justice.

SEC. 3. AUTHORIZATION FOR THE ISSUANCE OF UNITY BONDS.

Section 3102 of title 31, United States Code, is amended by adding at the end the following:

“(1) ISSUANCE OF UNITY BONDS.—

“(1) In general.—The Secretary shall issue bonds under this section, to be known as ‘Unity Bonds’, in response to the acts of terrorism perpetrated against the United States on September 11, 2001.

“(2) Use of proceeds.—Proceeds from the issuance of Unity Bonds shall be used to raise funds to assist in recovery and relief operations following the terrorist acts referred to in paragraph (1), including humanitarian assistance, and to combat terrorism.

“(3) Form.—The bonds authorized by paragraph (1) shall be in such form and denominations, and shall be subject to such terms and conditions of issue, conversion, redemption, maturation, payment, and rate of interest as the Secretary may prescribe.”.

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 for the purpose that we call for today as well.

I don’t know whether we will finish this bill today. My hope is that we can find a way to actually finish this legislation today. I don’t know that we have any requirement for a recorded vote on our side. I don’t know whether they have a requirement on the Republican side.

But my hope is that perhaps if we can finish this bill today, we can have a vote and perhaps seek a rollover call on the conference when the conference report comes back. But that is up to the members of both caucuses. We will not make that request at this moment.

I hope that perhaps other people will consider that. We have a number of amendments that have been discussed. We are now in the process of trying to determine what the list of amendments will be, and we hope to have that at some point. I would like to believe that we can, if we work hard, deal with the amendments we know of on our side and the other side, and try to complete this bill pretty much this evening.

Mr. President, I will wait for a bit. I have a managers’ amendment, a managers’ package that I will send to the desk in a few minutes. It has been cleared by my colleague from Colorado. I know he is working on some other business relating to this bill off the Senate Chamber.

Let me, for a moment, while I am waiting for my colleague to come, and before I offer the managers’ package, speak as in morning business, if I might, for 5 minutes. I ask unanimous consent to speak as in morning business for 5 minutes.

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

THE AGENDA OF THE SENATE

Mr. DORGAN. Mr. President, let me talk, just for a moment, about the agenda in the Senate. Part of that agenda is, of course, what we are doing in this Senate Chamber today; that is, one that President Bush said: We must go back to work. And so we must, in the Senate as well.

Our work largely remains the appropriations bills that we must complete. We are required to complete them by October 1. It is almost certain we will not be able to do that with all the appropriations bills, but we need to work hard to make that happen.

Today we bring one appropriations bill to the floor of the Senate; and that is the Treasury, Post Office, general government bill. It is a very important piece of legislation because, as I indicated, it contains money for counterterrorism, it contains money for about one-half of the Federal law enforcement system, including the Customs Control, the Secret Service, and so many other vital functions.

I think if we could pass this legislation today, or no later than Friday morning—but perhaps this afternoon—it would send a wonderful signal to the American people that when the President said, let’s all get back to work, the Senate took that seriously, and we have gotten back to work, and we have moved a piece of legislation today that represents one very important subcommittee on the Senate Appropriations Committee.

I know my colleague, the chairman of the full committee, Senator BYRD, and the ranking member, Senator STEVENS, have worked very hard. I am so proud to serve with them on the Appropriations Committee. They work very hard to get these appropriations bills moving and get them through the Senate. If we can get this piece of legislation done today, I think it will be a great signal to send to the American people.

Part of the agenda, and the immediate part for us, is to pass appropriations bills. But there are, it seems to me, three significant issues that the Senate and the Congress and the American people must grapple with in a very serious way, with perhaps more determination than we have had for a long while as a nation.

One is the issue of terrorism. We now know that terror visits this land in a fashion that we have never before thought possible. The result is that we must not only recover from the acts of terrorism that occurred last week, we must work very hard to prevent those kinds of acts of terrorism from being committed in the future.

We know there are cells of terrorists that operate in this country. We know there are training camps for terrorists in our country. We know there are people who very much would like to strike right at the heart of this country. So we must wage a war against

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tension, as President Bush has indicated. We must do so thoughtfully, not recklessly. We must do so in a vigilant way, every day, in every way, to try to be sure that no one, anywhere, that we retain our freedoms but, at the same time, we try to reduce the risk of terrorist acts.

It is going to cost some money to do so. If we are, for example, going to put sky marshals on commercial airplanes flying in the country, that takes manpower, it takes money, it takes resources, yet we do not have much of a choice. If we are going to beef up security at airports so that people who are flying on commercial airplanes in this country have a feeling of safety and that we have substantially tightened security, that is going to require some money, but we do not have much choice.

If we are going to give the opportunity to our intelligence community, and the FBI, the CIA, and the law enforcement community—if we are going to give them the tools they need to try to take down these terrorist cells, and to try to track down the terrorists who committed these acts, and to track down terrorists who might commit future acts and prevent those acts from occurring, it is going to require some money and some resources.

I think all of us in Congress have to be willing to do that. I know there are some recommendations that will be controversial with respect to this war that we wage on terrorism.

The Attorney General made a recommendation the other day that I know will be controversial, and yet I do not think we have much choice in this matter. He talked about the circumstance that now exists when you get a wiretap order from the Federal court that allows you to wiretap only with respect to one telephone instrument, the conversations of a suspected terrorist.

It seems to me, as the Attorney General has suggested, that if you have someone who is a suspected terrorist, and you have been able to make that case to a Federal court and are able to get a Federal court order, it ought not just apply to one telephone, it ought to apply to the phone calls made by that suspected terrorist from whatever telephone instrument that suspected terrorist uses.

That is an example of the kind of policy changes we are going to have to consider, some of which will be controversial, but we do not have much choice if we are going to protect this country.

I do not want America to have to give up a lot of civil liberties in order to meet these protections that we now need, but we also need to understand that we need, as Americans, to be vigilant—one another. It is not just about law enforcement, it is about all of us being vigilant and understanding that if we see something that is unusual, if we see something that we think should offer us concern, that it be reported.

So this war on terrorism is a very serious—a deadly serious—war that will be waged by all of us to try to prevent future terrorist acts in this country.

Even as we focus on that issue—terrorism, counterterrorism, rooting out the terrorists, finding out who did what and when, and doing last year's war of kindness in our country, and punishing them, and trying to prevent future acts—even as we do that, we have a couple of other things that are of paramount importance; and that is, we need to provide some additional vibrancy and restore life to this country's economy.

Even before the deadly acts last week, our economy was softening, and that softening of the American economy was causing significant problems. What happened last week has caused significant shock to the American economy. As a result of that shock, many of us worry a great deal that the confidence in this country's economy will suffer, the American people will lose confidence, and that we will see a further spiraling of economic difficulties.

So it is very important for all of us—the President and the Congress, Republicans and Democrats alike—to see if we can begin to pump some life into this economy. That means that almost certainly we will have to consider some kind of economic stimulus program, some kind of fiscal policy that matches what the Federal Reserve will do in monetary policy that provides some life and some buoyancy to an economy that has been in trouble.

The most important thing we can do is offer hope to the people that in the long term the American economy is one to invest in; this is an economy of hope, optimism, and economic growth in the long term. We go through periods of upturns and downturns. We go through contractions and expansions in the American economy. That will never change.

But we were going through a contraction at about the same time we were hit with these disasters last week, and that spells real trouble. All of us need to catch this economy very quickly and try to provide some new life and vibrancy to it. I think the President will find willing hands in Congress, wanting to help him lift the kinds of policies necessary to boost this economy.

Some are talking, I know, about, for example, tax cuts, a capital gains tax cut. Frankly, I do not think we ought to be talking about a tax cut until we see if we can begin to pump some life into this economy.
I say that because when we talk about these three elements of public policy that require an urgency on the part of Congress—dealing with counternarcotics, trying to provide lift to an economy that is in trouble, and writing an energy bill that makes us less vulnerable to terrorist attacks and the shutoff of the supply of oil from the Middle East, all of these represent an urgency that Congress must tackle.

We must do this in a way that makes sense. This can’t be business as usual. It can’t be, “The President believes this and we believe that. Let’s have a fight for 3 or 6 months.” It must be taking from the President and from Members of Congress the best of what all have to offer and from that developing a public policy that will strengthen our society, strengthen our country in the area of fighting terrorism, in trying to give our economy the lift it needs at this point and in making us less dependent on a source of energy that is vulnerable. All this is part of an agenda that is critical to our country.

Could I talk about other things? Yes, there are plenty of other things yet to do. We know we need the kinds of things we were debating before the terrorist act last week. We were debating campaign finance reform, a Patients’ Bill of Rights, the cost of prescription drugs. All of those things are important. None of them have lost their importance in the scheme of trying to do the people’s business in the Congress. But there is an urgency to several of the elements of public policy that we must pay attention to first: terrorism, the economy, and energy.

I, for one, pledge to this President and my fellow Members of the Senate that we must come together in a way that we have never before done—at least in my years—to grab these policy issues and try to find the best that everyone in the Chamber has to offer and work with the President to make the changes necessary to strengthen America.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. The clerk will call the roll.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I rise to urge the Senate to act very swiftly to confirm the nomination of Robert Bonner to be Commissioner of Customs.

I remind my colleagues that Customs is one of the first lines of defense we have in our country. They inspect baggage and the goods of people coming into the United States. They help to assure that we are safe by inspecting any item that might threaten our national security and public welfare. They do a good job.

Last week’s attacks demonstrate how important it is that Customs and all of our agencies have our full support. We must make sure that the agency is as robust as we possibly can.

What is the problem? The problem is that the Finance Committee has reported out Mr. Bonner to be Customs Commissioner, and someone on the Senate floor is holding him up. We cannot put him in place because there are
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a few Senators who for some reason don’t want him to be Customs Commissioner.

I strongly urge this body to quickly and immediately confirm Robert Bonner to be Commissioner of Customs. He is more than eminently qualified. I cannot think of a more qualified person. He has been a Federal district judge. He has been the head of the DEA. He has an extensive background and experience for the job.

I have personally met with him. I have spoken with him. I have asked many questions of him. He is one of those people who—as soon as you sit down and talk with him—you immediately know has it. He is qualified. He is going to do a great job. I guarantee you that he will be terrific.

This is the very time that we need him to get on the job. The Acting Commissioner, Mr. Winwood, is doing a great job. I met with him for a good couple of hours last week getting a security briefing on what Customs is doing. He is terrific, too. But he needs help. He very much urged me to do all I could to help the Senate confirm the nomination of Mr. Bonner.

I call upon my colleagues. Come on. We are Americans. Let’s work together. Let’s get the job done. Mr. Bonner is a great man. Let’s confirm him so we can get him on the job and so Customs can begin to do the things it wants to do and continue to do in helping protect our country.

I also say that part of that is strengthening our Customs Service along the northern border. I am quite concerned. In my State of Montana there are reports of a lot more goods coming across the border—sometimes, of all places, Glacier National Park because it is unprotected and particularly in the summertime. But there is a lot of goods coming across the border. It is particularly in drugs and illegal substances of all kinds. It is becoming a problem. We need stronger Customs enforcement along the northern border.

But to sum up, I plead with my colleagues. Come on. Let’s confirm him. He is a good man.

I see my good friend from North Dakota on the floor. I think he has some of the same concerns.

I yield the floor.

Mr. DORGAN. Mr. President, if my colleague from Montana will yield for a question, I heard the statement by my colleague from Montana, and I couldn’t agree more. It is critically important at this point in time to have this Congress confirm the President’s nominee for the head of Customs. The Customs Commissioner job has been open for some long while.

The President, in my judgment, submitted the name of someone who is a well-qualified person who will do a good job. It is hung up. There is a hold on it over some other issue. It doesn’t make any sense.

The Customs Service at this point is right at the center with a range of other agencies having to deal with this terrorist threat. A significant amount of our law enforcement is embedded in the Customs Service. We need good leadership.

The Senator from Montana says the Acting Commissioner is a good guy. I agree with that. I have great confidence in him. But there is nothing quite like having someone there who has been confirmed by the Congress to say: Here is the direction we are going to take with this agency.

It is important this week that we implore our colleagues who are holding nominees up—especially in critical areas—for the sake of this country, to get out of the way and to get the President’s appointment, especially for an agency such as this, in place.

Mr. Bonner is a well-qualified man who will do a great job.

I just wanted to say how much I appreciate the statement by the Senator from Montana.

Mr. BAUCUS. Mr. President, if I might, I very much thank my colleague for his statements as well. This Senate, when it is business as usual, probably is not quite as efficient and productive as it could be. I am a firm believer in the basic underpinnings of democracy. We don’t want to be too efficient, because as representatives of our people from different parts of the country, there are different aspirations, different hopes, and different points of view. We want a melting pot kind of basis to work together and pass legislation. But this is not the time for business as usual. We have a national crisis. We are virtually at war. There is a lot of talk of unity and of working together. There has been tremendous cooperation in both Houses, by both parties, and of both parties at Pennsylvania Avenue. But on something as vital as this, I just very much hope that whoever the one, or two, or three Senators are who for extraneous, independent, and separate reasons—whatever they may be—are holding up Mr. Bonner, that they will reconsider for the sake of our country, and particularly with an agency as important as this at this time.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONGRESSIONAL RECORD—SENATE 17253

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Mr. BINGAMAN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that I be permitted to send an amendment to the desk and have it considered.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. Bingaman), for himself and Mr. Domenici, proposes an amendment numbered 1576.

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

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

The amendment is as follows:

(Purpose: To authorize State, regional, or local transportation authorities that receive Federal Transit Administration assistance or grants, to purchase heavy-duty transit buses through the General Services Administration)

After section 642, insert the following:

SEC. 643. (a) State, regional, or local transit authorities that receive Federal Transit Administration assistance or grants may purchase heavy-duty transit buses through the General Services Administration.

(b) The Administrator of General Services shall notify the appropriate congressional committees if the administrative costs incurred by the General Service Administration in implementing this section are in excess of fees provided to the General Service Administration under provisions of existing contracts for the purchase of heavy-duty transit buses.

Mr. BINGAMAN. Mr. President, this is an amendment I am offering on behalf of myself and Senator Domenici. It authorizes State and local transit authorities that receive Federal transit assistance to purchase transit buses through the GSA list. That is the General Services Administration list.

Currently only the Washington Metropolitan Area Transit Authority has the option to purchase buses through the General Services Administration. The amendment would open up that option to other public transit agencies around the country that also receive Federal transit assistance, as the Washington Metropolitan Area Transit Authority does.

The General Services Administration currently offers three heavy-duty transit buses on its schedule. GSA selected the three as a result of competitive solicitations, and the companies had to bid attractive terms and prices in order to win those 5-year contracts and get on that list for the General Services Administration.

Allowing other public transit agencies the option to purchase these buses GSA would result in substantial cost and time savings for these agencies. This would, of course, be especially valuable to some of our smaller communities around the country.

The new authority is limited only to transit buses and does not allow transit authorities to purchase school buses offered by the General Services Administration. So the resulting demand will be limited only to transit agencies that want the
specific bus that GSA offers. This does not require anyone to buy anything. This does provide an option that they can use for purchasing if they desire to do so.

However, in the next 12 to 18 months, GSA plans to broaden the program to a multiple award schedule with a larger variety of vehicles and optional equipment choices, which of course will benefit everyone, including their blood and money, those who have lost loved ones, who are touched and have lost a sense of closure, to be able to take the remains of their husband, wife, son, or daughter and to be able to give them a proper funeral, to lay them to rest at their final resting place with dignity. The job is as difficult and challenging as perhaps any job that has been undertaken in the wake of these tragedies. I want to express on behalf of not just the people of Delaware and those of us in my State who are affected, but people throughout the country who are touched and have lost a relative, a loved one, who will have that sense of closure because of the efforts going on today, yesterday, last week, and the days to follow at the Dover Air Force Base. We are fortunate in this country to have so many heroes and heroines. As I speak some of them are working in the central part of the second smallest State in America. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 1576.

The amendment (No. 1576) was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CARPER. Mr. President, I ask unanimous consent to address the Senate for 5 minutes.

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

ACTS OF BRAVERY AND KINDNESS FOLLOWING THE TERRORIST ATTACK

Mr. CARPER. Mr. President, during the course of the past week, we have witnessed extraordinary acts of bravery: aboard the aircraft that were hijacked, at the World Trade Center Towers, and at the Pentagon. In addition, we have witnessed extraordinary acts of kindness by people from all walks of life in this Nation who have reached into their own pockets and hearts and sought to comfort those who have lost loved ones, who sought to donate something of their own, including their blood and money, to assist those who have suffered egregious losses.

Earlier this afternoon, I visited the Dover Air Force Base in the State of Delaware and in the heart of the mor-
diseases, could reach our shores with equally devastating effect.

When Secretary Veneman testified before our subcommittee this spring, she told us that strong measures were in place to reduce the possibility that foreign animal disease would come to America. The fact that to date no such outbreaks have occurred here speaks to the strength of those measures. However, such safeguards are only as strong as their weakest part.

Currently, all passengers coming to the United States on aircraft or by other means are required to complete Customs Declaration form 6059B which poses a set of questions about that individual’s activities abroad. Included is a question which asks if the passenger is “bringing fruits, plants, meats, food, soil, birds, snakes, other live animals, wildlife products, or have been on a farm owned by the U.S.” If the passenger answers this question in the affirmative, he or she is likely to be referred to USDA’s Animal and Plant Health Inspection Service, APHIS, for further inquiry. Clearly, this question is designed to help provide the Customs Service with adequate information to know if a referral to APHIS is warranted or not.

I have every confidence that APHIS personnel who serve on the front line of this country’s inspection force have the expertise and commitment to ask the right questions and take the right actions to safeguard against foreign pests and disease, such as Foot and Mouth Disease. However, current practice does not ensure that all overseas travelers who have been in the vicinity of diseased livestock will have received proper referral to the appropriate agencies. If a traveler did not visit a farm or ranch, for example, the Customs Service would not have the information needed to make a proper referral to USDA. Still travelers in rural areas of certain countries, such as the UK may come in close contact with livestock either at county fairs, rural bed and breakfasts, on back country trails, or other settings that may not strike one as a “farm or ranch,” but may in fact pose the same level of risk.

My amendment simply requires that any new Customs declaration forms used for entry into the United States ask a question in a manner to alert the traveler to the fact that simply being in the proximity of livestock needs to be brought to the attention of Customs or USDA personnel due to the high risk of foreign borne disease. My amendment takes the same form of new in use. However, I understand that these forms are now in the process of being redrafted which, I believe, makes my amendment doubly timely. It is my further expectation that the language that the administration wishes to actually put in place, Customs Service personnel will be provided guidance to sensitize them to making further verbal inquiry of travelers who have traveled in countries known to have infectious animal disease outbreaks to determine if they may have been in areas where a likelihood of infection was possible.

Again, my amendment is not lengthy, nor does it require much. However, I believe it will help strengthen our Nation’s defense against an outbreak of foreign animal disease. If the asking of one question prevents an outbreak of a devastating disease in America, it will certainly be a question worth asking.

Ms. COLLINS. Mr. President, I rise to comment the managers of the Treasury, Postal appropriation bill, Chairman DORGAN and Ranking Member CAMPBELL, for including in their bill funds to increase the number of Customs officers stationed on our northern border. I particularly commend their foresight, which was confirmed by the tragic events of last week, and the suggestion that some of the terrorists may have entered the United States through ports of entry in my home State of Maine.

Mr. DORGAN. I thank the Senator from Maine for her kind words. The bill before us does indeed include $25 million to fund a northern border hiring initiative. These funds would be used to hire approximately 265 additional Customs officers for our northern border.

Mr. CAMPBELL. Due to dramatic increases in land border traffic and trade with Canada coupled with only token increase in staffing in recent years, our ports of entry are woefully understaffed.

Ms. COLLINS. The situation in Maine is of particular concern to me. The number of inspectors are currently stationed in my home State. Yet, according to a Customs Service resource allocation analysis based on threat and workload assessments, Maine should have 253 inspectors, or two-and-one-half times more than are currently there. Maine has 23 land border ports of entry, some of which are manned by a single inspector at any given point in time. Our Customs and Immigration and Naturalization Services inspectors work long and hard to protect the integrity of our border. But they need reinforcements.

I understand that the lack of Customs officials in Maine would not be ameliorated completely by this bill. The decrease in staffing of the $25 million for additional Immigration and Naturalization Service inspectors included in the Senate-passed Commerce, Justice, State appropriations bill, would take a strong step in the right direction. I urge the chairman and ranking member to help ensure that Maine receives its fair share of additional inspectors.

Mr. DORGAN. Mr. President, I assure the Senator from Maine that the Customs Service will be instructed to pay particular attention to the needs of Maine when assessing where to deploy these officers.

Mr. CAMPBELL. We appreciate the Senator bringing Maine’s needs to our attention and fully intend to see those needs met, to the extent possible, through the funds appropriated by this bill.

AMENDMENT NO. 1574, AS MODIFIED

Mr. DORGAN. Mr. President, on behalf of Mr. JOHNSON, I ask unanimous consent to modify my amendment, which I offered earlier today on his behalf.

I seek unanimous consent that Senator SMITH of Oregon be added as an original cosponsor of the Johnson amendment.

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

The amendment (No. 1574), as modified, is as follows:

At the end of title VI, insert the following:

SEC. 601. (a) From funds made available by this or any other Act, the Secretary of the Treasury may provide for the administrative costs for the issuance of bonds, to be known as ‘Unity Bonds’, under section 3102 of title 31, United States Code, in response to the acts of terrorism perpetrated against the United States on September 11, 2001.

(b) If bonds described in subsection (a) are issued, such bonds shall be in such form and denominations, and shall be subject to such terms and conditions of issue, conversion, redemption, maturation, payment, and rate of interest as the Secretary of the Treasury may prescribe.

Mr. JOHNSON. Mr. President, I rise today to offer an amendment that authorizes the Secretary of the Treasury to issue Unity 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. This amendment is similar to legislation that I introduced last week, S. 1430. I was pleased that several of my Republican colleagues introduced similar bills because this is an initiative that should and must be bipartisan.

Unity Bonds will allow Americans who want to show their support for this great country to participate in a meaningful way. This amendment deserves full bipartisan support, and I look forward to working in a consensus fashion to make Unity Bonds available to all Americans.

Mr. DORGAN. Mr. President, I ask unanimous consent that Senator HUTCHINSON of Arkansas be added as a original cosponsor to the McConnell amendment.

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

Mr. DORGAN. Mr. President, the ranking member, Senator CAMPBELL, will be the manager of the McConnell and Johnson amendments, both of which were offered this afternoon. We suggest the Senate approve
both the Johnson and McConnell amendments. I ask unanimous consent that the Johnson amendment and the McConnell amendment be agreed to at this time. Let me be clear, I am asking consent that the McConnell amendment be agreed to as offered earlier today and that the Johnson amendment be agreed to as modified by the modification I sent to the desk a few moments ago.

The PRESIDING OFFICER. Is there objection?

Mr. CAMPBELL. Mr. President, we have no objection. We support the amendments.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 1573 and 1574, as modified) were agreed to.

Mr. DORGAN. I move to reconsider the vote.

Mr. CAMPBELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The list is as follows:

Mr. DORGAN. The amendment (No. 1579) was agreed to.

Mr. DORGAN. That is correct, Mr. President. We concur.

Mr. DORGAN. I urge its adoption.

The PRESIDING OFFICER. Is there further amendment? If not, the question is on agreeing to amendment No. 1579.

The amendment (No. 1579) was agreed to.

Mr. DORGAN. Mr. President, I move to reconsider the vote.

Mr. CAMPBELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DORGAN. Mr. President, I ask unanimous consent that the list I will send to the desk be the only first-degree amendments remaining in order to H.R. 2590, the Treasury-Postal appropriations bill; that these amendments be subject to relevant second-degree amendments; that upon disposition of all amendments to the bill be read a third time, and the Senate vote on passage of the bill; that upon passage the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the Houses, and that the Chair be authorized to appoint conferees on the part of the Senate, with the above occurring with no intervening action or debate.

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

Mr. DORGAN. Mr. President, I ask unanimous consent that the list I will send to the desk be the only first-degree amendments remaining in order to H.R. 2590, the Treasury-Postal appropriations bill; that these amendments be subject to relevant second-degree amendments; that upon disposition of all amendments to the bill be read a third time, and the Senate vote on passage of the bill; that upon passage the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the Houses, and that the Chair be authorized to appoint conferees on the part of the Senate, with the above occurring with no intervening action or debate.

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

The list is as follows:

- Bingaman: 1 GSA.
- Byrd: 2 Relevant.
- Byrd: Relevant to the list.
- Clinton: September 11 Heroes Stamp Act.
- Daschle: 2 Relevant.
- Daschle: Relevant to the list.
- Dorgan: Managers’ amendments.
- Dorgan: Relevant.
- Dorgan: Relevant to list.
- Feinsteine: 1 Breast Cancer Stamp.
- Feinsteine: 2 Relevant.
- Johnson: 1 Unity Bonds.
- Jerry: OMB study of the funding of SBA programs.
- Kohl: Customs declarations and livestock.
- Reid: Relevant.
- Reid: Relevant to the list.
- Schumer: 3 Relevant.
- Hollings: SC facility.
- Specter: 2 Relevant.
- McConnell: War bonds.
- Shelby: 1 Relevant.
- Hatch: Drugs-Utah.
- Hatch: 2 Relevant.
- Lott: 2 Relevant.
- Lott: 2 Relevant to list.
- Campbell: Relevant.
- Nickles: 2 Relevant to list.
- Domenici: 2 Relevant to list.

The PRESIDING OFFICER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, Senator CAMPBELL and I have been talking about the list we have presented that makes certain amendments in order and available to be offered. It is a very small list. In fact, we can have the presentation of being able to approve a number of items on this list, I believe there are only two Senators remaining who have yet to come to the floor and offer amendments on which they are protected on the list. We ask them to do that. It is now 10 minutes before 7 in the evening. Those Senators would have had notice all day that we have been working on this bill. And, frankly, the Senate has been in a quorum call much of the day.

Senator CAMPBELL and I encourage those Senators who still have amendments they may wish to offer to either come and offer them or perhaps call us and notify us that they will not be of offering a rollcall vote. I say, if there is any point at which point we could go to third reading.

My understanding from leadership is that we will not be going to a final vote tonight. Perhaps this will require a rollcall vote. It is not certain at this moment. But, in any event, to get to third reading, we need to clear these amendments. I believe there are only two Senators for whom we are waiting.
If they intend to offer the amendments, we hope they are on their way to the floor or that their staffs will find them and get them to the floor of the Senate so they can do that. If they are deciding not to offer those amendments, please notify us. We want to go to third reading.

Mr. CAMPBELL. Mr. President, to our knowledge, we have only two Senators who said they have an amendment they want to offer. We are on the phone now to try to get them down here. But I think if we can get them down here quickly, we will be able to finish this bill by Friday.

Mr. DORGAN. Mr. President, if, in fact, there is a way to get to third reading, and then do a voice vote on final passage, of course we would prefer to do that as well. My expectation is we will have a recorded vote on the conference report when it comes back from the conference, but I do not know that that has yet been cleared. My understanding was that a voice vote had not been cleared some while ago.

In any event, if we can finish the amendments and get to third reading, it will have represented, in my judgment, significant progress. This is a fairly sizeable appropriations bill. The ability to do this bill today on the floor of the Senate would, I think, signal to the American people that this is a new seriousness of purpose in the Senate. We want to obviously do our business, and do it the right way, but we want to express to the American people that we are willing to work together and get things done.

This country suffers from a pretty serious crisis as a result of the terrorist acts. We want to demonstrate to the American people that we can go back to work and we can get this work done in an expeditious way.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that there be a short period of morning business.

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

MEASURE READ THE FIRST TIME—S. 1439

Mr. LEVIN. Mr. President, I understand that S. 1439, the Ballistic Missile Defense Act of 2001, which I introduced a few minutes ago, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 1439) to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Mr. LEVIN. Mr. President, I now ask for its second reading.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I object. And the reasons for the objection are as follows: That in consultation with the Republican leader, in consultation with the majority whip, and in consultation with the chairman, the chairman is seeking to have this piece of legislation be considered under rule XII. We have no objection to that, but for technical reasons the objection to the second reading is required. It should not be interpreted—my objection—as animosity or anything between the chairman and myself. It is just part of the procedure, arcane though it may be.

So I object to second reading.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

The Senator from Michigan.

The PRESIDING OFFICER. The Clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 1439) to provide and revise conditions and requirements for the ballistic missile defense programs, and for other purposes.

Mr. LEVIN. Mr. President, I now ask for its second reading.

Mr. WARNER. Mr. President, I object for the same reasons as I stated under S. 1439.

The PRESIDING OFFICER. Objection is heard.

The bill will be read for the second time on the next legislative day.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mrs. CLINTON, for herself, Mr. SCHUMER, Mr. DORGAN, Mr. EDWARDS, Mr. BIDEN, Mr. BAYH, Mr. SARBANES, Mr. LEAHY, Mr. SHELY, Ms. STABENOW, Mr. CLELAND, Mr. BREAUX, Mr. JOHNSON, Mr. CRAPO, Mr. SMITH of New Hampshire, Mr. HELMS, Mr. ALAARD, Mr. CRAFAR, Mr. CANTWELL, Mr. INHOFE, Mr. KERRY, Mr. MCCAIN, Mr. FEINGOLD, Mr. MURkowski, Mr. WYDEN, Ms. SNOWE, and Mr. WARNER, proposes an amendment numbered 1583.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SECTION 1. SHORT TITLE.

This title may be cited as the "Heroes Stamps Act of 2001.

SEC. 2. REQUIREMENT THAT A SPECIAL COMMEMORATIVE POSTAGE STAMP BE DESIGNED AND ISSUED.

(a) IN GENERAL. In order to afford the public a direct and tangible way to provide assistance to the families of emergency relief personnel killed or permanently disabled in the line of duty in connection with the terrorist attacks against the United States on September 11, 2001, the United States Postal Service shall issue a semipostal in accordance with sub-section (b).

(b) REQUIREMENTS. The provisions of section 416 of title 39, United States Code, shall apply as practicable with respect to the semipostal described in subsection (a), subject to the following:

(c) RATE OF POSTAGE. Section 414(b) of title 39, United States Code, is amended—

(1) in paragraph (1), by striking "of not to exceed 25 percent" and inserting "of not less than 15 percent"; and

(2) by adding after the sentence following paragraph (1) the following: "The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5 cents."

(d) DISPOSITION OF AMOUNTS BECOMING AVAILABLE. All amounts becoming available from the sale of the semipostal (as determined under such section) shall be transferred to the Federal Emergency Management Agency under such arrangements as the Postal Service shall be mutual agreement with such agency establish in order to carry out the purposes of this Act.

(1) COMMENCEMENT AND TERMINATION DATES. Stamps under this section shall be issued—

(A) beginning on the earliest date practicable; and

(B) for such period of time as the Postal Service considers necessary and appropriate, but in no event less than 2 years.
Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1584

Mr. DORGAN. Mr. President, Senator CAMPBELL and I, on behalf of our colleagues, Senator HATCH, send an amendment to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will state the amendment.

The amendment (No. 1584) was agreed to.

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

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

The amendment is as follows:

(Purpose: To designate the State of Utah as a High Intensity Drug Trafficking Area)

On page 36, line 7, after the semicolon insert the following: "of which $2,500,000 shall be used for a newly designated HIDTA in the State of Utah."

The PRESIDENT pro tempore. The question is on adoption of the amendment.

Mr. DORGAN. Mr. President, we have reviewed the amendment and have no objection on this side.

Mr. CAMPBELL. We have no objection on our side.

The PRESIDENT pro tempore. There being no objection to the immediate consideration of the amendment, the amendment is agreed to.

The amendment (No. 1584) was agreed to.

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

The PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I believe the amendment we just considered by Senator HATCH is the last amendment to be offered to this bill. I believe on our side there are no further amendments. I believe that is the case on the Republican side.

Mr. LEVIN. Mr. President, I would like to enter into a colloquy with the chairman for his ongoing leadership on this issue.

The PRESIDENT pro tempore. The amendment proposed by the chairman for his good work on this bill, I appreciate his leadership and commitment.

I would like to confirm with the chairman my understanding of an amendment offered by the chairman and Senator SCHUMER. The amendment proposes that a special commemorative semipostal stamp be issued to recognize the efforts of the brave emergency relief personnel who were killed in connection with last week's terrorist attacks.

Existing Postal Service regulations state that the Post Service will offer only one semipostal stamp for sale at any given time. It is my understanding that it would be consistent with these regulations for the Post Service to designate the commemorative stamp issued by the amendment as the one semipostal stamp to be offered, pursuant to the said regulations, for the period specified in the amendment, with the exception of the Breast Cancer Research Stamp previously exempted by law.

Mr. DORGAN. Mr. President, the Senator is correct. The Post Service could choose to designate the emergency relief semipostal as the one semipostal stamp to be offered in the period specified in the amendment, pursuant to Postal Service regulations.

Ms. SNOWE. Mr. President, I rise today in support of contraceptive coverage for almost 9 million Federal employees and their dependents who receive their health care coverage through the Federal Employees Health Benefits Program. At a negligible cost, this coverage has been included in the past three Treasury-Postal Service appropriations bills and is in the House passed bill and as well as the legislation before us today.

This provision enjoys broad bipartisan support among members of the Senate as demonstrated by a letter sent by over half of the Members of the Senate to the chairman and the ranking member of the Subcommittee on Treasury, Postal Service and General Government. The contraceptive coverage provision was adapted from legislation I originally authored back in 1997, the bipartisan Equity in Prescription Contraceptive Coverage Act, or EPICC, which currently has 42 cosponsors, and which was the subject of a hearing in the Senate Health, Education, Labor, and Pensions Committee on September 10. Throughout this effort, I have had the good fortune of being joined by Senator Reid who has been a partner with me in this effort, and I thank him for his ongoing leadership on this issue.

We both agree this is commonsense public policy whose time has long since come.

The facts are not in dispute, contraceptives are an essential part of not only a woman's health, but that of her children and her future children. The lack of equitable coverage of prescription contraceptives has a very real impact on the lives of women and, therefore, our society as a whole. We took a strong first step towards ending this inequity when, in 1998, we guaranteed access to prescription contraceptive coverage for federal employees.

The inclusion of this coverage in FEHBP has saved female enrollees over...
$1,000 over the past three years, according to the Alan Guttmacher Institute. Not only has the inclusion of this coverage saved our female employees about $1,000 over the past three years, but it has not cost the Federal government anything either. A January 2001 OPM statement on the cost of this coverage for federal employees under the FEHBP found no effect on premiums whatsoever since implementation in 1998. Since it’s not often that we can say that, let me repeat it, it has had no effect on costs of health care.

In fact, some, like the Alan Guttmacher Institute, argue that improved access to and use of contraceptive options nationwide saves insurers and society money by preventing unintended pregnancies, as insurers generally pay pregnancy-related medical costs, which can range anywhere from $5,000 to almost $10,000. In turn, access to contraception would eliminate these costs and would reduce the costs to both employers and insurers. Whenever we talk about contraceptive coverage, the issue of a “conscience clause” has continually been raised. I would remind my colleagues that this is a concern we effectively addressed in 1998 and that standard has remained unchanged ever since. I agree that this is a legitimate concern, which is why we found a compromise in order to assure the concerns of our colleagues who felt that there needed to be a “conscience clause” to allow religious plans to opt out of this coverage if their beliefs and tenets are not consistent with this coverage. Originally, we specifically named five health plans that were excluded from having to provide this coverage and allowed “any other existing or future religious based plans whose religious tenets are in conflict with the requirements” of this coverage. Two years later, there are only two plans remaining in the FEHBP program which do not provide this coverage. That’s two out of over 245 participating health plans.

While many of my colleagues and I would prefer to have this coverage expanded for all women nationwide, it is essential that we do not rescind this critical health care benefit for women in the FEHBP program. And the proponents of the larger legislation, EPICC, are not alone in the FEHB program. And the provisions that we included in EPICC are critical protections for women’s reproductive health care services violated title VII of the Civil Rights Act regarding gender discrimination.

Together, these two decisions form a “one-two” punch in favor of the approach we advocate today, an approach that’s already been endorsed by a total of 16 States, including my home State of Maine—that have passed similar laws since 1998. Today, another twenty States have contraceptive coverage legislation pending. That’s a start, but it’s not enough. Not only are these laws limited to state regulated plans, but this piecemeal approach to fairness leaves many American women at the mercy of geography. When it comes to the coverage they deserve. Unfortunately, until we can get EPICC passed on its own, you either have to be a member of Congress, a Senator, a Federal employee, or living in one of these states to receive this guaranteed benefit.

We believe that contraceptive coverage not only makes sense in terms of the cost of contraceptives for women, but also as a means of bridging, at least in some small way, the pro-choice pro-life chasm by helping prevent unintended pregnancies and thereby also prevent abortions. The fact of the matter is, we know that there are three million unintended pregnancies every year in the United States. We also know that almost half of those pregnancies result from just three million women who do not use contraceptives, while 39 million contraceptive users account for the other 50 percent of unintended pregnancies, most of which resulted from inconsistent or incorrect use. In other words, when used properly, contraceptives work. We know that they prevent unintended pregnancies and when we have fewer unintended pregnancies, we will have a reduced need for abortions, and that is a goal each of us can support.

I ask my colleagues to continue to support the inclusion of this provision in the Federal Employees Health Benefits Program as contained in the Fiscal Year 2002 Treasury-Postal appropriations bill. It is an important benefit and it is in the best interests of women’s overall health, their children and their future children’s health.

Mr. McCAIN. Mr. President, I thank the managers of this bill for their hard work in putting forth this legislation which provides Federal funding for numerous vital programs in the Treasury Department and the General Government. However, once again, I find myself in the unpleasant position of speaking before my colleagues about parochial projects in another appropriations bill.

This bill spends at a level of 5.9 percent higher than the level enacted in fiscal year 2001, which is greater than the 4 percent increase in discretionary spending the President wanted to adhere to. In real dollars, this is $328 million in additional spending above the amount requested by the President, and a $1.8 billion increase in spending from last year. So far this year, with just seven appropriations bills already passed including this bill, spending levels have already exceeded the President’s budget request by more than $7.6 billion. I must remind my colleagues that the Administration has urged us to maintain our fiscal discipline to ensure that we will continue to have adequate funds to prosecute our war against terrorism, to aid those in need, and to cover other related costs.

In this bill, I have identified just over $200 million in earmarks, which is less than the cost of a construction project, totaling $356 million, in the bill passed last year. Therefore, I applaud the efforts of the appropriators in keeping parochial spending to a minimum in this bill but more must be done.

While the amounts associated with each individual earmark may not seem extravagant, taken together, they represent a serious diversion of taxpayers’ hard-earned dollars at the expense of numerous programs that have undergone the appropriate merit-based selection process. It is my view that the people who run these programs should be the ones who decide how best to spend the appropriated funds. After all, they know what their most pressing needs are.

For example, under funding for the Department of Treasury, some examples of earmarks include: $1,000,000 for work on joint technology projects with New Mexico State University’s Physical Sciences Laboratory; and $750,000 for the Center for Policy and Trade Studies located at North Dakota State University.

Under funding for the General Government, some of the earmarks include: $2,500,000 for the Native American Digital Telehealth Project and the Upper Great Plains Native American Telehealth Program at the University of North Dakota; and $5,000,000 to help purchase land and facilitate the moving of the Odd Fellows Hall to provide for the construction of a new courthouse in Salt Lake City, UT.

There are more projects on the list that I have compiled, which will be available on my Senate Web site.

In closing, I urge my colleagues to keep a close eye on the fiscal health of our nation’s air transportation system and the limitations placed on the carrying of cargo on commercial passenger planes, postal service throughout our country was affected. However,
the State of Hawaii was impacted most severely. My colleague from Hawaii, Senator INOUYE, has joined me to discuss this issue in Hawaii.

Mr. INOUYE. I thank Senator DORGAN for the opportunity to share with our colleagues the impact of the air service restrictions on the delivery of mail in the State of Hawaii. The recent closure of our Nation’s air transportation system brought to light a Postal Service practice that I believe should be reevaluated. Hawaii is an island State that is not only geographically isolated from the mainland United States, but that is also geographically divided into seven distinct islands separated by the Pacific Ocean. Hawaii has a population dependent on the air transportation system for the movement of goods and people throughout the State. However, I believe the current Postal Service mail sorting procedure has the potential to exacerbate the harm to my State’s economy from the airport closures, the reduced inter-island travel, and the decline in travel to and from my State.

The Postal Service in Hawaii has only one centralized sorting office. While I understand that mail service throughout the United States experienced slow-downs and difficulties as a result of the closure of our air transportation system, mail service in Hawaii came to a virtual standstill. The shut down of our airports resulted in the delivery of mail only on the island of Oahu, where the sorting station is located. My constituents on Maui could not mail letters to one another because a letter originating on Maui and addressed to another location on Maui must first be flown to Honolulu for sorting. This hardship was faced by all the residents of Oahu’s neighbor islands.

With the threat of war upon us and the possibility of further airport closures, I believe we must study alternatives to the current mail sorting system. The problems faced by the neighbor islands as a result of the airport shutdown are expected to continue as tourism to and within Hawaii declines. Aloha Airlines, one of two island air carriers, has announced a 26-percent reduction in flights that will begin next week. Hawaiian Airlines, the other inter-island air carrier has also dramatically reduced its flight schedule. Additional flights will likely be eliminated with the expected continued decline in leisure and business travel.

In light of these flight restrictions, I believe the Postal Service should develop a procedure by which mail that originates on the same island to which it is addressed can be kept and sorted on that island. I realize that this would be only a small step toward addressing the many issues resulting from my State’s unique geography, but it would be a start.

Mr. DORGAN. I thank Senator INOUYE for sharing with us the difficulties faced by your State. I agree that the Postal Service should examine the feasibility of implementing procedures that take into account Hawaii’s unique geography. Please be assured that I will work with the Senator to help in this endeavor.

Mr. CONRAD. Mr. President, I rise to offer for the Record the Budget Committee’s official scoring Act of S. 1398, the Treasury, Postal Service, and General Government Appropriations Act for Fiscal Year 2002. The Senate bill provides $17.118 billion in discretionary budget authority. That will result in new outlays in 2002 of $12.528 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the Senate bill total $16.183 billion in 2002. The Senate bill is within its Section 103(b) allocation for budget authority and outlays. Once again, the committee has met its target without the use of any emergency designations.

I again commend Chairman BYRD and Senator STEVENS, as well as Senators DORGAN and CAMPBELL, for their bipartisan effort in moving this and other appropriations bills quickly to make up for the late start in this year’s appropriations process. The tragic events of September 11 demand that this bipartisan effort continue and that the Congress expeditiously complete work on the 13 regular appropriation bills for 2002.

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

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

<table>
<thead>
<tr>
<th>S. 1398, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATION, 2002</th>
<th>General purpose</th>
<th>Mandatory</th>
<th>Total</th>
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<tr>
<td>Senate-reported bill</td>
<td>Budget Authority</td>
<td>17,118</td>
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<td>Outlays</td>
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<td>31,658</td>
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<td>Senate 103(b) allocation</td>
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<td>House-passed:</td>
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<td>15,478</td>
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<td>Outlays</td>
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<td>President’s request:</td>
<td>Budget Authority</td>
<td>16,614</td>
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<td>Outlays</td>
<td>15,974</td>
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S. 1398, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATION, 2002

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The amendments were ordered to be engrossed, and the bill to be read a third time.

The PRESIDENT pro tempore. The bill was read the third time.

The PRESIDENT pro tempore. The bill having been read the third time, the question is, shall the bill pass?

The bill (H.R. 2590) was passed. (The bill will be printed in a future edition of the RECORD.)

Mr. DORGAN. I move to reconsider the vote.

Mr. CAMPBELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDENT pro tempore. Under the order previously entered, the Senate insists on its amendment, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair is authorized to appoint the following conferees.

The President pro tempore appointed Mr. DORGAN, Ms. MIKULSKI, Ms. LANDRIEU, Mr. REED, Mr. BYRD, Mr. CAMPBELL, Mr. SHELBY, Mr. DEWINE, and Mr. STEVENS.

The PRESIDENT pro tempore. The Senate from Colorado.

Mr. CAMPBELL. Mr. President, this bill must have gone through in record fashion. I note for the record this is the first year Senator DORGAN has been chairman of the subcommittee. I have really enjoyed working with him, and I am continually awed by his skills in the Chamber of this great body and his ability to get this bill together in a timely fashion. I thank him and his staff for working so well with us. From my staff, Pat Raymond and Lula Edwards worked hard on our side. I thank them, too, for the record.

The PRESIDENT pro tempore. The Senate from North Dakota.

Mr. DORGAN. Mr. President, let me say again what a pleasure it is to work with Senator CAMPBELL, his staff and my staff who I named previously today. They have done an excellent job. We passed this bill in fairly short order. As I said when we started today, I hope we could perhaps show the American people that we are back at work and trying to do things in a way that allows all of us to work together for the interest of this country, and I believe the passage of this bill in the manner we have done tonight is a demonstration of that.

Again, I thank my colleague and all of our Senate colleagues for cooperating and allowing us to get to the point of passing this important legislation this evening. I yield the floor.

The PRESIDENT pro tempore. The Senate from Nevada.

Mr. REID. Mr. President, while the chairman of the full committee is here and two managers of the bill, I congratulate them and you. The appropriations process is moving along, and we should all feel very good about that.

Senator DORGAN and Senator CAMPBELL have done a tremendous job on a
very difficult bill that will go a long way toward solving many problems of this country.

The PRESIDING OFFICER (Mr. DORGAN). Who seeks recognition?

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for a period not to exceed 10 minutes.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002

Mr. LEVIN. Mr. President, I hope that the Senate will soon begin consideration of the National Defense Authorization Act for Fiscal Year 2002. This bill would authorize $343.5 billion for national defense programs, the full amount requested by the administration, including the $18.4 billion requested by the President in his amended budget request.

The bill would also address a number of important priorities identified by the Armed Services Committee, adding significant funding for military compensation and quality of life, the readiness and transformation of the military services, and the capability of our armed forces to meet nontraditional threats, including terrorism. In light of recent events, we will obviously do more, as we already have, with the enactment of the $90 billion emergency supplemental appropriation bill last week. However, these are no ordinary times, and the debate on this bill will be no ordinary debate. Debate on a bill like this is an inherent part of our democracy, and while our democratic institutions are stronger than any terrorist attack, in one regard we operate differently in times of national emergency. We strive to set aside our differences, and ask decent people everywhere to join forces with us to seek out and to defeat the common enemy of the civilized world.

For this reason, I am today introducing two new bills. The first bill is identical to S. 1416, as reported by the Senate Armed Services Committee in every respect but one—the removal of legislative language dealing with missile defense, which would be deferred for debate at a later and more appropriate time, would include the missile defense language.

I strongly believe that the missile defense provisions took an appropriate step on an issue of national importance, and I was disappointed that thisagoon afternoon let the Republican Members of our committee to vote against this bill that is so important to our national security.

In my view, however, this is the wrong time for divisive debate on issues of national defense. We cannot let issues like this pull us apart and undermine our common sense of national purpose in fighting terrorism. Rather, we should leave this debate to a later time and link arms against our attackers.

When we take up the defense authorization act, I hope that my colleagues will join me in putting controversial issues aside and help us move forward together to pass this bill promptly and indicate our strong and unified support for the national defense with a minimum of divisive debate.

THE HAPPY Hooligans

Mr. DORGAN. Mr. President, I want to comment for a moment about some fighter pilots who are flying air missions over our nation’s capital.

On Tuesday of last week, following the attack on the World Trade Center and shortly before the Pentagon was hit, a detachment of fighters who were on alert at Langley Air Force Base in Virginia were ordered airborne to protect the nation’s capital. It happens that the detachment of fighters is from North Dakota.

The 119th Tactical Fighter Wing of the North Dakota Air National Guard flies F-16s. They are called the Happy Hooligans. The Happy Hooligans are folks who farm; they run drug stores; they teach school. They do a lot of things in their community, but they also are members of the National Guard who maintain and fly F-16s.

More than that, the Happy Hooligans, the National Air Guard detachment in Fargo, ND, are some of the best fighter pilots in the world. In fact, the Happy Hooligans have won the William Tell Award on several occasions.

The William Tell Award is an award that is given to the fighter units that are the most proficient combat fighter pilots in the world.

So this National Guard unit from Fargo, ND, has taken their airplanes to the William Tell contest, and they have flown against the world’s top combat pilots, and they have brought the William Tell Trophy to Fargo, ND, as proof that they are the best fighter pilots in the world.

For some time, the Happy Hooligans have kept a permanent detachment with four F-16s, pilots, and crews on alert at Langley Air Force Base to provide air defense of the United States.

Last Tuesday morning, the attack on the World Trade Center in New York precipitated an order for those fighters who were on alert to take to the skies. And those F-16s took to the air, but regrettably they were not yet over Washington, DC, to protect our nation’s capital. And these are, as I said, men and women who belong to the National Guard but who have been awarded the distinction of being the best fighter pilots in the world.

I was enormously proud of them. I called their commander at Langley. I told them how proud I was to have the Happy Hooligans—a wonderful contingent of civilian soldiers; men and women who belong to the National Guard—flying those F-16s, providing air cover during a time of national emergency.

So, for the record, I want to say that all Americans, of course, and proud of our men and women in uniform. We grieve with them for the tragedy visited upon them when the airplane was flown into the Pentagon, just as we do for the thousands of people who have lost their lives at the World Trade Center.

And as there are brave men and women across the country who have stepped forward to say, let it be me—the firemen and the firefighters and police men and women who were climbing the stairs of the World Trade Center to try to rescue people, risking their lives to help others, just as there are so many heroes around this country during a time of need—so, too, were the Happy Hooligans in their cockpit of the F-16s, flying combat air patrols over our Nation’s Capital.

Let me say to the Happy Hooligans: I salute you. I am proud of your work. And this country owes you a great debt of gratitude.

Mr. President, I yield the floor.

Mr. ALLEN. Mr. President, I say to my friend and colleague from North Dakota, in relation to his eloquent remarks about the Happy Hooligans, we are glad the Happy Hooligans are on our side. I knew that this training was going on. These Air Guardsmen—and possibly women as well—were very important to keeping to protect our Nation’s Capital. I know of one of those pilots actually who is from Virginia.

I am not going to get into the details because it is important for national security not to reveal what they were doing, but they were very much in harm’s way. I will not get into any more detail other than to say, these pilots—the Happy Hooligans, and any others who were involved in that scrambled mission to protect our Nation’s Capital, who were in the DC area—really were willing to give their lives in a generally undefended position.
So I am glad the Senator saluted the Happy Hooligans. I salute the Happy Hooligans and all those Air Guard pilots who scrambled to our Nation’s defense, with complete risk to their lives, possibly having to give their lives to protect others.

They will be called upon again, undoubtedly, in service to our interests, our freedom, and our allies. We do salute them and their families and their employers, whether they may be in North Dakota, Virginia, Minnesota, Wisconsin, or anywhere else in this country because they are patriots. We have all seen the patriotism that defines our country.

TRIBUTE TO THE PAGES

Mr. DAYTON. Madam President, I rise today to pay tribute to our pages, who were young Americans—to have shown this kind of courage and dedication in working hard on our behalf.

As you recall, Madam President, that evening the Senate Chamber had to be evacuated because of a bomb threat. One of our distinguished Senators said it was the first time the Senate floor had been cleared in his 25 years of service. A security guard told me it was the first time in the 33 years of his service that the Senate Chamber had been cleared. Yet that very night our pages were back working as scheduled to conclude the Senate’s business, and they returned again last Friday. Today, they are once again assembled, and are working hard on our behalf.

Floyd’s generosity was demonstrated by his willingness to lend an ear to those who faced the frightening prospect of a transplant, or the even scarier possibility of not receiving an organ in time. Having faced these fears himself, he welcomed the opportunity to comfort individuals from across the United States who called to ask him about his experience.

Floyd was a humble public servant who was proud of his modest background, often introducing himself as “Floyd Spence, dirt farmer.” He was a principled man who could disarm anyone with his friendly disposition and his distinct chuckle. It was difficult, if not impossible, for anyone to dislike Floyd.

Too often we take life for granted, but not Floyd Spence. As a beneficiary of two organ transplants, he knew too well he had been given not just a second, but a third change at life. As a result, Floyd lived life to the fullest, dedicating it to the service of others and this Nation.

Floyd’s generosity was demonstrated by his willingness to lend an ear to those who faced the frightening prospect of a transplant, or the even scarier possibility of not receiving an organ in time. Having faced these fears himself, he welcomed the opportunity to comfort individuals from across the United States who called to ask him about his experience.

My friend, ever the Southern gentleman, leaves behind a legacy of dedication to public service. For almost fifty years he loyally served the people of South Carolina. Floyd was also an outspoken advocate for our Armed Services and had served as Chairman for the House Armed Services Committee. As a retired Naval Reserve Officer, he recognized the importance of a strong military and worked tirelessly to ensure that the needs of our Armed Services were addressed.

He was a true patriot, a dedicated public servant, and he will be greatly missed by all who knew him. Floyd is an inspiration to all, and my heartfelt sympathy goes out to his devoted wife Debbie, and his fine sons, David, Zach, Ben, and Caldwell, and to his dedicated staff.

CONFIRMATION OF BRUCE COLE AS CHAIRMAN OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES

Mr. KENNEDY. Mr. President, I welcome this opportunity to express my strong opposition to the nomination of Bruce Cole to be Chairman of the National Endowment for the Humanities. Dr. Cole is a noted art historian and a Distinguished Professor at Indiana University. He served as Visiting Professor at Hebrew University in Jerusalem and previously held the Loebenberg Chair of Excellence at the University of Memphis. Dr. Cole is a former member of the National Council on the Humanities, and he will bring impressive stature and experience to the Humanities Endowment.

We have been fortunate over the past three decades to have many distinguished academics and humanists lead this agency. I believe that Dr. Cole will serve in that tradition and be an impressive leader for this important agency.

In conjunction with the consideration of his nomination by the Committee on Health, Education, Labor and Pensions, I submitted a number of questions to Dr. Cole, and I wanted to share his answers with my colleagues. I ask unanimous consent that they may be printed in the RECORD.

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

QUESTIONS BY SENATOR KENNEDY FOR DR. BRUCE COLE

1. Do you support the mission of the National Endowment for the Humanities and believe that there is a federal role in support of the humanities?

Answer: Yes. I believe firmly that the NEH plays a crucial, and necessary role in our democracy. Although the NEH is a small agency, its impact is great. As the only federal program dedicated exclusively to the national dissemination of the humanities, it affirms our government’s support for the humanities.

The humanities are the principal means of transmitting our shared democratic values to future generations. As a pivotalizing force in human life, the humanities are essential to the well-being of any democracy and all its citizens.

The importance of the humanities is recognized in the National Foundation on the Arts and Humanities Act establishing the NEH.

This act states: “That a high civilization is essential to the well-being of any democracy and all its citizens. The humanities are the principal means of transmitting our shared democratic values to future generations. As a pivotalizing force in human life, the humanities are essential to the well-being of any democracy and all its citizens.”

2. Are there any circumstances under which you would support the elimination of the agency?

Answer: No.

I believe in the NEH and its mission, and I believe it is critical to the well-being of our democracy.

3. Due to budget cuts and the impact of inflation, the NEH’s spending power is about 30% of what it was in 1980. This decline in funding has reduced the agency’s reach and funding has reduced the agency’s reach and

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impact. How do you view current funding of the agency? Will you advocate for higher spending levels for the humanities?

Answer: I cannot answer this question presently because I do not have detailed knowledge of the NEH's current budget and how it is allocated. If I were confirmed as NEH Chairman, I would devote my energies to ensuring that the NEH always has funds sufficient to enable it to disseminate the humanities to all sectors.

RESEARCH AND FELLOWSHIPS

4. You bring distinguished academic credentials and considerable experience to the NEH, what is your view of the importance of scholarship in the humanities. How do you feel these programs should balance other agency activities?

Answer: As a researcher, author, and teacher, I believe that a primary role of the humanities scholarship is that of the Endowment's most important activities. Serious scholarship adds directly to our knowledge and understanding of the humanities and forms the basis for public humanities programming such as NEH-supported television documentaries and museum exhibitions. Humanities scholarship also informs and enriches classroom teaching.

The NEH's broad mandate to support the humanities requires that it maintain a balance of programs and activities—including education, preservation, public programming, research and scholarship, as well as challenge grants and the Federal/State partnership. I am committed to supporting the best grant proposals in all of the agency's programs.

5. Over the past 20 years, the proportion of NEH appropriations for scholarly activity has declined as a percentage of the budget. Do you feel that this is appropriate? Do you have any positions at this time about programmatic priorities for the agency?

Answer: If I have the privilege of serving as the Chairman of the NEH, I will carefully examine the various activities of the agency and determine if scholarly activity is receiving an appropriate level of support. As a professor and department chairman who has worked in the humanities for the past thirty years and was a recipient of an NEH fellowship which was critical for my development as a scholar, I know that NEH is often the sole source of funding for humanities scholarship. NEH funding for individual fellowships and for large-scale collaborative research projects remains a fundamental factor in the growth and development of talented scholars and teachers in the humanities.

6. NEH has been a key national resource for the collection and editing of the papers of American authors and other important historical and literary figures. What priority would you assign this type of project?

Answer: In my view NEH support for these projects is critical to the vital role the agency plays in creating humanities resources for scholars, students, and citizens alike. NEH's involvement in projects that are producing scholarly editions of the works and ideas of the agency's crowning glories. These projects stand among the most important and long-lasting contributions the NEH can make to the advancement of the humanities and the understanding of our past and present. Providing adequate resources to these and other excellent humanities projects will be one of my priorities if the Senate honors me with confirmation as NEH Chairman.

EDUCATION PROGRAMS

7. How do you feel that the agency can best support humanities in the higher education community?

Answer: Higher education projects supported by the Endowment—notably, the awards to universities and other higher education institutions—have long-term impact because they concentrate on helping humanities instructors and benefactors of other types. If these projects are the students who are reached by these intellectually engaged teachers, I think that the agency can best serve higher education by continuing to support model projects like these that others can emulate. I understand that the Endowment has also been quite active in recent years in encouraging projects that make use of the Internet and other electronic technologies to teach history, literature, languages, and other humanities subjects. While I expect to continue to encourage humanities projects that employ digital technologies, I plan also to consult with NEH staff and with humanities educators to explore other ways the Endowment might strengthen its work in higher education.

8. Do you think that NEH should strengthen teacher training in the humanities in elementary and secondary schools?

Answer: Yes. The NEH already does this most effectively through its Seminars and Institutes for School Teachers program. These programs make school teachers students again for a few weeks as they study a great range of significant humanities topics, including the such and the “other” in the fiction of Willa Cather, the history and culture of the American West or the Civil Rights Movement, the theater of Antonio Buero Vallejo, Dante’s Divine Comedy, Indian narratives, Mozart and his Vienna, cultural responses to the Holocaust in America, and so on. These programs help teachers renew and revitalize their understanding of specific areas of the humanities and better communicate them to their students. I think that it is critically important that American elementary and secondary school children be taught by instructors who are well-versed in the subjects they teach. As someone who has helped design humanities programs for the Endowment, I understand that the role of the humanities in the elementary grades, as well as in other grades, is of paramount importance and worthy of an appropriate level of NEH support.

FEDERAL/STATE PARTNERSHIPS

9. The state humanities councils receive an earmark of about 30% of the agency’s programmatic appropriations. This partnership between the federal and state entities is an effective tool to expand the reach of humanities programs and relatively scarce financial resources. Do you feel that the present distribution of programming funds is appropriate?

Answer: I enthusiastically support the state humanities councils. They extend the reach of the agency’s work and their funding is crucial to the work they do. I have long supported state humanities councils and was an early supporter of the regional centers idea when the project was in its embryonic stage. However, I do not now know enough about how this initiative has progressed to offer an informed opinion. If confirmed, I will make a considered judgment about its priority.

REGIONAL HUMANITIES CENTERS

10. What priority will you place on the development of Regional Humanities Centers? Answer: I was an early supporter of the regional centers idea when the project was in its embryonic stage. However, I do not now know enough about how this initiative has progressed to offer an informed opinion. If confirmed, I will make a considered judgment about its priority.

ENTERPRISE

11. Do you agree that the state humanities councils should also be eligible to compete for other programming funds?

Answer: The state humanities councils serve their audiences well and I understand from NEH staff that in recent years state councils have been eligible to compete for funding in other programming areas of the NEH. This has, I am told, resulted in support for a number of excellent projects. As with the previous question on the state council’s overall budget, I cannot give an informed answer to this question until I have had an opportunity to study this policy in detail.

12. Do you see additional roles for the state humanities councils in expanding the scope and reach of the Endowment’s programs?

Answer: If confirmed I look forward to confering with state council chairs and directors and the Endowment staff to see if the councils could be even more effective than they are now in helping the NEH fulfill its mission. As I said above, I am a strong supporter of the state humanities councils and the excellent work they do.

TRIBUTE TO MAJOR GENERAL T. MICHAEL MOSELEY

Mr. LOTT. Mr. President, I would like to take a moment today to recognize one of the finest officers in the United States Air Force, Major General T. Michael “Buzz” Moseley. On August 9th, General Moseley retired from his job as Director of the Air Force Office of Legislative Liaison to become the Commander, Ninth Air
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Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator Kennedy in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred January 4, 1996 in Houston, TX. Fred Mangione, a 46-year-old gay man, was allegedly stabbed to death outside a gay bar. Two men, Daniel Christopher Bean, 19, and his half-brother Ronald Henry Cauthier, 21, members of a new-nazi organization, were charged with a first-degree felony. Gauthier, 23, was sentenced to 10 years' probation for his part in the murder.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

TRIBUTE TO PETER MARUDAS

Mr. SARBANES. Mr. President, my longtime Chief of Staff, Peter Marudas, retired recently from public service. It has been both an honor and privilege to work with Peter these many years. He
has been not only a superb member of my staff, but also among my closest and dearest friends. I consider myself, and the citizens of Maryland, fortunate to have benefited from his service, counsel, and commitment to the highest standards of conduct and ethics.

In addition to his many years of service in the United States Senate, Peter's illustrious career includes service for several other public officials, including three former Baltimore City Mayors: Theodore McKeldin, Thomas A. D'Alesandro III, and Kurt Schmoke. While working at the highest levels, Peter has remained a down-to-earth, committed public servant, known for his exuberant good humor and generosity.

The attached Baltimore Sun article of August 18, 2001, accurately reflects not only Peter's individual and unique personality and service to the Senate, but also the esteem in which he is held by all who are privileged to know him. I ask unanimous consent that it be printed in the RECORD.

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

[From The Baltimore Sun, Sept. 18, 2001]

HAIL AND FAREWELL

By Carl Schoettler

National television cameras catch Peter Marudas' face in the Capitol Rotunda as a formal induction to the Senate staff, and Allan Greenspan, chairman of the Federal Reserve, head to head in deep confab at a Senate banking committee hearing about a year ago.

Marudas immediately starts getting calls: What did he tell you? A hiccup from Greenspan can jump-start the stock market, up or down.

Marudas laughs. He likes telling this story. He and Greenspan were talking about jazz. As a college student at the University of Michigan, Ann Arbor, Marudas attended a lecture by Reuther, who spoke on labor economics.

"He was a real force. He put the U.A.W. on the progressive side of the political spectrum," Marudas is remembering. "You had people who came up from the South, white and black, where down there they had nothing. Marudas would work together as shop stewards. We saw all that going on. It really was something.

"You look at society. Wherever you have free trade unions, they're one of the essentials of a free society."

NEW DEAL DEMOCRAT

He says it twice during a couple of long conversations. He remains an unreconstructed Roosevelt New Deal Democrat, with perhaps overtones of Adlai Stevenson.

"He's a very strong democrat with a small 'd'," says one former Sarbanes aide. "He's a good Democrat with a big 'D'." But more importantly he's a democrat with a small 'd'.

"He doesn't have an ounce of meanness in him," says Margaret Raynor, the former head of the state election commission veers happily from local to national to international politics like a bumper car in an amusement park.

Today, you'll certainly have to add the Middle East and the Balkans—and jazz.

SOME TOUGH YEARS

Marudas stayed on with Thomas A. D'Alesandro III after McKeldin left the mayor's office. They were tough years for Baltimore. McKeldin was a liberal Rockefeller Republican of a type virtually extinct in today's GOP.

One of McKeldin's aids was leaving and he called Raynor, the former state election commissioner, to the governor's office. They were tough years for Baltimore. McKeldin was a liberal Rockefeller Republican of a type virtually extinct in today's GOP.

Sarbanes was a congressman about nine months when Marudas joined him in Washington.

FIRST POLITICAL JOB

Somewhat paradoxically, Marudas' first political job was for a Republican, Theodore Roosevelt McKeldin, who had been governor of Maryland and was in his second term as mayor of Baltimore. McKeldin was a liberal Rockefeller Republican of a type virtually extinct in today's GOP.

One of McKeldin's aids was leaving and he called Raynor, the former state election commissioner, to the governor's office. They were tough years for Baltimore. McKeldin was a liberal Rockefeller Republican of a type virtually extinct in today's GOP.

Sarbanes was a congressman about nine months when Marudas joined him in Washington.
had to helicopter [Charles McC] Mathias, then an anti-war member of the House of Representatives, as a way to speak to the students. We had all those demonstrations. We didn’t have what I’d call a normal year until ’71. That’s when D’Alejandro decided not to run for a second term and Marudas went to Washington to work for Sarbanes.

’He brought one outstanding faculty as far as service to me as mayor and I think maybe to Sarbanes as a senator,’ ” D’Alejandro says. “He could sense sincerity or baloney. ’He was almost like my alter ego. I sort of found in him somebody who thought like I thought. And he sort of read me, in the sense he knew the things I was interested in. He encouraged me in some things and cautioned me in other things. ’And never had a hidden agenda. You knew you were getting a real honest critique . . . And if we made a decision against him he went along. He sang the song. ’I don’t ever remember his trying to take credit for anything. Everything was for me as mayor and Sarbanes as senator . . . I loved the guy.’ And Sarbanes tells roughly the same story. ’When you draw advice and counsel from a Peter,’ ” he says, “’the bottom line is always do the right thing.’”

He laughs. ’If he thinks you’re going in the wrong direction he’ll tell you in no uncertain terms. And he’ll keep telling you if you keep moving in that direction.’

PRIZED DISCRIMINATION

Marudas’ discretion is also legendary, highly prized by his bosses, but sometimes irritating to council members at City Hall. He’s the kind of orator who can charm through his oration.

Former Mayor Kurt L. Schmoke remembers council members complaining that they often did not understand what Marudas had just said.

”That was Peter being creatively enigmatic,” Schmoke says. “That was his trademark.”

Marudas picks up his own narrative thread: ”I go over to Washington, saying maybe we have all this stuff behind us and in a couple of years we’re into an impeachment. And Sarbanes is on the Judiciary Committee and he offers the first article of impeachment as a junior member.”

Perhaps most, he thinks the Nixon impeachment was justified and Clinton’s was not. “You don’t impeach a president for a lack of personal judgment,” says Marudas, who read every single constituent letter on the Clinton impeachment received in Sarbanes’ office. “He has to have violated his constitutional oath. Then you have to have really very strong constitutional grounds, not some flimsy excuse.”

He returned to Baltimore again in 1987 for a stint as a seasoned senior member of the administration of Schmoke.

”I always wanted to work for someone younger than me,” Marudas says. My grandfather always said when you’re young learn from the old. When you’re old learn from the young.

Schmoke actually had been an intern in Sarbanes’ office in the House of Representatives. He’s as effusive in his praise of Marudas as the other politicians.

If I were designing a course at a public policy school, and including a description of the effective staff person,” says Schmoke, “I’d model that person on Peter Marudas.

Everybody asks if Marudas can actually leave politics behind. Sarbanes expects to be able to call on his advice when he needs it. But right now Marudas plans to go to a wedding in Detroit with his wife, Irene. He’ll listen a lot of jazz. And he’ll do a lot of dancing. He and Irene love dancing, especially salsa.

ADDITIONAL STATEMENTS

OATS, INC., 30th ANNIVERSARY CELEBRATION

• Mr. BOND, Mr. President, today I rise to recognize Oats, Inc., and congratulate them on the celebration of their 30th anniversary.

For 30 years Oats, Inc. has provided specialized transportation for the elderly, disabled and rural citizens in Missouri. Rural transportation is a very important piece of our federal transit system, particularly in Missouri and I thank Oats, Inc. for the exemplary job they have done. Oats, Inc. has continually upheld their strong commitment to their mission of providing reliable transportation for transportation disadvantaged Missourians so they can live independently in their own communities.

Oats, Inc., will celebrate their 30th anniversary on September 26, 2001. I would like to extend my appreciation to the volunteers and those attending the celebration for the support they have given to Oats, Inc. I would also like to thank Oats, Inc. for the outstanding services they have provided for the communities in Missouri and it is my sincerest hope that their success extends over the next 30 years.

TRIBUTE TO BRITTANY SANDERS OF KRISTIN’S KIDS CLUB

• Mrs. CARNAHAN, Mr. President, I would like to take this opportunity to honor and recognize an outstanding young lady, Brittany Sanders, of Gladstone, MO, founder of Kristin’s Kids Club. Ms. Sanders is truly extraordinary in having the commitment and vision to establish a children’s club in memory of her friend, Kristin Bean, who died of cancer in 1996. This club’s devotion to helping children is an inspiration to us all.

The Kristin’s Kids Club was founded in 1999 in order to help children in need and to keep Kristin’s spirit alive. Although the club was started by one extraordinary young girl, it now has more than 60 members. The club holds various fundraisers in order to raise money to give to charities and other organizations.

Not only do the members of this club raise money to help children, but they also help adults who are in need. They recently organized a variety show to benefit the Gladstone VFW Post 10906 and the Liberty and Democratic Solidarity (LIBERTAD) Act of 1996. 22 U.S.C. 6004 (e)(6). I transmit herewith a semi-annual report detailing payments made for all of their efforts on behalf of Missouri’s children. I thank them for making me proud to be a Missourian.

MESSAGES FROM THE PRESIDENT

As in executive session the Presiding Officer laid before the Senate the following messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 41

The PRESIDING OFFICER laid before the Senate the following messages from the President of the United States, together with an accompanying report, which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12857 of March 15, 1995.

GEORGE W. BUSH.


REPORT ON TELECOMMUNICATIONS PAYMENTS MADE TO CUBA PURSUANT TO TREASURY DEPARTMENT SPECIFIC LICENSES—MESSAGE FROM THE PRESIDENT—PM 42

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

As required by section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 22 U.S.C. 6004(e)(6), I transmit herewith a semi-annual report detailing payments made
Representatives announcing that the received a message from the House of the Senate of January 3, 2001, the Secretary of the Senate of September 15, 2000, that on September 15, 2000, she had presented to the President of the United States the following concurrent resolution, in which it requests the concurrence of the Senate:


MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:
H. Con. Res. 227. Concurrent resolution condemning bigotry and violence against Arab-Americans, American Muslims, and Americans from South Asia in the wake of terrorist attacks in New York City, New York, and Washington, D.C., on September 11, 2001; to the Committee on the Judiciary.

EC-3946. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Maryland; Rate of Progress Plans, Corrections to the Basin Year Inventories, Contingency Measures for the Maryland Portion of the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area” (FRL0757–8) received on September 13, 2001; to the Committee on Environment and Public Works.

EC-3947. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; and Designation of Areas for Air Quality Planning Purposes; Oregon” (FRL0744–9) received on September 13, 2001; to the Committee on Environment and Public Works.

EC-3948. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Final Approval of the Clean Air Act, Section 112(1), Delegation of Authority to Washington Department of Ecology and Four Local Air Agencies in Washington” (FRL0757–8) received on September 13, 2001; to the Committee on Environment and Public Works.

EC-3949. A communication from the Acting Director, Statutory Implementation Staff, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Changes in the Insular Possessions Watch, Watch Movement and Jewelry Program” (RIN0625–AA57) received on September 7, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3950. A communication from the Senior Legal Advisor to the Bureau of Alcohol, Tobacco, Firearms and Explosives, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled “Amendment of Sections 48.8(g) of the Commission’s Rules—The Dual Network Rule” (Doc. No. 00–108) received on September 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3951. A communication from the Attorney-Advisor of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Occupant Crash Protection: Correction” (RIN1227–AH24) received on September 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3952. A communication from the Attorney-Advisor of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Occupant Crash Protection: Correction” (RIN1227–AH24) received on September 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3953. A communication from the Attorney-Advisor of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “List of Nonconforming Vehicles Decided to be Eligible for Importation” (RIN1217–A161) received on September 18, 2001; to the Committee on Commerce, Science, and Transportation.

EC-3954. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled “Truth In Savings” received on September 4, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-3954. A communication from the General Counsel of the Department of Housing
and Urban Development, transmitting, pursuant to law, the report of a nomination confirmed by the Senate, to serve as Assistant Secretary for Public and Indian Housing, received on September 7, 2001; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BYRD, from the Committee on Appropriations:

S. 1433. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States on September 11, 2001; to the Committee on Finance.

S. Con. Res. 66. A concurrent resolution to designate another member of the Committee on Rules and Administration of the Senate of the Joint Committee on Printing and of the Senate of the Joint Committee on the Library.

By Mr. SPECTER (for himself, Mr. BINGAMAN, Mr. COLLINS, Mr. CRAPO, Mr. DORGAN, Mr. MILLER, Mr. DAYTON, Mr. NELSON of Nebraska, Mr. COHEN, Mr. MCCAIN, Mr. WELSTONE, Ms. SNOWE, Mrs. CARNAHAN, Mrs. FRINSTEIN, and Mr. CONRAD):

S. 1434. A bill to authorize the President to award posthumously the Congressional Gold Medal to the passengers and crew of United Airlines flight 93 in the aftermath of the terrorist attacks on the United States on September 11, 2001; to the Committee on Banking, Housing, and Urban Affairs.

S. 1435. A bill to provide that covert investigative practices involving Federal attorneys in criminal investigations and prosecutions shall not be considered dishonest, fraudulent, deceitful, or misrepresentative, and for other purposes; to the Committee on the Judiciary.

BY MR. LEAHY:

S. 1436. A bill to authorize additional funding for Members of the Senate which may be used by a Member for mailings to provide notice of town meetings; to the Committee on Rules and Administration.

By Mr. LEAHY (for himself, Mr. HATCH, and Mr. WYDEN):

S. 1437. A bill to clarify the applicable standards of professional conduct for attorneys for the Government, and for other purposes; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 1438. A bill to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military constructions, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; read the first time.

S. 1439. A bill to provide and revise conditions and requirements for the ballistic missile defense programs, and for other purposes; read the first time.

By Mr. CRAIG:

S. 1440. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States on September 11, 2001; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

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

S. Res. 162. By Mr. STEVENS (for himself, Mr. CARPER, and Mr. LEVIN):

S. Con. Res. 66. A concurrent resolution to express the sense of the Congress that the Public Safety Officer Medal of Valor should be awarded to public safety officers killed in the line of duty in the aftermath of the terrorist attacks of September 11, 2001; ordered held at the desk.

By Mr. DODD:

S. Con. Res. 67. A concurrent resolution permitting the Chairman of the Committee on Rules and Administration of the Senate to designate another Member of the Committee to serve on the Joint Committee on Printing in place of the Chairman; considered and agreed to.

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

S. Con. Res. 68. A concurrent resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library; considered and agreed to.

ADDITIONAL COSPONSORS

S. 170. At the request of Mr. REID, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 382. At the request of Ms. SNOWE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 382, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance.

S. 393. At the request of Mr. FRIST, the name of the Senator from Nevada (Mr. ENGEL) was added as a cosponsor of S. 393, a bill to amend the Internal Revenue Code of 1986 to encourage charitable contributions to public charities for use in medical research.

S. 540. At the request of Mr. DeWINE, the names of the Senator from Kentucky (Mr. BUNNING), the Senator from Connecticut (Mr. DODD), and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses incurred in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow compensation of self-employed individuals, and for other purposes.

S. 543. At the request of Mr. WELLSTONE, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 543, a bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits.

S. 690. At the request of Mr. WELLSTONE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 690, a bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the medicare program.

S. 760. At the request of Mr. HATCH, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 760, a bill to amend the Internal Revenue Code of 1986 to encourage and accelerate the nationwide production, retail sale, and consumer use of new motor vehicles that are powered by fuel cell technology, hybrid technology, battery electric technology, alternative fuels, or other advanced motor vehicle technologies, and for other purposes.

S. 836. At the request of Mr. CRAIG, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 836, a bill to amend part C of title XI of the Social Security Act to provide for coordination of implementation of administrative simplification standards for health care information.
At the request of Mr. Hutchinson, the name of the Senator from Oklahoma (Mr. Inhofe) was added as a cosponsor of S. 952, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

At the request of Ms. Snowe, the name of the Senator from Washington (Mrs. Murray) was added as a cosponsor of S. 946, a bill to establish an Office on Women's Health within the Department of Health and Human Services.

At the request of Mr. Kennedy, the name of the Senator from Minnesota (Mr. Wellstone) was added as a cosponsor of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

At the request of Mr. Johnson, his name was added as a cosponsor of S. 952, supra.

At the request of Mr. Santorum, the name of the Senator from New York (Mr. Schumer) was added as a cosponsor of S. 998, a bill to establish a Tick-Borne Disorders Advisory Committee, and for other purposes.

At the request of Mr. Smith of New Hampshire, the name of the Senator from Florida (Mr. Graham) was added as a cosponsor of S. 998, a bill to amend the Pittman-Robertson Wildlife Restoration Act to improve the provisions relating to wildlife conservation and restoration programs, and for other purposes.

At the request of Mr. McConnell, the name of the Senator from Rhode Island (Mr. Chafee) was added as a cosponsor of S. 1125, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

At the request of Mr. Hatch, the name of the Senator from New Mexico (Mr. Bingaman) was added as a cosponsor of S. 1125, a bill to amend and reauthorize the Food Security Act of 1985 to establish a grassland reserve program to assist owners in restoring and protecting grassland.

At the request of Mr. Craig, the name of the Senator from Kansas (Mr. Roberts) was added as a cosponsor of S. 1153, a bill to amend the Post Office Act of 1970 to authorize the issuance of United States (Freedom) Bonds to raise money for the defense of freedom.

At the request of Mr. Bingaman, the name of the Senator from California (Mrs. Feinstein) was added as a cosponsor of S. 1269, a bill to amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, and for other purposes.

At the request of Mr. Hollings, the names of the Senator from Massachusetts (Mr. Kerry), the Senator from Louisiana (Mr. Breaux), the Senator from Maryland (Mr. Sarbanes), and the Senator from Georgia (Mr. Miller) were added as cosponsors of S. 1214, a bill to amend the Merchant Marine Act, 1936, to establish a program to ensure greater security for United States seaports, and for other purposes.

At the request of Mr. Graham, the name of the Senator from Oklahoma (Mr. Nickles) was added as a cosponsor of S. 1243, a bill to amend the Internal Revenue Code of 1986 to treat spaceports like airports under the exempt facility bond rules.

At the request of Mrs. Carnahan, the names of the Senator from Michigan (Mr. Stabenow), the Senator from Hawaii (Mr. Akaka), the Senator from Hawaii (Mr. Inouye), and the Senator from Connecticut (Mr. Dodd) were added as cosponsors of S. 1250, a bill to amend title 10, United States Code, to improve transitional medical and dental care for members of the Armed Forces released from active duty to which called or ordered, or for which retained, in support of a contingency operation.

At the request of Mrs. Feinstein, the names of the Senator from West Virginia (Mr. Rockefeller) and the Senator from North Dakota (Mr. Conrad) were added as cosponsors of S. 1256, a bill to provide for the reauthorization of the breast cancer research special postage stamp, and for other purposes.

At the request of Mrs. Carnahan, the name of the Senator from Michigan (Mr. Stabenow), the Senator from Idaho (Mr. Craig) and the Senator from Idaho (Mr. Craapo) were added as cosponsors of S. 1346, a bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

At the request of Mrs. Feinstein, the names of the Senator from Arkansas (Mrs. Lincoln) and the Senator from Alabama (Mr. Sessions) were added as cosponsors 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.

At the request of Mrs. Harkin, the names of the Senator from Montana (Mr. Baucus), the Senator from Louisiana (Ms. Landrieu), the Senator from Alabama (Mr. Sessions), the Senator from Delaware (Mr. Biden), the Senator from Nebraska (Mr. Nilon), and the Senator from Illinois (Mr. Durbin) 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.

At the request of Mr. Hutchinson, the name of the Senator from Maine (Ms. Snowe) was added as a cosponsor of S. 1421, supra.

At the request of Mr. Johnson, the names of the Senator from Maryland (Mr. Sarbanes), the Senator from Connecticut (Mr. Dodd), the Senator from Iowa (Mr. Harkin), the Senator from Louisiana (Ms. Landrieu), the Senator from Georgia (Mr. Miller), the Senator from North Dakota (Mr. Dorgan), and the Senator from Nebraska (Mr. Nelson) were added as cosponsors of S. 1430, a bill to authorize the issuance of Unity Bonds in response to the acts of terrorism perpetrated against the United States on September 11, 2001, and for other purposes.

At the request of Mr. Mcconnell, the names of the Senator from Alaska (Mr. Stevens), the Senator from North Carolina (Mr. Helsm), the Senator from Kentucky (Mr. Bunning), and the Senator from Alaska (Mr. Murkowski) were added as cosponsors of S. 1431, 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.

At the request of Mr. Smith of Oregon, the names of the Senator from Alaska (Mr. Stevens) and the Senator from North Carolina (Mr. Helsm) were added as cosponsors of S. 1432, a bill to authorize the issuance of United States Defense of Freedom Bonds to aid in
funding of the war against terrorism, and for other purposes.

S.J. RES. 18

At the request of Mr. SARBANES, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Louisiana (Mr. BREUX), the Senator from Georgia (Mr. CLELAND), and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. J. Res. 18, a joint resolution memorializing fallen firefighters only honoring the United States flag to half-staff on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland.

S. RES. 139

At the request of Mr. BIDEN, the names of the Senator from North Carolina (Mr. EDWARDS), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Alabama (Mr. SESSIONS), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. Res. 139, a resolution designating September 24, 2001, as "Family Day—A Day to Eat Dinner with Your Children."

S. RES. 158

At the request of Mr. CLELAND, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 158, a resolution honoring the accomplishments and unifying spirit of women in the 20th century.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ALLEN (for himself, Mr. WARNER, Mr. CAMPBELL, and Mr. CRAIG):

S. 1433. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States on September 11, 2001; to the Committee on Finance.

Mr. ALLEN. Mr. President, I rise today to talk about a bill I introduced this morning. The first cosponsor of this measure is my good friend and colleague, Senator JOHN WARNER of Virginia. The bill is the Victims of Terrorism Relief Act of 2001, which would modify current tax policy to provide needed relief and compassion to the victims of the terrorist attacks that occurred on September 11, 2001.

As you well know—and all Americans know—on September 11, 2001, the world was stunned by what may prove to be the most vile, most horrifying act of hate and terror against a nation's people.

While many questions will remain unanswered in the weeks and months to come, what is immediately clear is that this war was concluded as quickly as it had begun. The terrorist attacks, whether as a result of injuries derived from, or who died as a result of injuries suffered in a military or terrorist attack outside of the United States.

Current law provides a reduction in the death tax liability of the estates of members of the Armed Forces who are killed while serving in a combat zone or as a result of injuries suffered while serving in a combat zone.

In addition, current law provides an exemption from the Federal income tax, on the income earned in the year of death, by Federal military and civilian employees killed in service to their country, are now inadequate in the face of new threats. These benefits do not extend such relief to civilians who may be likewise killed in enemy attacks now indiscriminately aimed at civilian targets, as well as military installations.

As we recognize that our world and the rules of war, as the terrorists use them, have changed, we, too, must change the way we provide tax benefits to any individual or their families who are adversely affected.

To address these inadequacies in the current Tax Code, I introduced the Victims of Terrorism Tax Relief Act of 2001 which would extend and expand current law benefits to any individual or their family members and their families who are adversely affected.

It exempts from Federal income tax, in the year of death, any income earned by any individual killed during, or as a result of injuries resulting from, the September 11, 2001, terrorist attacks.

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grief—you are not alone in this. We must let them know we appreciate them as the heroes they are. We will always remember them, their acts of martyrdom, and heroism unifying this Nation like I have never seen it unified in all of our history.

I hope my Senate colleagues, as they all start coming back after the holy days, will rise in applause, and help to ensure that our benefit laws reflect the realities of the new war against civilians, allowing them the same sort of benefits that we provide for our brave military personnel.

I ask unanimous consent that the text of my legislation introduced earlier in the day be printed in the RECORD. There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1433

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 "Victims of Terrorism Relief Act of 2001''.

SEC. 2. INCOME TAXES OF VICTIMS OF TERRORIST ATTACKS.

(a) IN GENERAL.—Section 692 of the Internal Revenue Code of 1986 (relating to income taxes of members of the Armed Forces on death) is amended by adding at the end the following subsection:

"(d) CERTAIN INDIVIDUALS DYING AS A RESULT OF TERRORIST ATTACKS.—

"(1) in the first sentence by inserting "(a) In General.—" before "the additional estate tax"; and

"(2) by adding at the end the following:

"(b) VICTIMS OF CERTAIN TERRORIST ATTACKS.—No tax imposed under this subtitle shall apply to the transfer of the taxable estate of any individual who dies as a result of wounds or injury incurred as a result of the terrorist attacks against the United States on September 11, 2001. The preceding sentence shall not apply with respect to any individual whom the Secretary determines was a perpetrator of any such terrorist attack.

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying on or after September 11, 2001.

By Mr. SPECTER (for himself, Mr. BOND, Mr. BUNNING, Mrs. BOXER, Mr. BURNS, Ms. CANTWELL, Mr. CHAFFEE, Mrs. CLINTON, Mr. ENSIGN, Mr. HARKIN, Mr. AKEMI, Mr. KOHL, Ms. LANDRIEU, Mr. NELSON of Florida, Mr. SCHUMER, Ms. COLLINS, Mr. CRAPO, Mr. DORGAN, Mr. MILLER, Mr. DAYTON, Mr. NELSON of Nebraska, Mr. CORZINE, Mr. MCCAIN, Mr. WELLSTONE, Ms. GALLIVAN, Mrs. CARNANAN, Mrs. FEINSTEIN, and Mr. CONRAD):

S. 1434. A bill to authorize the President to award posthumously the Congressional Gold Medal to each of the crew and passengers of United Airlines Flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SPECTER. Madam President, today I have sought recognition to introduce a bill to authorize the President to award posthumously the Congressional Gold Medal to each of the crew and passengers of United Airlines Flight 93 in the aftermath of the terrorist attack on the United States on September 11, 2001. The bill which I am introducing would authorize the posthumous award of a Congressional Gold Medal to each of the crew and passengers of United Airlines Flight 93, which took off from Newark, New Jersey, changed course over Ohio, and crashed in Shanksville, PA, which is located in Somerset County.

On Friday, after the Senate had passed H.R. 2888, a resolution authorizing the use of force and $40 billion for additional disaster assistance, both of which have been requested by the President, Senator SANTORUM and I flew by helicopter to Shanksville, PA, Somerset County, which is in southwestern Pennsylvania. There, we took a look at the crash scene, participated in a prayer service, and talked to the representatives of the FBI and the National Transportation Safety Board, as well as our constituents and friends in the area.

At that time, we found absolute rubble. The plane had traveled at a speed of approximately 560 miles an hour at a very low level as it passed by the Johnstown, PA airport, which is slightly to the north of the ultimate crash scene. The plane hit the ground with an enormous impact, leaving just traces, the debris of people, regrettably, and the plane.

In our conversations with the officials of the National Transportation Safety Board, Senator SANTORUM and I inquired into a rumor which had been circulating that the plane might have been shot down. However, we were assured by the officials from the National Transportation Safety Board that such an event, in fact, had not happened.

Notwithstanding the debris, the officials were able to piece together the four corners of the plane. Had the plane been shot down, there would have been some sign of it prior to the impact and prior to the crash.

While we were at the scene, Senator SANTORUM and I announced our intention to seek the Congressional Gold Medal for the passengers and crew of United Airlines Flight 93. I am introducing this legislation today and, since yesterday, a large number of cosponsors have already signed on to the bill. Therefore, it is being introduced by the half of Senator HARKIN, Senator BOXER, Senator BOND, Senator BUNNING, Senator BURNS, Senator CANTWELL, Senator CLINTON, Senator ENSIGN, Senator HELMS, Senator LANDRIEU, Senator NELSON of Florida, and Senator SCHUMER.

The medal has special significance for the Senate, the House of Representatives, and for the Capitol because all indications are that the plane—and this is speculation, because we will never know for certain—but, there are indications that the plane was headed for the U.S. Capitol. That statement was made by Vice President CHENEY on Sunday, September 16 on NBC’s "Meet The Press." It is speculation. I want to add that it cannot be proven with 100 percent certainty there is no way to be sure. But the speculation is supported by the fact that the plane which hit the Pentagon had been on a direct line to the White House and it veered off at the last moment, the fourth of five crashes. United Airlines Flight 93, appeared to have been headed in a line that could have been to the White House, or even to Camp
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September 19, 2001

David, although it is unlikely to have been headed to Camp David since no one was there at the time. Most likely, Flight 93 was headed to the Capitol, the symbol of our Nation's capital.

Wherever the United States is symbolized around the world, it is the Capitol dome that represents the nation. The terrorists intended to strike at us in every possible way; physically, psychologically, emotionally, and at the very Capitol.

So it is with a heavy heart, which is a sentiment shared by Americans all across the land and really, by most people across the globe, that I introduce this bill denominated at the “Honoring the Passengers and Crew of United Airlines Flight 93 Act.”

On September 11, 2001, United Airlines Flight 93 took off at 8:44 a.m. from Newark, New Jersey, destined for San Francisco, California.

The plane was hijacked by 4 terrorists shortly after it took off.

It is widely presumed that the terrorists who took control of United Airlines Flight 93 intended to use the aircraft as a weapon and crash it into the United States Capitol Building in Washington, D.C.

The passengers and crew of United Airlines Flight 93 learned from cellular phone conversations with their loved ones of the fate of the 3 other aircraft that were hijacked earlier that same day and used as weapons to murder thousands of innocent people and destroy American landmarks.

The passengers and crew of United Airlines Flight 93, recognizing the potential danger that the aircraft they were aboard posed to large numbers of innocent Americans, American institutions, and the symbols of American democracy, took heroic and noble action to ensure that the aircraft they were aboard could not be used as a weapon.

The 40 people in all, 33 passengers and seven crew members, and foiling the effort of those four terrorists.

I send the bill to the desk and ask unanimous consent that it be printed in the RECORD.

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

S. 1434

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 “Honoring the Passengers and Crew of United Flight 93 Act.”

SEC. 2. FINDINGS.

Congress finds that—

(1) on September 11, 2001, United Airlines Flight 93 took off at 8:44 a.m. from Newark, New Jersey, destined for San Francisco, California;

(2) the plane was hijacked by 4 terrorists shortly after it took off;

(3) it is widely presumed that the terrorists who took control of United Airlines Flight 93 intended to use the aircraft as a weapon and crash it into the United States Capitol Building in Washington, D.C.;

(4) the passengers and crew of United Airlines Flight 93 learned from cellular phone conversations with their loved ones of the fate of the 3 other aircraft that were hijacked earlier that same day and used as weapons to murder thousands of innocent people and destroy American landmarks;

(5) the passengers and crew of United Airlines Flight 93, recognizing the potential danger that the aircraft they were aboard posed to large numbers of innocent American institutions, and the symbols of American democracy, took heroic and noble action to ensure that the aircraft they were aboard could not be used as a weapon; and

(6) the 40 passengers and crew of United Airlines Flight 93, in the ultimate act of selfless courage and supreme sacrifice, fought to recapture their flight from the terrorists; and

The struggle of the crew and passengers of United Airlines Flight 93 against the terrorists caused the Boeing 757 to crash down in a sparsely populated area near Shanksville, Pennsylvania at 10:10 a.m., September 11, 2001, possibly saving countless lives in the Nation’s Capital.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—

(1) IN GENERAL.—The President is authorized, on behalf of Congress, to award posthumously a gold medal of appropriate design to each of—

(A) the United Airlines Flight 93 crew members—

(i) Lorraine G. Bay;

(ii) Sandra W. Bradshaw;

(iii) Jason Dahl;

(iv) Wanda A. Green;

(v) Deora Bodley;

(vi) CeeCee Lyles; and

(vii) William Cashman;

(ix) Georgine Rose Corrigan;

(x) Joseph Deluca;

(xi) Patrick Driscoll;

(xii) Edward Felt;

(xiii) Colleen Fraser;

(xiv) Andrew Garcia;

(xv) Jeremy Glick;

(xvi) Kristin Gould;

(xvii) Lauren Grandcolas;

(xviii) Donald F. Greene;

(xix) Linda Gronlund;

(xx) Thomas E. Burnett, Jr.;

(xxii) Donald Peterson;

(xxiii) Waleska Martinez;

(xxiv) Nicole Miller;

(xxv) Louis J. Nacke;

(xxvi) Donald F. Greene;

(xxvii) Mark Bingham;

(xxviii) Christine Snyder;

(xxix) John Talignani; and

(h) the United Airlines Flight 93 passengers—

(i) Christian Adams;

(ii) Todd Beamer;

(iii) Alan Beaven;

(iv) Mark Bingham;

(v) Deora Bodley;

(vi) Marion Britton;

(vii) Thomas E. Burnett, Jr.;

(viii) William Cashman;

(ix) Georgine Rose Corrigan;

(x) Joseph Deluca;

(xi) Patrick Driscoll;

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(xvii) Lauren Grandcolas;

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(xix) Linda Gronlund;

(xx) Richard Guadagno;

(xx1) Toshiya Kuge;

(xx2) Hilda Marcin;

(xx3) Iraq Marcin;

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(3) it is widely presumed that the terrorists who took control of United Airlines Flight 93 intended to use the aircraft as a weapon and crash it into the United States Capitol Building in Washington, D.C.;

(4) the passengers and crew of United Airlines Flight 93 learned from cellular phone conversations with their loved ones of the fate of the 3 other aircraft that were hijacked earlier that same day and used as weapons to murder thousands of innocent people and destroy American landmarks;

(5) the passengers and crew of United Airlines Flight 93, recognizing the potential danger that the aircraft they were aboard posed to large numbers of innocent American institutions, and the symbols of American democracy, took heroic and noble action to ensure that the aircraft they were aboard could not be used as a weapon; and

(6) the 40 passengers and crew of United Airlines Flight 93, in the ultimate act of selfless courage and supreme sacrifice, fought to recapture their flight from the terrorists; and

The original thought Senator SANTORUM and I had was to make the recommendation requesting the award of these medals only to the three individuals who had been identified as having cellular phone contact. However, it is equally likely that others were involved in the heroic effort to somehow storm the cockpit. What precisely happened during that flight, we do not know. We may know more when the black box or the voice recorder is located and investigated. There was a very heroic action to stop that plane from continuing on its flight—wherever it was headed—presumably to the Capitol Building, causing it to crash and take the lives of the 33 passengers, seven crew members, and foiling the efforts of those four terrorists.

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(xxiv) Nicole Miller;

(xxv) Louis J. Nacke;

(xxvi) Donald Peterson;

(xxvii) Mark Rothenberg;

(xxviii) Christine Snyder;

(xxix) John Talignani; and

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (in this Act referred to as the “Secretary”) shall strike gold medals with suitable engravings, devices, and inscriptions, to be determined by the Secretary.
the opportunity to participate in this process.

I regularly visit all 67 counties in Pennsylvania and find it very refreshing to get outside the beltway to find out what people are thinking about in the more rural, remote parts of Pennsylvania. Likewise, my constituents also find it valuable to be able to receive notice that ARLEN SPECTER is coming to town to hold a town meeting, to speak for a short time, and spend the majority of the time meeting with constituents in a question and answer session. That way you have participatory democracy.

In July 2001, during Senate floor consideration of the Fiscal Year 2002 Legislative Branch Appropriations bill, Subcommittee Chairman DURBIN and Ranking Minority Member BENNETT accepted my amendment which provides $3 million for the mailing of town meeting notices to their constituents. My legislation authorizes $3 million each year for the next five years for Members to spend on the mailing of town meeting notices in counties with populations of less than 50,000.

Town meetings are the best way for Members to inform constituents about our actions in Washington, and town meeting notices are the most effective means we have of advising constituents about these events. Unfortunately, the budgets under which we operate today are very restrictive and do not allow us to properly advise all of our constituents when we will be holding a town meeting in their area. For Pennsylvania alone, it would cost $735,000, one third of my entire office budget, to circulate town meeting notices to each household in Pennsylvania. For this reason, additional funding is necessary to allow me and other Members to send adequate notice to constituents of their visits throughout their States. However, recognizing the fiscal constraints under which we are currently operating, I have limited the scope of my legislation to only counties with smaller populations.

Smaller, rural communities are not always effectively reached by the mass media, which are generally relied upon to deliver news of our legislative activities. For example, if you take the northern tier of Pennsylvania, or the southern tier, where residents do not necessarily get any of the major newspapers and are outside television range, unless you actually go to the county, it is very difficult to get a sense that your elected officials are communicating their thoughts on a variety of topics. My legislation would ensure that constituents in all parts of a Member’s State are afforded

the opportunity to participate in this process.

I regularly visit all 67 counties in Pennsylvania and find it very refreshing to get outside the beltway to find out what people are thinking about in the more rural, remote parts of Pennsylvania. Likewise, my constituents also find it valuable to be able to receive notice that ARLEN SPECTER is coming to town to hold a town meeting, to speak for a short time, and spend the majority of the time meeting with constituents in a question and answer session. That way you have participatory democracy.

In July 2001, during Senate floor consideration of the Fiscal Year 2002 Legislative Branch Appropriations bill, Subcommittee Chairman DURBIN and Ranking Minority Member BENNETT accepted my amendment which provides $3 million for the mailing of town meeting notices to their constituents. My legislation authorizes $3 million each year for the next five years for Members to spend on the mailing of town meeting notices in counties with populations of less than 50,000.

Town meetings are the best way for Members to inform constituents about our actions in Washington, and town meeting notices are the most effective means we have of advising constituents about these events. Unfortunately, the budgets under which we operate today are very restrictive and do not allow us to properly advise all of our constituents when we will be holding a town meeting in their area. For Pennsylvania alone, it would cost $735,000, one third of my entire office budget, to circulate town meeting notices to each household in Pennsylvania. For this reason, additional funding is necessary to allow me and other Members to send adequate notice to constituents of their visits throughout their States. However, recognizing the fiscal constraints under which we are currently operating, I have limited the scope of my legislation to only counties with smaller populations.

Smaller, rural communities are not always effectively reached by the mass media, which are generally relied upon to deliver news of our legislative activities. For example, if you take the northern tier of Pennsylvania, or the southern tier, where residents do not necessarily get any of the major newspapers and are outside television range, unless you actually go to the county, it is very difficult to get a sense that your elected officials are communicating their thoughts on a variety of topics. My legislation would ensure that constituents in all parts of a Member’s State are afforded
in the House-passed Commerce-Justice-State appropriations bill for FY1999. Thereafter, without the benefit of any hearings or debate in the Senate, and over the objection of a bipartisan majority of the Senate Judiciary Committee, the same language was enacted as Title VIII of the final omnibus bill, with a six-month delayed effective date.

At a hearing before a Judiciary Subcommittee on March 24, 1999, a number of law enforcement officials lined up to criticize the new law. In particular, they argued that its vague directive to comply with rules in each State where the attorney engages in his or her duties leaves prosecutors unsure about what rule applies to particular conduct. The one certain result of this confusion: Attorneys would refrain from taking critically important investigative steps or would leave law enforcement officers to make their own decisions about whom and how to investigate.

The McDade law went into effect on April 19, 1999. Since then, all of law enforcement's concerns about the McDade law have come to pass.

In floor statements on May 25 and September 14, 2000, I described some of the devastating effects that the McDade law is having on Federal law enforcement efforts across the country. You will recall some of the disturbing facts I described:

In Oregon, Federal prosecutors will no longer authorize undercover operations, and the FBI was forced to shut down its Innocent Images initiative, which targets child pornography and exploitation.

In California, a grand jury investigation into an airline's safety and maintenance practices was stalled for many months because of the McDade law's interference with that State's ethics rules. After about a year of investigation, one of the airline's planes crashed, after experiencing mechanical problems on the first leg of its trip.

In another State, the FBI was stymied in a child murder investigation because of a State Bar ethics rule that went far beyond what is required by established Supreme Court and Federal appellate case law.

There are other recent examples. In one case, the FBI has had to close an investigation into allegations of fraud committed by the officials of a city with regard to FEMA disaster funds after the city's attorney invoked the McDade law to prohibit FBI agents from interviewing any city employees. In another case, counsel for an aviation company has used the McDade law to prevent the FBI from working with company employees who are willing to provide information and evidence concerning the death of a company employee. The company has been selling defective aircraft engine parts to military and civilian airlines.

Of more immediate urgency, the McDade law seriously threatens to impede the terrorism investigation into the events of September 11, 2001. In this area of investigation, the McDade law will subject Justice Department attorneys to multiple and different attorney conduct rules, either because the attorneys working on or supervising the investigation are engaged in investigating more than one State, or because they are seeking assistance through court processes, search warrants; material witness warrants; criminal complaints; and grand jury subpoenas, in more than one Federal district court, each of which adopts its own set of attorney conduct rules. How are Justice Department attorneys meant to resolve conflicts in those rules in a manner that is reliable without unduly delaying this critical investigation?

There can no longer be any serious doubt about the need for corrective legislation. We cannot afford to wait until the McDade law impedes the investigation into last Tuesday's attacks before taking action.

Supporters of the McDade law have argued that Federal prosecutors are no worse off than their State counterparts, who have long been subject to State ethics rules. This is simply not the case. State prosecutors practice before the courts of a single State in which they are licensed. They do not practice in Federal court. Thus, they are subject to only one set of ethics rules, the rules applied by the courts before which they appear and the rules of the State in which they are licensed are one and the same. This is not true for Federal prosecutors, who are licensed by a State but practice in Federal courts and must comport with local Federal court ethics rules. Thus, Federal prosecutors may be subject to at least two sets of potentially conflicting ethics rules.

Additionally, Federal prosecutors frequently work across State lines. This is not true of State prosecutors, whose work is generally confined to a single State. Under the McDade law, Federal prosecutors must comport with the State ethics rules of each State where they engage in their duties, which may be different than the rules of either the licensing State or the local Federal court. This means that Federal prosecutors may be subject to three or more sets of ethics rules with respect to the same conduct, including two or more sets of State ethics rules that are not only conflicting on the special needs and interests of the United States in investigating and prosecuting violations of Federal law.

In any event, even assuming that State Bar rules are causing serious problems for Federal prosecutors as well as Federal prosecutors, that is a matter for the States, not for Congress. Our responsibility is to ensure the effective enforcement of the Federal criminal laws, and that is what my legislation seeks to accomplish.

The Professional Standards for Government Attorneys Act adheres to the basic premise of the McDade law: The Department of Justice does not have the authority it has long claimed to write its own ethics rules. This legislation establishes that Federal law enforcement may not unilaterally exempt Federal trial lawyers from the standards of professional responsibility adopted by the Federal courts. Federal courts are the more appropriate body to establish such standards for lawyers generally, but because the Department lacks the requisite objectivity.

The first part of this bill embodies the traditional understanding that when lawyers handle cases before a Federal court, they should be subject to the Federal court's standards of professional responsibility, and not the possibly inconsistent standards of other jurisdictions. By incorporating this ordinary choice-of-law principle, the bill preserves the Federal courts' traditional authority to oversee the professional conduct of Federal trial lawyers, including Federal prosecutors. It thus avoids the uncertainties presented by the McDade law, which potentially subjects Federal prosecutors to State laws, rules of criminal procedure, and judicial decisions which differ from existing Federal law.

Another part of the bill specifically addresses the situation in Oregon, where a state court ruling has seriously undermined the ability of Federal agents to engage in undercover operations and other covert activities. Such activities are legitimate and essential crimefighting tools. The Professional Standards for Government Attorneys Act ensures that such tools will be available to combat terrorism.

Finally, the bill addresses the most pressing contemporary question of government attorneys' communications with represented persons. It asks the Judicial Conference of the United States to submit to the Supreme Court a proposed uniform national rule to govern this area of professional conduct, and to study the need for additional national rules to govern other areas in which the proliferation of local rules may interfere with effective Federal law enforcement. The Rules Enabling Act process is the ideal one for developing such rules both because the Federal judiciary traditionally is responsible for overseeing the conduct of lawyers in Federal court proceedings, and because this process would best provide the Supreme Court an opportunity fully to consider and objectively to weigh all relevant considerations.
The problems posed to Federal law enforcement investigations and prosecutions by the McDade law are real and urgent. The Professional Standards for Government Attorneys Act provides a reasonable and measured alternative: It preserves the traditional role of the State courts in regulating the conduct of attorneys licensed to practice before them, while ensuring that Federal law enforcement agents will be able to use traditional Federal investigative techniques. I urge Congress to move quickly to pass this corrective legislation.

I ask unanimous consent that the bill and a summary of the bill be printed in the RECORD.

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

S. 1497
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 "Professional Standards for Government Attorneys Act of 2001".

SEC. 2. PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS.
"(a) DEFINITIONS.—In this section:
(1) GOVERNMENT ATTORNEY.—The term 'Government attorney' means
(A) the Attorney General; the Deputy Attorney General; the Solicitor General;
the Associate Attorney General; the head of, and any attorney employed in, any division, office, bureau, component, or agency of the Department of Justice; any United States Attorney; any Assistant United States Attorney; and Special Assistant to the Attorney General; (2) SPECIAL ASSISTANT UNITED STATES ATTORNEY.—An attorney appointed under section 515; any special Assistant United States Attorney appointed under section 543 who is authorized to conduct criminal or civil law enforcement investigations or proceedings on behalf of the United States; any other attorney employed by the Department of Justice who is authorized to conduct criminal or civil law enforcement proceedings on behalf of the United States; any independent counsel, or employee of such counsel, appointed under chapter 40; and any outside special counsel, or employee of such counsel, as may be duly appointed by the Attorney General; and
(3) FEDERAL COURT.—For the purposes of this section, 'Federal court' means
(A) the Supreme Court of the United States; (b) TECNICAL AND CONFORMING AMENDMENTS.—The analysis for chapter 31 of title 28, United States Code, is amended, in the item relating to section 530B, by striking "Ethical standards for Government attorneys" and inserting "Professional standards for Government attorneys".
(c) RULES.—(1) UNIFORM RULE.—In order to encourage the Supreme Court to prescribe, under chapter 31 of title 28, United States Code, a uniform national rule for Government attorneys with respect to communications with represented persons and parties, not later than 2 years after the enactment of this Act, the Judicial Conference of the United States shall submit to the Chief Justice of the United States a report, which shall include recommendations with respect to amending the Federal Rules of Practice and Procedure to provide for such a uniform national rule.
(2) ACTUAL OR POTENTIAL CONFLICTS.—Not later than 2 years after the enactment of this Act, the Judicial Conference of the United States shall submit to the Chairmen of the Committees on the Judiciary of the House of Representatives and the Senate a report, which shall include—
(A) a review of any areas of actual or potential conflict between specific Federal duties related to the investigation and prosecution of violations of Federal law and the regulation of professional conduct of government attorneys practicing before the Federal courts, the terms of the uniform national rule would apply.
Subsection (c) clarifies the law regarding the licensing of government attorneys, an issue that is currently addressed through the appropriations process. Since 1979, appropriations bills for the Department of Justice have incorporated by reference section 3(a) of Pub. L. 96-132, which states: "None of the funding provided in this Act may be used to pay the compensation of any person employed after the date of enactment of this Act as an attorney (except for civil attorneys employed in special cases) unless such person shall be duly licensed and authorized to practice as an attorney under the laws of any State, territory, or the District of Columbia." Subsection (e) is another example of this longstanding requirement, and also makes clear that government attorneys need not be licensed under the laws of any state in particular if the clarification is necessary to ensure that local rules regarding state licensure are not applied to federal prosecutors. Cf. United States v. Straub, No. 5:99 Cr. 10 (N.D. W. Va. June 14, 1999) (granting defense motion to disqualify the Assistant United
States Attorney because he was not licensed to practice in West Virginia).

Subsection (c) specifically addresses the situation in Oregon, where a state court ruling has seriously impeded the ability of Federal agents to engage in undercover operations or other covert activities. See in re Gatti, 330 Or. 517 (2000). This subsection ensures that these traditional law enforcement tools will be available to federal prosecutors and agents.

Subsection (e) makes clear that violations of professional conduct rules by government attorneys shall not be construed to permit the exclusion of otherwise admissible evidence in any Federal criminal proceeding.

Subsection (f), like the McDade law, authorizes the Attorney General to make and amend rules to assure compliance with section 530B.

II. JUDICIAL CONFERENCE REPORT AND RECOMMENDATIONS

The second part of the bill directs the Judicial Conference of the United States to prepare two reports regarding the regulation of government attorney conduct. Both reports would contain recommendations with respect to the advisability of uniform national rules.

The first report would address the issue of contacts with represented persons, which has generated the most serious controversy regarding the professional conduct of government attorneys. See, e.g., State v. Miller, 600 N.W.2d 157 (Minn. 1999); United States v. McDonnell Douglas Corp., 132 F.3d 1252 (2d Cir. 1998); United States v. Lopez, 4 F.3d 1455 (9th Cir. 1993); United States v. Hammad, 858 F.2d 834 (2d Cir. 1988).

Rule 4.2 of the ABA’s Model Rules of Professional Conduct and analogous rules adopted by state courts and bar associations place strict limits on when a lawyer may communicate with a person he knows to be represented by another lawyer. These “no contact” rules preserve fairness in the adversarial system and the integrity of the attorney-client relationship by protecting parties, potential parties and witnesses by lawyers who would exploit the disparity in legal skill between a represented and a lay person.

Courts have given a wide variety of interpretations to these rules, however, creating uncertainty as to how they apply in criminal cases and to government attorneys. For example, courts have disagreed about whether these rules apply to Federal prosecutor contacts with represented persons in non-custodial pre-indictment situations, in custodial pre-indictment situations, and in post-indictment situations involving the same or different matters underlying the charges.

Lawyers who practice in federal court—and federal prosecutors in particular—have a legitimate interest in representing clients by a single set of professional standards relating to frequently recurring questions of professional conduct. Further, any rule governing federal prosecutors’ communications with represented persons should be respectful of legitimate law enforcement interest as well as the legitimate interests of the represented individual.

While the “no contact” rule poses the most serious challenge to effective law enforcement, other rules of professional responsibility also impede Federal law enforcement efforts aimed at combating child pornography, drug trafficking, and terrorism, particularly in the State of Oregon.

In the Gatti case [Gatti, 330 Or. 517 (2000)] in early 2000, the Oregon Supreme Court held that a private attorney had acted unethically by intentionally misrepresenting his identity to the employees of a medical records review company called Medical Review, CMR. The attorney was hoping to obtain a claim with an insurance company, believed that the insurance company was using CMR to generate fraudulent medical reports that the insurer then used to deny or limit claims. The attorney called CMR and falsely represented himself to be a chiropractor seeking employment with the company. The attorney was hoping to obtain information from CMR that he could use in a subsequent lawsuit against CMR and the insurance company.

The Oregon Supreme Court upheld the State Bar’s view that the attorney’s conduct violated two Oregon State Bar disciplinary rules and an Oregon statute that a disciplinary rule prohibiting conduct involving dishonesty, fraud, deceit or misrepresentation; a disciplinary rule prohibiting knowingly making a false statement of law or fact; and a statute prohibiting misrepresentation in the legal profession. In doing so, the court rejected the attorney’s defense that his misrepresentation was justifiable because he was engaged in an investigation to seek evidence of fraud and other wrongful conduct. The court expressly ruled that there was no “prosecutorial exception” to either the State Bar disciplinary rules or the Oregon statute. As a result of this decision, prosecutors in Oregon may not concur or participate in undercover and other covert law enforcement techniques, even if the law enforcement technique at issue is lawful under Federal law.

Soon after this Oregon Supreme Court decision, the Oregon U.S. Attorney’s Office informed the Oregon FBI Field Office that it would not concur or participate in the use of long-used and highly productive techniques, such as undercover operations and consensual monitoring of telephone calls, that could be disallowed by the Oregon Bar. Several important investigations were immediately terminated or severely impeded. The Oregon U.S. Attorney even refused to certify the renewal of the Portland Innocent Images undercover program which combats child pornography and exploitation. Without the U.S. Attorney’s certification, the program was shut down and a significant criminal problem has since gone unchecked.

The Federal Investigation Enhancement Act that I am introducing today with Senator LEAHY will clarify that Federal attorneys may, for the purpose of enforcing Federal laws, authorize, concur, direct, and supervise covert investigations even though such activities may require the use of deceit or misrepresentation. In doing so, our legislation will make it possible for Federal authorities to continue their efforts to investigate and apprehend the most dangerous criminals.

It is my hope that the Senate will act quickly on this legislation that will correct the most serious problems caused by the McDade law. It will be of enormous help to Federal law enforcement efforts in Oregon and across our country who are prosecuting these crimes.

By Mr. CRAIG:

S. 1440. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for victims of the terrorist attacks against the United States on September 11, 2001; to the Committee on Finance.

Mr. CRAIG. Mr. President, today I am introducing the Victims of Terrorism Relief Act of 2001, to provide tax relief for the innocent victims of the terrorist attacks against our Nation last September 11.

Last week’s attack was unlike any event in our Nation’s history. It was an act of war committed on U.S. soil, and more, with innocent civilians cold-bloodedly selected as the principal targets and even strapped to the weapons. I am confident that, under the leadership of our Commander-in-Chief, and
with broad and deep support, across our country and, on a bipartisan basis, here in Congress, we will win this war decisively.

A significant part of our response also must be compassion for the survivors of those victims of the first day of this war. Our tax code has long recognized that compassion demands we extend a helping hand by providing relief to our military heroes killed in combat. Today, sadly, we recognize the need to extend similar comfort and relief to the families of civilian victims whose lives have been taken.

The other body has already passed emergency legislation along these lines. The bill I am introducing is identical to that legislation. The main provisions of this bill would extend the same relief to individuals killed in last week's terrorist attack as is currently provided for combat deaths of our armed forces, with regard to the death tax, and currently provided for Federal military and civilian employees, with regard to Federal income taxes.

I fully realize that my Senate colleagues, including knowledgeable members of the Senate Finance Committee, will propose additional tax relief provisions to meet additional needs that are still being identified. But I want to add my voice, early and urgently, to emphasize the importance of acting swiftly and decisively to provide this relief to our fellow Americans. I ask unanimous consent that the text of this bill be printed in the RECORD, as well as a brief summary of its provisions.

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

S. 1440

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Victims of Terrorism Relief Act of 2001”.

SEC. 2. INCOME TAXES OF VICTIMS OF TERRORIST ATTACKS.

(a) IN GENERAL.—Section 692 of the Internal Revenue Code of 1986 (relating to income taxes of members of Armed Forces on death) is amended by adding at the end the following new subsection:

“(d) CERTAIN INDIVIDUALS DYING AS A RESULT OF SEPTEMBER 11, 2001, TERRORIST ATTACKS.—

“(1) IN GENERAL.—In the case of any individual who dies as a result of wounds or injury incurred as a result of the terrorist attacks against the United States on September 11, 2001, any tax imposed by this subsection shall not apply—

“(A) with respect to the taxable year in which falls the date of such individual's death, and

“(B) with respect to any prior taxable year in the period beginning with the last taxable year ending before in which the wounds or injury were incurred.

“(2) EXCEPTION.—Paragraph (1) shall not apply to an individual whom the Secretary determines was a perpetrator of any such terrorist attack.”.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) The heading of section 692 of such Code is amended to read as follows:

“SEC. 692. INCOME TAXES OF MEMBERS OF ARMED FORCES ON DEATH AND VICTIMS OF CERTAIN TERRORIST ATTACKS.”.

(2) The item relating to section 692 in the table of sections for part II of subchapter J of chapter 1 of such Code is amended to read as follows:

“Sec. 692. Income taxes of members of Armed Forces on death and victims of certain terrorist attacks.”

(3) Section 692(b) of such Code is amended by inserting “and victims of certain terrorist attacks” after “on death”.

(4) Section 6013(h)(2)(B) of such Code is amended by inserting “and victims of certain terrorist attacks” after “on death”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after September 11, 2001.

SEC. 3. RELIEF FROM ADDITIONAL ESTATE TAX.

(a) IN GENERAL.—Section 2201 of the Internal Revenue Code of 1986 is amended—

(1) in the first sentence by inserting “(a) In General—” before “the additional estate tax”, and

(2) by adding at the end the following:

“(b) VICTIMS OF CERTAIN TERRORIST ATTACKS.—The additional estate tax shall not apply to the transfer of the taxable estate of any individual who dies as a result of wounds or injury incurred as a result of the terrorist attacks against the United States on September 11, 2001. The preceding sentence shall not apply with respect to any individual whom the Secretary determines was a perpetrator of any such terrorist attack.”.

(b) CLERICAL AMENDMENTS.—

(1) The heading of section 2201 of such Code is amended to read as follows:

“SEC. 2201. COMBAT ZONE-RELATED DEATHS OF MEMBERS OF THE ARMED FORCES AND DEATHS OF VICTIMS OF CERTAIN TERRORIST ATTACKS.”.

(2) The item relating to section 2201 in the table of sections for subchapter C of chapter 11 of such Code is amended to read as follows:

“Sec. 2201. Combat zone-related deaths of members of the Armed Forces and deaths of victims of certain terrorist attacks.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying on or after September 11, 2001.

VISITORS OF TERRORISM RELIEF ACT OF 2001—EXPLANATION OF PROVISIONS

Death Tax Relief.—Section 2201 of the Internal Revenue Code currently provides an estate tax exclusion of the armed forces who are killed while serving in a combat zone or who die as a result of injuries suffered while serving in a combat zone. The provision reduces estate tax liability by more than half.

The bill would extend this estate tax treatment to individuals who were killed as a result of terrorist attacks or who dies as a result of injuries suffered from that attack.

Income Tax Relief.—Section 692(c) of the Internal Revenue Code currently exempts Federal military and civilian employees from paying Federal income taxes in the year of their death if they die during (or as a result of injuries sustained in a military or terrorist attack outside of the United States.

The bill would extend this Federal income tax relief to individuals who died as a result of the September 11 terrorist attacks.

Relief for Airline Payments to Passengers.—The bill would clarify that the $25,000 per passenger payments made by United Airlines will be exempt from Federal income taxes, if such a clarification is needed.

Any similar payments made by American Airlines would receive similar treatment.

Exempt FEMA Assistance Payments from Tax.—The bill would ensure that FEMA assistance payments are exempt from Federal income tax.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 66—TO EXPRESS THE SENSE OF THE CONGRESS THAT THE PUBLIC SAFETY OFFICER MEDAL OF VALOR SHOULD BE AWARDED TO PUBLIC SAFETY OFFICERS KILLED IN THE LINE OF DUTY IN THE AFTERMATH OF THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001

Mr. STEVENS (for himself, Mr. CARPER, and Mr. LIEBERMAN) submitted the following concurrent resolution, which was ordered held at the desk.

S. CON. RES. 66

Whereas the Public Safety Officer Medal of Valor Act of 2001 (Public Law 107–12, 115 Stat. 20) —

(A) allows the President to award, and present in the name of Congress, a Medal of Valor to a public safety officer cited by the Attorney General of the United States, upon the recommendation of the Medal of Valor Review Board, for extraordinary valor above and beyond the call of duty; and

(B) provides that the Public Safety Officer Medal of Valor shall be the highest national award for valor by a public safety officer; and

Whereas on September 11, 2001, terrorists hijacked and destroyed 4 civilian aircraft, crashing 2 of the planes into the towers of the World Trade Center in New York City, and a third into the Pentagon in suburban Washington, DC; and

Whereas thousands of innocent Americans were killed or injured as a result of these attacks, including rescue workers, police officers, and firefighters at the World Trade Center and at the Pentagon; and

Whereas these attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon; and

Whereas police officers, firefighters, public safety officers, and medical response crews were thrown into extraordinarily dangerous situations, responding to these horrendous events and acting heroically, without concern for their own safety, trying to help and rescue the lives of others as possible in the impact zones, in spite of the clear danger to their own lives; and

Whereas these attacks were far the deadliest terrorist attacks ever launched against the United States: Now, therefore, be it

Resolved by the Senate (the House of Representa
tives concurring), That it is the sense of Congress that—
Senator INOUYE and I visited the Pentagon and the World Trade Center to help in the others rushed into the World Trade Authority officers, rescue personnel, and Americans.

Our country in the service of their fellowship. They made the ultimate sacrifice for this resolution, for once again America September 11, 2001.

It is with a sad heart that I introduce this resolution, for once again America has seen some of our finest go into harm's way to help those they are working out.

The PRESIDING OFFICER. The Chair is advised that doing so may delay referral of the bill.

Mr. STEVENS. It is my desire to have those who wish to be an original cosponsor have the opportunity to do so, and I ask the cooperation of the Parliamentarian to see that they can work out.

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

SENATE CONCURRENT RESOLUTION 67—PERMITTING THE CHAIRMAN OF THE COMMITTEE ON RULES AND ADMINISTRATION OF THE SENATE TO DESIGNATE ANOTHER MEMBER OF THE COMMITTEE TO SERVE ON THE JOINT COMMITTEE ON PRINTING IN PLACE OF THE CHAIRMAN

Mr. DODD submitted the following concurrent resolution; which was considered and agreed to:

Resolved by the Senate (the House of Representatives concurring), That effective for the One Hundred Seventh Congress, the Chairman of the Committee on Rules and Administration of the Senate may designate another member of the Committee to serve on the Joint Committee on Printing in place of the Chairman.

SENATE CONCURRENT RESOLUTION 68—PROVIDING FOR MEMBERS ON THE PART OF THE SENATE OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE ON CONGRESS ON THE LIBRARY

Mr. DODD (for himself and Mr. McCONNELL) submitted the following concurrent resolution; which was considered and agreed to:

Resolved, That the following named Members be, and they are hereby, elected members of the following joint committees of Congress:

JOINT COMMITTEE ON PRINTING: Mr. Dayton, Mrs. Feinstein, Mr. Inouye, Mr. Cochran, and Mr. Stevens.

JOINT COMMITTEE OF CONGRESS ON THE LIBRARY: Mr. Dodd, Mr. Schumer, Mr. Dayton, Mr. Stevens, and Mr. Cochran.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1570. Mr. DORGAN (for himself and Mr. CAMPBELL) proposed an amendment to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes.

SA 1571. Mrs. FEINSTEIN (for herself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by her to the bill H.R. 2590, supra, which was ordered to lie on the table.

SA 1572. Mr. KERRY (for himself, Mr. BOND, and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill H.R. 2590, supra, which was ordered to lie on the table.

SA 1573. Mr. McCONNELL (for himself, Mr. BUCSEY, Mr. HUTCHINS, Mr. SMITH of Oregon, and Mr. STEVENS) proposed an amendment to the bill H.R. 2590, supra.

SA 1574. Mr. DORGAN (for Mr. JOHNSON (for himself and Mr. SMITH of Oregon)) proposed an amendment to the bill H.R. 2590, supra.

SA 1575. Mr. DORGAN (for himself and Mr. CAMPBELL) proposed an amendment to the bill H.R. 2590, supra.

SA 1576. Mr. BINGAMAN (for himself and Mr. DOMENICI) proposed an amendment to the bill H.R. 2590, supra.

SA 1577. Mr. DORGAN (for Mr. CAMPBELL (for himself, Mr. FEINGOLD, Mr. GRASSLEY, and Mr. HARKIN)) proposed an amendment to the bill H.R. 2590, supra.

SA 1578. Mr. DORGAN (for Mr. KOHL) proposed an amendment to the bill H.R. 2590, supra.

SA 1579. Mr. DORGAN (for Mr. HOLLINGS) proposed an amendment to the bill H.R. 2590, supra.

SA 1580. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1416, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes which was ordered to lie on the table.

SA 1581. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1416, supra.

SA 1582. Mr. McLOUGHLIN submitted an amendment intended to be proposed by him to the bill S. 1416, supra.

SA 1583. Mr. DORGAN (for Mrs. CLINTON (for himself, Mr. SCHUMER, Mr. DORGAN, Mr. EDWARDS, Mr. BIDEN, Mr. BAYH, Mr. SARABANES, Mr. LEAHY, Mr. SHELDON, Ms. STABENOW, Mr. CLELAND, Mr. BRAUER, Mr. JOHNSON, Mr. CRAPO, Mr. SMITH of New Hampshire, Mr. HELMS, Mr. ALLARD, Mr. CHAFEE, Ms. CANTWELL, Mr. INHOFE, Mr. KERRY, Mr. McCAIN, Mr. FEINGOLD, Mr. MURKOWSKI, Mr. WYDEN, Ms. SNOWE, and Mr. WARNER)) proposed an amendment to the bill H.R. 2590, supra.

SA 1584. Mr. DORGAN (for Mr. HATCH) proposed an amendment to the bill H.R. 2590, supra.
TEXT OF AMENDMENTS

SA 1570. Mr. DORGAN (for himself and Mr. CAMPBELL) proposed an amendment to the bill H.R. 2590, making appropriations for the Treasury Department, the Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Striking out the enacting clause and inserting the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SAVINGS AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $3,500,000 for official travel expenses; not to exceed $3,500,000 for overseas emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $123,799,000.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $32,932,000, to remain available until expended.

EXPANDED ACCESS TO FINANCIAL SERVICES

Of the funds appropriated under this heading in the Department of Transportation and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–346), $8,000,000 are rescinded effective September 30, 2001.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SAVINGS AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; maintenance and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $3,500,000 for official travel expenses; not to exceed $3,813,000, to remain available until expended for information technology modernization requirements; not to exceed $125,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, $187,322,000: Provided, That the Office of Foreign Assets Control shall be funded at no less than $19,732,000: Provided further, That the amount of non-Federal law enforcement personnel to attend meetings concerning with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $45,702,000, of which not to exceed $3,400,000 shall remain available until September 30, 2004; and of which $7,790,000 shall remain available until September 30, 2003: Provided further, That funds appropriated in this account may be used to procure personal services contracts.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary, $41,879,000, to remain available until expended, Provided, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: Provided further, That this transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That none of the funds made available shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems.

OFFICE OF INSPECTOR GENERAL

SAVINGS AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses; not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $35,150,000.

Treasury Inspector General for Tax Administration

SAVINGS AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed $100,000 for police-type use) and hire of passenger motor vehicles; services authorized by 5 U.S.C. 1343(b); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration, $18,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $123,799,000.

Counterterrorism Fund

For necessary expenses, as determined by the Secretary, $41,879,000, to remain available until expended, Provided, That these funds shall be used to reimburse any Department of the Treasury organization for the costs of providing support to counter, investigate, or prosecute terrorism, including the costs of providing support to counter, investigate, or prosecute terrorism, as it relates to the Treasury Department; not to exceed $11,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109, $106,317,000, of which $650,000 shall be available for an interagency effort to establish models for the use of Federal law enforcement training; and of which up to $17,166,000 for materials and support costs of Federal law enforcement basic training; not to exceed $1,000,000 for materials and support costs of Federal law enforcement training sponsored by the Center; not to exceed $4,000,000 for materials and support costs of Federal law enforcement training sponsored by the Center; not to exceed $500,000 for official business expenses; not to exceed $2,000,000 for official travel expenses; and of which $7,790,000 shall remain available until expended, $173,822,000, to remain available until expended.

Congressional Record—Senate 17279
September 19, 2001

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $33,549,000, to remain available until expended.

INTERAGENCY LAW ENFORCEMENT INTERAGENCY CRIME AND DRUG ENFORCEMENT

For expenses necessary to conduct investigations and convict offenders involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, as it relates to the Treasury Department, $173,822,000.
Department law enforcement violations such as money laundering, violent crime, and smuggling. $357,000,000 shall remain available until expended.

**FINANCIAL MANAGEMENT SERVICE**

**SALARIES AND EXPENSES**

For necessary expenses of the Financial Management Service, $212,315,000, of which not to exceed $2,500,000 shall be available for salaries and expenses of the Comptroller General of the United States to implement an amendment or any portion thereof, of acquisition and disposal of real property; of which $250,000 shall be available for official reception and representation expenses.

**UNITED STATES CUSTOMS SERVICE**

**SALARIES AND EXPENSES**

For necessary expenses of the United States Customs Service, including purchase of not to exceed 812 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles, hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees, for which the service is required to employ an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $20,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerant detection; not to exceed $50,000 for cooperative research and development programs for Laboratory Services and Centers; and provision of laboratory assistance to State and local agencies, with or without reimbursement, $321,421,000, of which $3,500,000 shall be available for retrofitting and upgrading of the National Tracing Center Facility in Martinsburg, West Virginia; of which not to exceed $1,000,000 shall be available for the purchase of new equipment, $50,000 of which 1,030 are for police-type use and contracting with individuals for personal services abroad; not to exceed $40,000 for official reception and representation expenses; and notwithstanding any other provision of law, the fiscal year: Provided, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment: Provided, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until this expenditure plan has been approved by the Committee on Appropriations.

**ADMINISTERING THE PUBLIC DEBT**

**UNITED STATES DEPARTMENT OF THE TREASURY**

**BUREAU OF THE PUBLIC DEBT**

**SALARIES AND EXPENSES**

For necessary expenses of the Bureau of the Public Debt, $19,718,000, of which not to exceed $15,000 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization initiatives; and of which not to exceed $4,400,000 shall be transferred to any other Federal agency, department, or office outside of the Department of the Treasury, for the purposes of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of “Curios or relics” in 27 CFR 11, or to restructure any provision of existing law affecting the functions, missions, or activities of the Bureau of Alcohol, Tobacco, and Firearms, including modernization initiatives, and emergency humanitarian efforts, $172,637,000, which shall remain available until expended. Provided, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment: Provided, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until this expenditure plan has been approved by the Committee on Appropriations.
INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for pre-filing taxpayer assistance, filing and account services, shared services support, general management and administration; and services as authorized by 5 U.S.C. 3109, at rates as may be determined by the Commissioner, $3,786,347,000, of which up to $3,950,000 shall be for the Tax Counseling for the Elderly Program, of which $5,000,000 shall be available for taxpayer clinic grants, and of which not to exceed $25,000 shall be for official reception and representation expenses.

For the necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; conducting criminal investigation and enforcement activities; securing unified tax returns; collecting unpaid accounts; conducting a document matching program; resolving taxpayer problems through prompt identification, referral and settlement; conducting a document matching program; and hire of passenger motor vehicles (31 U.S.C. 134h(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,535,196,000, of which not to exceed $1,000,000 shall remain available until September 30, 2004, for research.

For funding essential earned income tax credit compliance initiative.

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hiring of passenger motor vehicles (31 U.S.C. 134h(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $562,249,000, which shall remain available until September 30, 2003.

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service, $149,593,000, to remain available until September 30, 2004, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including all actual costs associated with operations authorized by 5 U.S.C. 3109: Provided, That none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that (1) meets the capital planning and investment control review requirements of the Office of Management and Budget, including Circular A-11, part 34; (2) complies with the Internal Revenue Service’s enterprise architecture, including all Interagency Information Technology Blueprints; (3) conforms with the Internal Revenue Service’s enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the General Accounting Office; and (6) complies with the acquisition rules, requirements, guidance, and systems acquisition management practices of the Federal Government.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 104. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1-800 help line service a priority and allocate such funds to increase phone lines and staff to improve the Internal Revenue Service 1-800 help line service.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 745 vehicles for police-type use, of which 541 shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made side-car compatible motorcycles; hire of aircraft; training and assistance requested by State and local governments; reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is granted; for expenses of the Secret Service on Appropriations; for research and development; for making grants to conduct behavioral research in support of protective services; and for all expenses necessary to carry out the purposes of the Transportation Act.

SEC. 110. Any obligation or expenditure by the Secretary of the Treasury in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 2002, shall be made in compliance with reprogramming guidelines.

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for law enforcement functions authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries and services authorized by 5 U.S.C. 3109.

SEC. 112. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 2002 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 113. Not to exceed 2 percent of any appropriation in this Act made available to the United States Secret Service, the Federal Law Enforcement Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, United States Customs Service, Interagency Counter Drug Enforcement, and United States Secret Service may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. Not to exceed 2 percent of any appropriation in this Act made available to the Departmental Offices, Office of Inspector General, Treasury Inspector General for Tax Administration, Financial Management and Budget, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service for investigation and litigation purposes shall be transferred to the Treasury Inspector General for Tax Administration’s appropriation upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 116. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the
Treasury certifies that the purchase by the respective Treasury bureau is consistent with the vehicle management principles: Provided, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 117. The Secretary of the Treasury may transfer funds from "Salaries and Expenses", Financial Management Service, to the Debt Services Account as necessary to cover the costs of debt collection. Provided, That such amounts shall be reimbursed to such Salaries and Expenses account from debt collections received in the Debt Services Account.

SEC. 118. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence and intelligence-related activities of the Department of the Treasury 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) in this Act, or any related provisions of the National Security Act of 1947 (50 U.S.C. 411); Provided, however, that nothing in this paragraph is submitted to the person owing such amount that is reimbursed, and the total amount of such expenses shall be considered as taxable to the person as a reimbursement of the Executive Office of the President, $54,165,000: Provided, That $10,740,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the reimbursement expenses of the Executive Residence at the White House, such sums as may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall be required to separately account for reimbursement of expenses of the Executive Residence, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112-114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: Provided, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: Provided further, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: Provided further, That the Executive Residence shall be required to separately account for reimbursement of expenses of the Executive Residence, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112-114.

That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: Provided further, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of this Act or any other applicable requirement of statute law.

SALARIES AND EXPENSES

For necessary expenses to enable the President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $3,896,000.

OPERATING EXPENSES (INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurbishing, improvement, heating, and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $314,000: Provided, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES


OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $4,119,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $7,447,000.
OFFICE OF ADMINISTRATION
SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3101; transportation of passenger motor vehicles and hire of passenger motor vehicles, $46,032,000, of which $11,775,000 shall be available until September 30, 2003 for a capital investment plan which provides for modernization of the information technology infrastructure.

OFFICE OF MANAGEMENT AND BUDGET
SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including rent, operation of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $70,519,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of chapter 35 of title 44, United States Code, and of which not to exceed $3,000 shall be available for official representation expenses: Provided, That the transcript of actual testimony of witnesses, except as otherwise provided by law: Provided further, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities of or pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): Provided further, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans’ Affairs or their subcommittees: Provided further, That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans’ Affairs.

OFFICE OF NATIONAL DRUG CONTROL POLICY
SALARIES AND EXPENSES

(Including Transfer of Funds)

For necessary expenses of the Office of National Drug Control Policy, for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (title VII of division C of Public Law 105-277); not to exceed $8,000 for official representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $25,096,000, of which $2,350,000 shall remain available until expended, consisting of $1,350,000 for policy research and evaluation, and $1,000,000 for the National Alliance for Model State Drug Laws: Provided, That the authorizations are to be made to obtain, hold, administer, and utilize gifts, both domestic and foreign, of any amount, in such manner as the Director determines appropriate for carrying out the purposes of the Act: Provided further, That none of the funds appropriated by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans’ Affairs or their subcommittees: Provided further, That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans’ Affairs.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER
(Including Transfer of Funds)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Counterdrug Technology Assessment Center Act of 1998 (title VII of division C of Public Law 105-277), $24,500,000, of which $2,350,000 shall remain available until expended, consisting of $1,350,000 for policy research and evaluation, and $1,000,000 for the National Alliance for Model State Drug Laws: Provided, That the authorizations of appropriation are to be made to obtain, hold, administer, and utilize gifts, both domestic and foreign, of any amount, in such manner as the Director determines appropriate for carrying out the purposes of the Act: Provided further, That none of the funds appropriated by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans’ Affairs or their subcommittees: Provided further, That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans’ Affairs.

FEDERAL DRUG CONTROL PROGRAMS
HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM
(Including Transfer of Funds)

For necessary expenses of the Office of National Drug Control Policy’s High Intensity Drug Trafficking Areas (HIDTA) program, $226,350,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas (HIDTA), of which $1,000,000 shall be for an additional amount for the Rocky Mountain HIDTA; of which $1,500,000 shall be used for an additional amount for the Midwest HIDTA; of which $1,000,000 shall be for an additional amount for the Gulf Coast HIDTA; of which $1,000,000 shall be for an additional amount for the Miami HIDTA; of which $500,000 shall be for an additional amount for the Phoenix HIDTA, of which $1,000,000 shall be for an additional amount for the Northwest HIDTA; of which $1,500,000 shall be for an additional amount for the HIDTA; of which no less than 50 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of enactment of this Act: Provided, That, up to 49 percent, to remain available until September 30, 2003, may be transferred to Federal agencies and departments at a rate to be determined by the Director: Provided further, That, of this latter amount, not less than $2,100,000 shall be used for auditing services and activities: Provided further, That HIDTAs designated as of September 30, 2001, shall be funded at no less than fiscal year 2001 levels until the Director submits to the Committees, and the Committees approve, any justification for changes in those levels based on clearly articulated priorities for the HIDTA program, as well as published ONDCP performance measures of the HIDTAs.

SPECIAL FORFEITURE FUND
(Including Transfer of Funds)

For activities to support a national anti-drug campaign for youth, and for other purposes (including the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000.

This title may be cited as the “Executive Office Appropriations Act, 2002”.

TITLE IV—INDEPENDENT AGENCIES
COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED
SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by Public Law 92-28, $4,698,000.

FEDERAL ELECTION COMMISSION
SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $34,993,000, of which no less than $4,453,000 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses of which no less than $2,000,000 shall be available for administering a program to award Federal matching grants to States and localities to improve election systems and election administration and for fements: Provided, That no funds for the purpose of administering such program or for making such grants shall be made available until the date of enactment of a statute authorizing the expenditure of funds for such a purpose.

FEDERAL LABOR RELATIONS AUTHORITY
SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to the Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, including hire of experts and consultants: Provided, That no funds for the purpose of administering such program shall be made available until the date of enactment of a statute authorizing the expenditure of funds for such a purpose.

GENERAL SERVICES ADMINISTRATION
REAL PROPERTY ACTIVITIES
FEDERAL BUILDINGS FUND
LIMITATIONS ON AVAILABILITY OF REVENUE
(Including Transfer of Funds)

To carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 485j), the revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia and elsewhere; and the expenses of management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

This title may be cited as the “Executive Office Appropriations Act, 2002”.

CONGRESSIONAL RECORD—SENATE
17283
September 19, 2001
Non-prospective construction, $5,900,000:

Provided, That funding for any project identified above may be increased to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amount included in an approved prospectus, unless advance notice is transmitted to the Committees on Appropriations of a greater amount: Provided further, That all funds for direct construction projects shall expire on September 30, 2003, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $84,880,000 shall remain available until expended for repairs and alterations which involve associated design and construction services: Provided further, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to 30 percent of the amount by project, as follows, except each project may be increased by an amount not to exceed 10 percent unless advance notice is transmitted to the Committees on Appropriations of a greater amount: Repairs and Alterations: Alabama: Montgomery, Frank M. Johnson, Jr. Federal Building-Courthouse, $4,000,000 California: Laguna Niguel, Chet Hollis Federal Building, $11,731,000 San Diego, Edward J. Schwartz Federal Building-U.S. Courthouse, $13,070,000 Colorado: Lakewood, Denver Federal Center, Building 67, $8,484,000 District of Columbia: Washington, 320 First Street, Federal Building, $8,260,000 Washington, Internal Revenue Service Main Building, Phase 2, $30,391,000 Washington, Main Interior Building, $22,739,000 Washington, Main Justice Building, Phase 3, $45,974,000 Florida: Jacksonville, Charles E. Bennett Federal Building, $23,552,000 Tallahassee, U.S. Courthouse, $4,894,000 Illinois: Chicago, Federal Building, 336 South Clark Street, $60,073,000 Chicago, Harold Washington Social Security Center, $22,986,000 Chicago, John C. Kluczynski Federal Building, $12,725,000 Iowa: Des Moines, 210 Walnut Street, Federal Building, $11,992,000 Kansas City, Federal Building, 811 Grand Boulevard, $1,604,000 St. Louis, Federal Building, 104/105 Goodfellow, $20,212,000 New Jersey: Newark, Peter W. Rodino Federal Building, $5,256,000 Nevada: Las Vegas, Foley Federal Building-U.S. Courthouse, $26,978,000 Ohio: Cleveland, Anthony J. Celebrezze Federal Building, $22,966,000 Cleveland, Richard M. Metzenbaum Courthouse, $27,856,000 Oklahoma: Muskogee, Federal Building-U.S. Courthouse, $8,351,000 Oregon: Portland, Pioneer Courthouse, $16,629,000 Pennsylvania: Pittsburgh, Post Office-Courthouse, $12,600,000 Rhode Island: Providence, Federal Building and Courthouse, $5,039,000 Wisconsin: Milwaukee, Federal Building-U.S. Courthouse, $10,015,000 Nevada: Design Program, $33,657,000 Heating, Ventilation and Air Conditioning Modernization—Various Buildings, $6,650,000 for payment of claims against the Government arising from any projects under the heading “Repairs and Alterations” or used to fund authorized increases in prospectus projects; Provided further, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2003, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: Provided further, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects; (3) $196,277,000 for implemen-
tation acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $3,950,550,000 for rental of space which shall remain available until expended; and (5) $1,748,949,000 for building operations which shall remain available until expended; and (5) $1,748,949,000 for building operations which shall remain available until expended: Provided further, That the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for emergency repairs when advance notice is transmitted to the Committees on Appropriations: Provided further, That amounts necessary to provide reimbursable special services to other agencies under section 201(h)(6) of the Federal Prop-
erty and Administrative Services Act of 1949, as amended (40 U.S.C. 490(h)(6)) and to provide such reimbursable fencing, lighting, signage, post or booth, and access control for private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: Provided further, That revenues and collections and any other sums accruing to this Fund during fiscal year 2002, excluding reimbursements under
Keep, repair, and improvement, included as part of rentals received from Government corporations. (40 U.S.C. 3371). Any excess of $50,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

SEC. 403. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 404. Funds available for fiscal year 2002 for Federal Buildings Fund activities may be transferred between the activities only to the extent necessary to meet program requirements: Provided, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 405. No funds made available by this Act shall be used to transmit a fiscal year 2003 request for United States Courthouse construction that: (1) does not meet the design guidelines for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, the OMB, and the Transportation and Treasury Committees of Congress; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved fiscal year 2003 construction plan: Provided, That the fiscal year 2003 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, re- placed, or expanded.

SEC. 406. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, office equipment, passenger motor vehicles, and direct professional services for any other use usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1988, as amended.

SEC. 407. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under 4 U.S.C. 757 and sections 5120(b) and 5128 of Public Law 104-106, Information Technology Management Reform Act of 1996, for performance of pilot information technology projects which have potential for Governmentwide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 408. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 409. Section 408 of Public Law 106-554 is amended by striking "2002" and inserting "September 30, 2002." The transfer authority shall be in addition to any other transfer authority provided in this Act: Provided further, That such transfers may not be made until 10 days after a proposed spending plan and justification for each project to be undertaken has been submitted to the Senate Committee on Appropriations.

SEC. 410. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, up-keep, repair, and improvement, included as part of rentals received from Government corporations. (40 U.S.C. 3371). Any excess of $50,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided in Governmentwide policy and oversight activities associated with asset management activities; utilization and donation of surplus personal property; transportation procurement; and supply; the Governmentwide responsibilities relating to automated data management, telecommunication, information resources management, and related technology activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agencywide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3199; and not to exceed $7,500 for official reception and representation expenses, $27,877,000 of which $27,877,000 shall remain available until expended.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3199, $36,025,000: Provided, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: Provided further, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT (E-GOV) FUND

SEC. 411. Designation of Judge Bruce M. Van Sickle Federal Building and United States Courthouse...

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3199, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $39,705,000 together with not to exceed $2,500,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), $1,966,000, to remain available until expended: Provided, That up to 60 percent of funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute: Provided further, That not later than 90 days after the date of the enactment of this Act, the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation as determined by the Committee on Appropriations a report describing the distribution of such funds.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $1,369,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

SEC. 412. D ESIGNATION OF JUDGE BRUCE M. VAN SICKLE FEDERAL BUILDING AND UNITED STATES COURTHOUSE

SEC. 413. D ESIGNATION OF JUDGE BRUCE M. VAN SICKLE FEDERAL BUILDING AND UNITED STATES COURTHOUSE

SEC. 414. D ESIGNATION OF JUDGE BRUCE M. VAN SICKLE FEDERAL BUILDING AND UNITED STATES COURTHOUSE

SEC. 415. D ESIGNATION OF JUDGE BRUCE M. VAN SICKLE FEDERAL BUILDING AND UNITED STATES COURT HOUSE

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and archived Federal records and related activities, as authorized by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $214,100,000: Provided, That the National Archives is authorized to use any excess funds available from the amount borrowed for construction of the National Archival Facility, for expenses necessary to provide adequate storage for holdings: Provided further, That of the funds made available, $22,392,000 is for the electronic records archive, which is authorized to be spent without regard to availability until September 30, 2004: Provided further, That the Archivist of the United States is authorized, pursuant to 44 U.S.C. 203, to construct a new Northeast Regional Archival on land to be acquired (Federal site),
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by direct payment or the provision of site improvements, from the State of Georgia or Clayton County or some other governmental authority thereof; such Federal site to be located near the campus of Clayton College and State University in Clayton County, Georgia, as designated for construction of the Georgia State Archives facility, with both archival facilities co-located on a combined site. There is hereby appropriated $30,500,000 which shall be available until expended to be used for acquiring the Federal site, construction, and related services for building the new Federal archival facility, other related costs for improvement of the combined site which may also indirectly benefit the Georgia State Archives facility, and other necessary expenses.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement on Federal properties, and to provide adequate storage for holdings, $41,143,000, to remain available until expended.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

For necessary expenses for allocations and grants for historical publications and records as authorized by 41 U.S.C. 2504, as amended, $6,436,000, to remain available until expended.

OFFICE OF GOVERNMENT ETHICS

SAALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, for passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $10,060,000.

OFFICE OF PERSONNEL MANAGEMENT

SAALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management to the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $49,036,000, of which $3,286,000 shall remain available until expended for the cost of the governmentwide human resources data network project; and in addition $115,929,000 for administrative expenses, to be transferred from applicable funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement recordkeeping systems: Provided, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 838(a)(1)(B), 8909(g), and 9004(h)(A) and (2)(A) of title 5, as amended, and the Appropriations Act of 1994, and that this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9558 of July 1, 1943, or any successor unit of like purpose: Provided further, That the President's Commission on White House Fellows, established by Executive Order No. 11185 of October 3, 1964, may, during fiscal year 2002, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel reimbursement of travel expenses; or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SAALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $11,784,000, and for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, not to exceed $10,016,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General; and provided, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act of 1990, as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to retired employees, as authorized by chapter 89, title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary; Provided, That annuities authorized by section 8909(g), 9004(h)(A) and (2)(A) of title 5, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771-775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SAALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95-544), the Whistleblower Protection Act of 1989 (Public Law 101-12), Public Law 103-424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103-353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, for the hire of passenger motor vehicles, $11,784,000.

UNITED STATES TAX COURT

SAALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 7109, $37,309,000; for travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the “Inde- pendent Agencies Appropriations Act, 2002.”

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided.

SEC. 502. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, and provided that any executive order issued pursuant to existing Executive order issued pursuant to existing law.

SEC. 503. None of the funds made available by this Act shall be available for any activity for or in connection with the development of a public record.

SEC. 504. None of the funds made available by this Act shall be available in fiscal year 2002 for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Department of the Treasury.

SEC. 505. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who left the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 1 year after his discharge from active military or naval service, or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 506. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 4504 through 4506 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the “Buy American Act”).

SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT, TOOLS, AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that the entity will comply with sections 4504 through 4506 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the “Buy American Act”).

(b) TITLE V—GENERAL PROVISIONS

SEC. 508. INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2002.
SEC. 508. If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing the word "Made in America" in an advertisement, an order, or other publication, that label shall be made unlawful. The label shall be removed and the burden imposed by such rule shall not exceed $500, or the amount of the misstatement or misrepresentation in any advertisement, order, or other publication, whichever is greater.

SEC. 514. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF PERSONAL INFORMATION ON THE INTERNET.—Notwithstanding any other Act, no funds appropriated in this Act shall be used by any Federal agency for monitoring personal information collected or obtained as part of investigatory and enforcement actions of the Government Appropriations Act, 2002 may be used by any Federal agency to create any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual’s access to or use of any nongovernment Internet site of the agency; or (2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregate list, derived from any means, that includes the collection of any personally identifiable information relating to an individual’s access to or use of any nongovernment Internet site.

SEC. 510. None of the funds made available in this Act shall be used by the Executive Office of the President and the Committees on Appropriations and the Committee on Committees on Appropriations Act, 2002 made available to the Committees on Appropriations Act, 2002 or for any administrative expense payable to the General Services Administration for charges for temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including expenditure for the operation of temporary employees, shall also be available for payment to the General Services Administration for the purpose of providing for space and services and those expenses of operation necessary for the provision of space and services required to operate the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.
SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized, subject to the provisions of this title, to use such funds as may be appropriated, or other money available to the agency, to implement, administer, or enforce any provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2002 by this or any other Act shall be available for the payment of any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 613 of the Treasury and General Government Appropriations Act, 2001, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2002, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 613; and

(2) during the period consisting of the remainder of fiscal year 2002, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum—

(A) the percentage adjustment taking effect in fiscal year 2002 under section 5306 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average of the hourly general schedule rates of pay and the overall average percentage of such payments which was effective in fiscal year 2001 under such section.

SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted in favor of the nomination of such person.

SEC. 610. No part of any appropriation contained in this or any other Act shall be available for employment of salaries or expenses of any employee appointed to a Confidential or Policy-Determining position of a confidential or policy-determining nature, or such expenses of any employee appointed to a Schedule C position for which the Office of Personnel Management has determined that such exceptions are necessary.

SEC. 611. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 3627) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 316b), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 316a and 316b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 316b).

SEC. 612. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 613. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds or occupies any other position, such office may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the word “office” shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 615. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement activities, for more than five years, except that the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of Federal buildings, facilities, or space, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 616. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for fiscal year 2002 by this or any other Act shall be available for payment of rates of pay and rates of pay parity taking effect in fiscal year 2002 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 2001 under such section.

SEC. 617. (a) None of the funds appropriated by this or any other Act may be obligated or expended to acquire, by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining nature, or any employee appointed to a Schedule C position, any additional facilities, except that the Office of Personnel Management is expressly approved by the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of Federal buildings, facilities, or space, or other agreement for training which cannot be accommodated in existing Center facilities.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the National Security Council;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation, the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 618. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act to ensure the recruitment or retention of qualified employees.
upon the performance of official duties.

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for fiscal year 2002 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and the Director and staff support.

for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

No funds appropriated by this Act or any other Act shall be used by an agency to provide for contraceptives because such activities would be contrary to the individual’s religious beliefs or moral convictions.

Nothing in this section shall apply to a contract with—

(a) False reporting of a substantial violation of law.

(b) Anything, except an existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual objects to providing for contraceptives because such activities would be contrary to the individual’s religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 629. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, the head of each Executive department and agency is hereby authorized to transfer to the “Policy and Operations” account, General Services Administration, with the approval of the Director of the Office of Management and Budget, funds made available for fiscal year 2002 by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program. Programs be in place to ensure that such funds available to finance an appropriate share of JMIP administrative costs, as determined by the JMIP, but not to exceed a total of $10,000,000, to include the salary of the Executive Director and staff support.

SEC. 630. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, the head of each Executive department and agency is hereby authorized to transfer to the “Policy and Operations” account, General Services Administration, with the approval of the Director of the Office of Management and Budget, funds made available for fiscal year 2002 by this or any other Act, including rebates from charge card and other contracts. These funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director of Management and Budget, the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council and Technology Initiatives, and the Procurement Executive Council for procurement initiatives. The total funds transferred shall not exceed $7,000,000. Such transfers may only be made 15 days following notification of the

SEC. 622. No funds appropriated in this or any other Act may be used to implement or enforce Forms 312 and 4141 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions—(1) any non¬

secret of the Office of Management and Budget may be used for normal and recognized executive-legislative relationships, for publicity or propaganda purposes within the United States and its territories to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 625. None of the funds appropriated by this Act or any other Act may be used by an agency to provide for Federal employee’s home address to any labor organization except with the employee’s consent or when such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 626. No funds appropriated by this Act or any other Act may be used by an agency to provide for non-public information such as mailing or telephone lists to any person or organization for political or propaganda purposes.

SEC. 627. (a) In this section the term “agency”—

(1) No funds appropriated by this Act or any other Act shall be used by an agency to provide for non-public information such as mailing or telephone lists to any person or organization for political or propaganda purposes.
Sec. 642. Not later than six months after the date of enactment of this Act, the Inspector General of each applicable department or agency shall submit to the Committee on Appropriations a report detailing what policies and procedures are in place for each department or agency to give first priority to the location of new offices and other facilities in rural areas, as directed by the Rural Development Act of 1972.

Sec. 643. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

Sec. 633. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for fiscal year 2002 by this or any other Act shall be available for the interagency funding of specific agencies, or entities:

(a) the National Science and Technology Council (authorized by Executive Order No. 12881), which facilitates the interagency coordination of Federal science and technology efforts to carry out the purposes of the National Science and Technology Council to the Committees on Commerce, Science, and Transportation 90 days after enactment of this Act;

(b) The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States. This Act may be cited as the "Treasury and General Government Appropriations Act, 2002."
interest as the Secretary of the Treasury may prescribe.

SA 1574. Mr. DORGAN (for Mr. JOHN-
son (for himself and Mr. SMITH of Or-
go) proposed an amendment to the bill
H.R. 2590, making appropriations for the
Treasury Department, the United States
Postal Service, the Executive
Office of the President, and cer-
tain Independent Agencies, for the fis-
cal year ending September 30, 2002, and
for other purposes; as follows:

At the appropriate place, insert the fol-
lowing:

SECTION 1. SHORT TITLE.
This Act may be cited as the “Unity Bonds
Act of 2001”.

SEC. 2. FINDINGS.
(1) Congress finds that—
(A) a national tragedy occurred on Sep-
tember 11, 2001, whereby certain individuals
tried to steal America’s freedom;
(B) Americans stand together to resist all
attempts to steal their freedom;
(C) Americans will be victorious over their enemies, whether known or un-
known; and
(D) Americans must respond to this tragedy in a spirit of revenge, but of justice.

SEC. 3. AUTHORIZATION FOR THE ISSUANCE
OF UNITED BONDS.
Section 102 of title 31, United States Code,
is amended by adding at the end the fol-
lowing:

“(I) ISSUANCE OF UNITED BONDS.—
shall issue United bonds under this section, to be known as ‘Unity Bonds’, in response to the tragic events, for the fiscal year ending September 30, 2002, and for other purposes.

“(2) USE OF PROCEEDS.—Proceeds from the issuance of United Bonds shall be used to raise funds to assist in recovery and relief operations. The amounts raised shall be used to fund the following:

(1) The Secretary may specify:
A. The special postage rate of an individual stamp under title 39, United States Code, is amended—
(a) SHORT TITLE.—This section may be cited as the “Breach Cancer Research Stamp Act of 2001”.

(b) REAUTHORIZATION AND INAPPLICABILITY
OF LIMITATION.
(1) GENERAL.—Section 411 of title 39, United States Code, is amended by striking subsection (g) and inserting the following:

For purposes of section 416 (including any regulation prescribed under subsection (e)(1)(C) of that section), the special postage stamp issued under this section shall not apply to any limitation relating to whether more than 1 semipostal may be offered for sale at the same time.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the earlier of—
(A) the date of enactment of this Act; or
(B) July 29, 2002.

(c) RATE OF POSTAGE.—Section 414(b) of title 39, United States Code, is amended—
(1) by adding after the sentence following paragraph (1), by striking “of not to exceed 25 percent” and inserting “of not less than 15 percent”; and
(2) after by adding the following:

“SEC. 643. (a) State, regional, or local transportation authorities that are recipients of Federal Transit Administration assistance or grants may purchase heavy-duty transit buses through the General Service Administration.

(b) The Administrator of General Services shall notify the appropriate congressional committees if the administrative costs incurred by the General Service Administration in implementing this section are in excess of amounts provided to the General Service Administration under provisions of existing contracts for the purchase of heavy-duty transit buses.

SA 1576. Mr. RINGAMAN (for himself and Mr. DOMENICI) proposed an amendment to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; as follows:

After section 642, insert the following:

SEC. 1238(c)(1) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398) is amended by striking “March” and inserting “May”. At the appropriate place in the bill insert the following:

SEC. 1238(c)(1). REAUTHORIZATION OF BREAST CAN-
cer RESEARCH SPECIAL POSTAGE STAMP.
(a) SHORT TITLE.—This section may be cited as the “Breach Cancer Research Stamp Act of 2001”.

(b) REAUTHORIZATION AND INAPPLICABILITY
OF LIMITATION.
(1) GENERAL.—Section 411 of title 39, United States Code, is amended by striking subsection (g) and inserting the following:

For purposes of section 416 (including any regulation prescribed under subsection (e)(1)(C) of that section), the special postage stamp issued under this section shall not apply to any limitation relating to whether more than 1 semipostal may be offered for sale at the same time.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the earlier of—
(A) the date of enactment of this Act; or
(B) July 29, 2002.

(c) RATE OF POSTAGE.—Section 414(b) of title 39, United States Code, is amended—
(1) by adding after the sentence following paragraph (1), by striking “of not to exceed 25 percent” and inserting “of not less than 15 percent”; and
(2) after by adding the following:

At the appropriate place, insert the following:

SEC. . DEADLINE FOR SUBMISSION OF ANNUAL
REPORTS BY UNITED STATES-CHINA
SECURITY REVIEW COMMISSION.
Section 1238(c)(1) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398) is amended by striking “March” and inserting “May”. At the appropriate place in the bill insert the following:

SEC. 1238(c)(1). REAUTHORIZATION OF BREAST CAN-
cer RESEARCH SPECIAL POSTAGE STAMP.
SECTION 1. AMENDMENT TO TITLE 39.
Section 5402(d) of title 39, United States Code, is amended by—
(1) inserting ‘‘(1)’’ after ‘‘(d)’’; and
(2) inserting at the end the following:
‘‘(2)(A) In the exercise of its authority under paragraph (1), the Postal Service may require any air carrier to accept as mail matter any shipments of domestic mail and, in the case of any air carrier that does not accept domestic mail, requires any air carrier to accept as mail matter any shipments of domestic mail, and to handle such shipments.

‘‘(B) Notwithstanding any other provision of law, the Postal Service is authorized to assess, as postage to be paid by the makers of any shipments covered by subparagraph (A), a reasonable surcharge that the Postal Service determines in its discretion to be adequate to compensate air carriers for any necessary expenses and to defray the cost of handling such shipments.

‘‘(C) The authority of the Postal Service under subparagraph (B) shall apply during the period beginning on the date of enactment of this Act and ending September 30, 2005.’’.

SA 1578. Mr. DORGAN (for Mr. KOHL) proposed an amendment to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 26, after line 7 insert the following new section:
‘‘Sec. 5. None of the funds appropriated or made available by this Act may be used for the construction of a courthouse deemed to be a reference to the G. Ross Anderson, Jr. Federal Building and United States Courthouse referred to in section 1 shall be deemed to be a reference to the G. Ross Anderson, Jr. Federal Building and United States Courthouse.’’

SA 1579. Mr. DORGAN (for Mr. HOLINGS) proposed an amendment to the bill H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place, insert the following:

(a) The Federal building and courthouse located at 15 S. Louisiana Street, Anderson, South Carolina, shall be known and designated as the ‘G. Ross Anderson, Jr. Federal Building and United States Courthouse.’

(b) Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and courthouse referred to in section 1 shall be deemed to be a reference to the G. Ross Anderson, Jr. Federal Building and United States Courthouse.’’

SA 1580. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1416, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to authorize personnel strengths for such fiscal year for the Armed Forces, and for other purposes which was ordered to lie on the table.

At the end of the bill, add the following:
DIVISION D—NATIONAL ENERGY SECURITY
SEC. 4001. ENACTMENT OF ENERGY PROVISIONS.

The provisions of H.R. 4 of the 107th Congress, as passed by the House of Representatives on August 2, 2001, are enacted into law.

SA 1581. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1416, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, which was ordered to lie on the table.

On page 413, between lines 13 and 14, insert the following:
SEC. 4101. AUTHORITY TO WAIVE SANCTIONS.

(a) AUTHORITY.—Notwithstanding any other provision of law, the President is authorized to waive any sanction imposed against any foreign country or government (including any agency or instrumentality thereof) or any foreign entity if the President determines that to do so would assist in efforts to combat global terrorism if otherwise in the national security interests of the United States.

(b) CONGRESSIONAL NOTIFICATION.—Not less than 30 days prior to the exercise of any waiver authorized by subsection (a), the President shall notify Congress of his intention to exercise the waiver, together with an explanation of his reasons for the waiver.

(c) SANCTION DEFINED.—In this section, the term ‘sanction’ means any prohibition or restriction with respect to a foreign country or government or foreign entity that is imposed by the United States for reasons of foreign policy or national security, except in a case in which the United States imposes the measure pursuant to—

(1) a multilateral regime and the other member countries of that regime have agreed to impose substantially equivalent measures; or

(2) a mandatory decision of the United Nations Security Council.

SA 1582. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1416, to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, which was ordered to lie on the table.

At the end of the bill, add the following:
DIVISION D—NATIONAL ENERGY SECURITY
SEC. 4001. SHORT TITLE.

This division may be cited as the ‘National Energy Security Act of 2001’.

SEC. 4002. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) increasing dependence on foreign sources of oil causes systemic harm to all United States by decreasing America’s dependence on foreign oil supplies and strengthening our national energy security; and

(2) dependence on imports of foreign oil was 46 percent in 1992, rose to more than 55 percent by the beginning of 2000, and is estimated by the Department of Energy to rise to 65 percent by 2020 unless current policies are altered;

(3) even with increased energy efficiency, energy use in the United States is expected to increase 27 percent by 2020;

(4) the United States lacks a comprehensive national energy policy and has taken actions that limit the availability and capability of the domestic energy sources of oil, gas, coal, nuclear and hydroelectric;

(5) a comprehensive energy strategy must be developed to combat this trend, decrease the United States dependence on imported oil supplies and strengthen our national energy security;

(6) this comprehensive strategy must decrease the United States dependence on foreign oil supplies to not more than 50 percent by year 2011;

(7) this comprehensive energy strategy must be multi-faceted and enhance the use of renewable energy resources (including hydroelectric, solar, wind, geothermal and biomass), conserve energy resources (including improving energy efficiencies), and increase domestic supplies of conventional energy resources (including oil, natural gas, coal, and nuclear);

(8) conservation efforts and alternative fuels alone will not enable America to meet this goal as conventional energy sources supply 96 percent of America’s power at this time; and

(9) immediate actions must also be taken to anticipate the economic effects of recent increases in the price of crude oil, natural gas, and electricity and the related impacts on American consumers, including the poor and the elderly.

TITLE I—GENERAL PROVISIONS TO PROTECT ENERGY SUPPLY AND SECURITY
SEC. 4101. CONSULTATION AND REPORT ON FEDERAL AGENCY ACTIONS AFFECTING DOMESTIC ENERGY SUPPLY.

Prior to taking or initiating any action that could have a significant adverse effect on the availability or supply of domestic energy resources or on the domestic capability to produce, transport, or use such energy resources, the head of a Federal agency proposing or participating in such action shall notify the Secretary of Energy in writing of the nature and scope of the action and such action or options to mitigate the effects and shall provide the Secretary of Energy

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with adequate time to review the proposed action and make recommendations to avoid or minimize the adverse effect of the proposed action. The proposing agency shall consider any such recommendations made by the Secretary of Energy. The Secretary of Energy shall prepare, as required by the annual report of the Committee on Energy and Natural Resources of the United States Senate and to the appropriate committees of the House of Representatives, on all actions brought to the attention, what mitigation or alternatives, if any, were implemented, and what the short-term, mid-term, and long-term effect of the final action will likely be on domestic energy resource supplies and their development, distribution, or transmission.

SEC. 4102. ANNUAL REPORT ON UNITED STATES ENERGY INDEPENDENCE

(a) REPORT.—Beginning on October 1, 2001, and annually thereafter, the Secretary of Energy, in consultation with the Secretary of Defense and the heads of other relevant Federal agencies, shall submit a report to the President and Congress which evaluates the progress the United States has made toward oil import independence. The report shall set forth a range of options and alternatives with a benefit-cost analysis for each option or alternative taken together with an estimate of the contribution each option or alternative could make to reduce foreign oil imports. The Secretary shall solicit information from the public, in the form of recommendations to the Energy Information Agency and other agencies to develop the report. The report shall indicate, in detail, options and alternatives to (1) increase the use of renewable domestic energy sources, including conventional and non-conventional sources such as, but not limited to, increased hydroelectric generation at existing Federal facilities, (2) conserve energy resources, including improving efficiency and decreasing consumption, and (3) increase domestic production and use of oil, natural gas, and coal, including all any actions necessary to provide access to, and transportation of, these energy resources.

(c) REFINERY CAPACITY.—As part of the reports submitted in 2001, 2005, and 2008, the Secretary shall examine and report on the condition of the domestic refinery industry and the extent of domestic storage capacity for various categories of petroleum products and make such recommendations as he believes will enhance domestic capabilities to respond to short-term shortages of various fuels due to climate or supply interruptions and ensure long-term supplies on a reliable and affordable basis.

(d) NOTIFY CONGRESS.—Whenever the Secretary determines that stocks of petroleum products have declined or are anticipated to decline to levels that would jeopardize national security or threaten supply, he shall immediately notify Congress of such actions and shall include in such recommendations for administrative or legislative action as he believes are necessary to alleviate the situation.

SEC. 4103. STRATEGIC PETROLEUM RESERVE STUDY AND REPORT

The President shall immediately establish an Interagency Panel on the Strategic Petroleum Reserve (referred to in this section as the “Panel”) to study market and estimate the extent and frequency of fluctuations in the supply and price of, and demand for crude oil in the future and determine appropriate capacity of and uses for the Strategic Petroleum Reserve. The Panel may recommend changes in existing authorities to strengthen the ability of the Strategic Petroleum Reserve to respond to energy resource supplies and their development, distribution, or transmission.

SEC. 4104. STUDY OF EXISTING RIGHTS-OF-WAY TO DETERMINE CAPABILITY TO SUPPORT NEW PIPELINES OR OTHER TRANSMISSION FACILITIES

Not later than 1 year after the date of enactment of this Act, the head of each Federal agency that has authorized a right-of-way across Federal lands for transportation of energy supplies or transmission of electricity shall review each such right-of-way and submit a report to the Secretary of Energy and the Chairmen of the appropriate committees of the House of Representatives and the Senate on the existing right-of-way and any changes that could make to reduce foreign oil imports. The Secretary shall consult with agencies of State or local units of government as appropriate and consider whether the facility or alternative would make the most efficient use of existing transportation facilities and shall set forth those considerations in the report.

SEC. 4105. USE OF FEDERAL FACILITIES

(a) Secretary of the Interior and the Secretary of the Army shall each inventory all dams, impoundments, and other facilities under their jurisdiction and make recommendations by 2015.

(c) REFINERY CAPACITY.—As part of the reports submitted in 2001, 2005, and 2008, the Secretary shall examine and report on the condition of the domestic refinery industry and the extent of domestic storage capacity for various categories of petroleum products and make such recommendations as he believes will enhance domestic capabilities to respond to short-term shortages of various fuels due to climate or supply interruptions and ensure long-term supplies on a reliable and affordable basis.

(3) require research on advanced processing technologies for the treatment, recycling, and disposal of high-level nuclear radioactive waste and spent nuclear fuel, subject to the general supervision of the Secretary. The Associate Director of the Office of Nuclear Energy Science and Technology. The first such Associate Director shall be appointed not later than 90 days after the date of enactment of this Act.

(c) DUTIES.—The Associate Director of the Office shall—

(1) involve national laboratories, universities, the commercial nuclear industry, and other organizations to investigate technologies on such technologies;

(2) develop a research plan to provide recommendations by 2015;

(3) identify technologies for the treatment, handling, and disposal of spent nuclear fuel and high-level radioactive waste;

(4) conduct research and development activities on such technologies;

(5) support research that identifies key objectives of proliferation concerns and risk to health of the general public or site workers, as well as development of cost-effective technologies;

(6) require research on both reactor- and accelerator-based transmutation systems;

(7) require research on advanced processing technologies;

(8) encourage that research efforts include participation of international collaborators;

(9) be authorized to fund international collaborations when they bring unique capabilities not available in the United States and
their host country is unable to provide for their support; and
(10) supply all research efforts with the Office are coordinated with research on ad-
vanced fuel cycles and reactors conducted within the Office of Nuclear Energy Science and Technology.
SEC. 4109. REPORT.—The Associate Director of the Office of Spent Nuclear Fuel Research shall annually prepare and submit to Congress on the condition of the domestic nuclear energy, in consultation with the Administrator of Energy, in preparation for a report to Congress on the activities and expenditures of the Office, including the progress that has been made to achieve the objectives of subsection (c).
SEC. 4108. REVIEW OF DOMESTIC ENERGY RESOURCES TO MAINTAIN THE ELECTRICITY GRID OF THE UNITED STATES.
(a) Beginning on October 1, 2001, and annu-
ally thereafter, the Secretary of Energy, in consultation with the Federal Energy Regulatory Commission and the North American Electric Reliability Council, States, and ap-
propriate regional organizations, shall sub-
mit a report to the President and Congress which evaluates the availability and capac-
ity of the electricity grid at any time and sets forth a range of options and alternatives
(b) The report shall include any recommendations that the Secretary believes should be imple-
mented either through legislation or regula-
tion to ensure that there is adequate domes-
tic refining capacity and motor fuel supplies to meet the economic, social, and security requirements of the United States.
(c) When preparing each annual report, the Secretary shall—
(1) provide an assessment of the condition of the domestic refining industry and the Nation’s motor fuel distribution system, including the ability to make future capital investments necessary to manufac-
ture, transport, and store different petro-
leum products required by local, State, and Federal statute and regulations;
(2) examine the reliability and cost of feed-
stocks supplied to the domestic refining industry as well as the reliability and cost of products manufactured by such industry;
(3) provide an assessment of the collective effect of importation and future motor fuel re-
quirements on—
(A) the ability of the domestic motor fuels refining, distribution, and retailing indus-
tries to reliably and cost-effectively supply fuel to the Nation’s consumers and busi-
nesses;
(B) gasoline (reformulated and conven-
tional) and diesel fuel (on-highway and off-
highway) supplies; and
(C) motor fuel price volatility;
(4) explore opportunities to streamline per-
mitting, site siting decisions and approval
processes and to accelerate the internal inspection and permitting processes for pipelines;
(5) recommend actions that can be taken to reduce supply disruptions and price spikes;
(6) provide an assessment of whether uni-
form, regional, or national performance-
based fuel specifications would reduce supply disruptions and price spikes.
SEC. 4111. STUDY OF FINANCING FOR NEW TECH-
NOLOGIES.
(a) The Secretary of Energy shall undertake an independent assessment of innova-
tive financing options to encourage an-
able construction of new electricity supply technologies with high initial capital costs that might not otherwise be built in a de-
regulated market.
(b) The assessment shall be conducted by a firm with proven expertise in financing large capital projects or in financial services con-
sulting, and is to be provided to Congress not later than 270 days after the date of enact-
ment of this Act.
(c) The assessment shall include a comprehen-
sive examination of all available tech-
niques to safeguard private investors in high capital technologies—including advanced des-
ign power projects that are not limited to, nuclear—against government-imposed risks that are beyond the investors’ control. Such techniques may include (but not be limited to) Federal loan guarantees, Federal price guarantees, special tax considerations, and direct Federal Government investment.
SEC. 4112. REVIEW OF REGULATIONS TO ELIM-
nATE BARRIERS TO EMERGING EN-
ERGY TECHNOLOGY.
(a) In General.—Each Federal agency shall carry out a review of its regulations and other programs to determine those that act as a barrier to market entry for emerging energy-efficient technologies, including, but not limited to, fuel cells, combined heat and power, and distributed generation (including small-scale renewable energy).
(b) Report to Congress.—Not later than eighteen months from date of enactment of this section, the Secretary shall submit a report to Congress and the President detailing all regulatory barriers to emerging energy-
efficient technologies, along with actions the Secretary intends to take, or has taken, to re-
move such barriers.
(c) Periodic Review.—Each agency shall subsequently review and update its regulations and standards in this manner no less frequently than every 5 years, and report their findings to Congress and the President. Such reviews shall include a detailed analysis of all agen-
cy actions taken to remove existing barriers
to emerging energy technologies.
SEC. 4113. INTERAGENCY AGREEMENT ON ENV-
IRONMENTAL REVIEW OF INTER-
STATE NATURAL GAS PIPELINE PROJECTS.
The Secretary of Energy, in coordination with the Federal Energy Regulatory Commission, shall establish an administrative interagency task force to develop an inter-
agency agreement to expedite and facilitate the environmental review and permitting of interstate natural gas pipeline projects. The task force shall include representatives of the Bureau of Land Management and the Fish and Wildlife Serv-
ices in the Department of the Interior, the United States Army Corps of Engineers, the Environ-
mental Protection Agency, the Advisory Council on Historic Preservation and such other agencies as the Office and the Federal Energy Regulatory Commission deem appro-
riate. The interagency agreement shall re-
duire that agencies complete their review of infrastructure projects within a specific period of time after referral of the matter by the Federal Energy Regulatory Commission.
The agreement shall be completed within 6 months after the effective date of this sec-
tion.
SEC. 4114. PIPELINE INTEGRITY, SAFETY, AND RELIABILITY RESEARCH AND DE-
VELOPMENT.
(a) In General.—The Secretary of Trans-
portation, in coordination with the Sec-

SECRETARY OF ENERGY, shall imple-
ment an accelerated cooperative program of research and development to ensure the in-

tegrity of natural gas and hazardous liquid pipelines. This research and development program shall include materials inspection techniques, risk assessment methodology, and information system
(b) Purpose.—The purpose of the coopera-
tive research program shall be to promote research and development to—
(1) ensure long-term safety, reliability and service life for existing pipelines;
(2) expand capabilities of internal inspec-
tion devices to identify and accurately measure defects and anomalies;
(3) develop inspection techniques for pipe-
lines that cannot accommodate the internal inspection devices available on the date of enact-
ment of this Act;
(4) develop innovative techniques to measure the structural integrity of pipelines to prevent pipeline failures;
(5) develop improved materials and coatings
for use in pipelines;
(6) improve the capability, reliability, and practicality of external leak detection de-
vices;
(7) identify underground environments that might lead to shortened service life;
(8) enhance safety in pipeline siting and land use;
(9) minimize the environmental impact of pipelines;
(10) demonstrate technologies that improve pipeline safety, reliability, and integ-

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(1) provide risk assessment tools for optimizing risk mitigation strategies; and
(2) provide highly secure information systems for controlling the operation of pipelines.

(c) AREAS.—In carrying out this section, the Secretary of Transportation, in coordination with the Secretary of Energy, shall consider research and development on natural gas, crude oil, and petroleum product pipelines in—
(1) early crack, defect, and damage detection, including real-time damage monitoring;
(2) automated internal pipeline inspection sensor systems;
(3) land use guidance and set back management along pipeline rights-of-way for communities;
(4) internal corrosion control;
(5) corrosion-resistant coatings;
(6) improved cathodic protection;
(7) inspection techniques where internal inspection is not feasible, including measurement of structural integrity;
(8) external leak detection, including portable real time video imaging technology, and the advancement of computerized center control center detection systems utilizing real time remote field data input;
(9) longer life, high strength, non-corrosive pipeline materials;
(10) assessing the remaining strength of existing pipes;
(11) risk and reliability analysis models, to be used to identify safety improvements that could be realized in the near term resulting from analysis of data obtained from a pipeline performance tracking initiative;
(12) identification, monitoring, and prevention of outside force damage, including satellite surveillance; and
(13) any other areas necessary to ensuring the public safety and protecting the environment.

(d) RESEARCH AND DEVELOPMENT PROGRAM PLAN.—Within 240 days after the date of enactment of this Act, the Secretary of Transportation, in coordination with the Secretary of Energy and the Pipeline Integrity Technical Advisory Committee, shall enter into arrangements with the National Academy of Sciences to establish and manage the Pipeline Integrity Technical Advisory Committee for the purpose of advising the Secretary of Transportation and the Secretary of Energy on the development and implementation of the 5-year research, development, and demonstration program as defined in subsection (d). The Advisory Committee shall have an ongoing role in evaluating the progress and results of the research, development, and demonstration carried out under this section.

(2) MEMBERSHIP.—The National Academy of Sciences shall appoint the members of the Pipeline Integrity Technical Advisory Committee after consultation with the Secretary of Transportation and the Secretary of Energy. Members of the Advisory Committee should have the necessary qualifications to provide technical contributions to the purposes of the Advisory Committee.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation and to the Secretary of Energy for carrying out this section such sums as may be necessary for each of the fiscal years 2002 through 2006.

SEC. 4115. RESEARCH AND DEVELOPMENT FOR NEW NATURAL GAS TECHNOLOGIES.

(a) The Secretary of Energy shall conduct a comprehensive 5-year program for research, development and demonstration to improve the reliability, efficiency, safety, and integrity of the natural gas transportation and distribution infrastructure and for distributed energy resources (including microturbines, microturbine gas engines, reciprocating engines, hybrid power generation systems, and all ancillary equipment for dispatch, control, and maintenance) such as the ''Secretary'') to—

(1) ESTABLISHMENT.—The Secretary of Transportation shall enter into appropriate arrangements with the National Academy of Sciences to establish and manage the Pipeline Integrity Technical Advisory Committee for the purpose of advising the Secretary of Transportation and the Secretary of Energy on the development and implementation of the 5-year research, development, and demonstration program as defined in subsection (d). The Advisory Committee shall have an ongoing role in evaluating the progress and results of the research, development, and demonstration carried out under this section.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation and to the Secretary of Energy for carrying out this section such sums as may be necessary for each of the fiscal years 2002 through 2006.

SEC. 4141. RESEARCH AND DEVELOPMENT FOR COAL-BASED ELECTRICITY GENERATING FACILITIES.

(a) The Secretary of Energy shall conduct a research, development, and demonstration program designed to achieve cost and performance goals, either individually or in various combinations, to the achievement of cost and performance goals; and

(b) develop recommendations for technology development programs, which the Department of Energy could carry out in cooperation with industry, to develop and demonstrate such technologies.

(b) COOPERATION.—In carrying out this section, the Secretary shall give appropriate consideration to the expert advice of representatives from the entities described in section 4111(b).

SEC. 4201. PURPOSE.

The purpose of this title is to direct the Secretary of Energy (referred to in this title as the "Secretary") to—

(1) establish a coal-based technology development program designed to achieve cost and performance goals;

(2) carry out a study to identify technologies that may be capable of achieving, either individually or in combination, the cost and performance goals and for other purposes;

(3) implement a research, development, and demonstration program to develop and demonstrate, in commercial-scale applications for coal-fired generating units constructed before the date of enactment of this title,

SEC. 4202. COST AND PERFORMANCE GOALS.

(a) In GENERAL.—The Secretary shall perform an assessment that identifies costs and associated performance of technologies that would permit the continued cost-competitive use of coal for electricity generation, as chemical feedstocks, and as transportation fuel in 2007, 2015, and the years after 2020.

(b) CONSULTATION.—In establishing cost and performance goals, the Secretary shall consult with representatives of—

(1) the United States coal industry;

(2) State coal development agencies;

(3) the electric utility industry;

(4) railroads and other transportation industries;

(5) manufacturers of equipment using advanced coal technologies;

(6) organizations representing workers; and

(7) organizations formed to—

(A) further the goals of environmental protection;

(B) promote the use of coal; or

(C) promote the development and use of advanced coal technologies.

(c) TIMING.—The Secretary shall—

(1) not later than 120 days after the date of enactment of this Act, issue a set of draft cost and performance goals for public comment; and

(2) not later than 180 days after the date of enactment of this Act, and after taking into consideration any public comments received, submit to Congress the final cost and performance goals.

SEC. 4203. STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, shall conduct a study to—

(1) identify technologies capable of achieving cost and performance goals, either individually or in various combinations;

(2) assess costs that would be incurred by, and the period of time that would be required for, the development and demonstration of technologies that contribute, either individually or in various combinations, to the achievement of cost and performance goals; and

(3) develop recommendations for technology development programs, which the Department of Energy could carry out in cooperation with industry, to develop and demonstrate such technologies.

(b) COOPERATION.—In carrying out this section, the Secretary shall give appropriate consideration to the expert advice of representatives from the entities described in section 4111(b).

SEC. 4204. TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The Secretary shall carry out a program of research on and development, demonstration, and commercial application of coal-based technologies under—

(1) this division;

(2) the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5801 et seq.); and

(3) the Energy Reorganization Act of 1974 (42 U.S.C. 5801 et seq.); and

(b) CONDITIONS.—The research, development, demonstration, and commercial application programs identified in subsection (a) shall be designed to achieve the cost and performance goals, either individually or in various combinations.

(c) REPORTS.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the President and Congress a report containing—

(1) a description of the programs that, as of the date of the report, are in effect or are to
be carried out by the Department of Energy to support technologies that are designed to achieve significant improvements in performance goals; and (2) recommendations for additional authorities required to achieve the cost and performance goals.

SEC. 4206. POWER PLANT IMPROVEMENT INITIATIVE.

(a) In General.—The Secretary shall carry out a power plant improvement initiative that will demonstrate commercial applications of advanced coal-based technologies applicable to new or existing power plants, including co-production plants, that, individually or in combination, advance efficiency, environmental performance and cost competitiveness well beyond that which is in operation or has been demonstrated to date.

(b) Conditions of Authorization.—The authorization of appropriations under subsection (a) shall be in addition to authorizations of appropriations in effect on the date of enactment of this Act; and shall not be a cap on Department of Energy fossil energy research and development and clean coal technology appropriations.

SEC. 4207. FINANCIAL ASSISTANCE.

(a) In General.—The Secretary shall provide financial assistance to projects that—

(1) demonstrate overall cost reductions in the utilization of coal to generate useful forms of energy;

(2) increase the competitiveness of coal among various forms of energy to maintain a diverse, secure, and cost-effective electric grid; and

(b) Conditions of Authorization.—The authorization of appropriations under subsection (a) shall—

(1) be in addition to authorizations of appropriations in effect on the date of enactment of this title; and

(2) shall not be a cap on Department of Energy fossil energy research and development and clean coal technology appropriations.

SEC. 4208. FUNDING.

To carry out sections 4206 and 4207, there are authorized to be appropriated such sums as may be necessary.

SEC. 4209. RESEARCH AND DEVELOPMENT FOR ADVANCED SAFE AND EFFICIENT COAL MINING TECHNOLOGIES.

(a) The Secretary of Energy shall establish a cooperative research partnership involving appropriate Federal agencies, coal producers, including associations, equipment manufacturers, universities with mining engineering departments, and other relevant entities to demonstrate technologies identified by the Mining Industry of the Future Program and in the National Academy of Sciences report on Mining Technologies, establish a process for joint industry-government research; and expand mining research capabilities at universities.

(b) There may be appropriated to carry out the requirements of this section $10,000,000 in fiscal year 2004, $15,000,000 in fiscal year 2005, and $20,000,000 in fiscal year 2006.

SEC. 4210. RAILROAD EFFICIENCY.

(a) The Secretary shall, in conjunction with the Secretaries of Transportation and Defense, and the Administrator of the Environmental Protection Agency, establish a public-private research partnership involving the Federal Government, railroad carriers, locomotive manufacturers, and the Association of American Railroads. The goal of the initiative shall include developing and demonstrating technologies that increase fuel economy, reduce emissions, improve safety, and lower costs.

(b) There are authorized to be appropriated to carry out the requirements of this section $100,000,000 in fiscal year 2002, $150,000,000 in fiscal year 2003, and $200,000,000 in fiscal year 2004.

SEC. 4211. WATER RESOURCES.

(a) In General.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a plan to carry out subsection (a) that includes a description of—

(1) the program elements and management structure to be used;

(2) the technical milestones to be achieved with respect to each of the advanced coal-based technologies included in the plan; and

(3) the demonstration activities that will benefit new or existing coal-based electric generating units at least a 50 megawatt nameplate rating including improvements to allow the units to achieve either—

(A) an overall design efficiency improvement of 1 percentage point as compared with the efficiency of the unit as operated on the date of enactment of this title and before any retrofit, repowering, replacement or modification; or

(B) a significant improvement in the environmental performance related to the control of sulfur dioxide, nitrogen oxide or mercury in a manner that is well below the cost of technologies that are in operation or have been demonstrated to date; or

(C) a means of recycling or reusing a significant proportion of coal combustion wastes produced by coal-based generating units excluding practices that are commercially available at the date of enactment.

(b) Conditions of Authorization.—The authorization of appropriations under subsection (a) shall be in addition to authorizations of appropriations in effect on the date of enactment of this Act; and shall not be a cap on Department of Energy fossil energy research and development and clean coal technology appropriations.

SEC. 4212. FINANCIAL ASSISTANCE.

(a) In General.—Not later than 180 days after the date on which the Secretary submits to Congress the plan under section 4206(b), the Secretary shall solicit proposals for projects which serve or benefit new or existing facilities and, either individually or in combination, are designed to achieve the levels of performance set forth in section 4206(b)(3).

(b) Project Criteria.—A solicitation under subsection (a) may include solicitation of a proposal with respect to a project that—

(1) the emission of 1 or more pollutants; or

(2) the production of coal combustion byproducts that are capable of obtaining economic values significantly greater than by-products produced on the date of enactment of this title.

Title III—Oil and Gas

Subtitle A—Deepwater and Frontier Royalty Relief

SEC. 4301. SHORT TITLE.

This subtitle may be cited as the “Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(1)(D))”.


(a) Section 8(a)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(1)(D)) is amended by striking the word “area;” and inserting in lieu thereof the word “and”:

(b) Section 8(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)) is amended by adding at the end the following:

“(9) After an oil and gas lease is granted pursuant to any of the bidding systems of this title, the Secretary, whichever is greater, pursuant to this Act in Arctic areas of Alaska; and

“(b) an additional 10 percent of the qualified costs of exploratory wells drilled or geophysical work performed on any lease issued by the Secretary, whichever is greater.

For purposes of this Act, ‘qualified costs’ shall mean the costs allocated to the exploration or geophysical work in support of an exploration program pursuant to the Internal Revenue Code of 1986; ‘exploratory well’ shall mean either an exploratory well as defined by the Federal Government and Exchange Commission in sections 210.10(a)(10) of title 17, Code of Federal Regulations (or a successor regulation), or a well or a pipeline which transports oil or gas to a market or terminal; ‘geophysical work’ shall mean all geophysical data gathering methods used in hydrocarbon exploration and includes seismic, gravity, magnetic, and electromagnetic measurements; and all distances shall be measured in horizontal distance from a well or a pipeline which transports oil or gas to a market or terminal.

Nothing in this subtitle shall be construed to affect any offshore pre-lease, leasing, or development moratorium, including any moratorium applicable to the Eastern Planning Area of the Gulf of Mexico located off the Gulf Coast of Florida.

Subtitle B—Oil and Gas Royalties in Kind

SEC. 4310. PROGRAM ON OIL AND GAS ROYALTIES IN KIND.

(a) Applicability of Section.—Notwithstanding any other provision of law, the provisions of this subsection shall apply to all royalties in kind accepted by the Secretary of the Interior under any Federal oil or gas lease or permit under section 36 of the Mineral Leasing Act (30 U.S.C. 161) or section 27 of the Outer Continental Shelf Lands Act (43 U.S.C. 1333) or any other mineral leasing law from the date of enactment of this Act in Arctic areas of Alaska; and

(b) Terms and Conditions.—All royalty accruing to the United States under any Federal oil or gas lease or permit under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1333) is payable to the United States in kind in the form of hydrocarbon products from the resource which is the subject of such lease or permit.
SEC. 4331. DEFINITIONS.

In this subtitle:

1. APPLICATION FOR A PERMIT TO DRILL.—The term “application for a permit to drill” means a drilling plan including design, mechanical, and engineering aspects for drilling operations.

2. FEDERAL LAND.—The term “Federal land” means all lands and interests in land owned or operated by the United States that are subject to the mineral leasing laws, including mineral resources or mineral estates reserved to the United States in the conveyance of a surface estate.

3. TRANSFER OF AUTHORITY.—Not later than the date of enactment of this Act, the Secretary of the Interior shall transfer authority for the regulation of oil and gas leases on Federal lands to the Energy Department.

SEC. 4332. NO PROPRIETARY RIGHT.

Nothing in this subtitle gives a State a property right or interest in any Federal lease or land.

SEC. 4333. TRANSFER OF AUTHORITY.

Not later than the date that is 180 days after the date of enactment of this Act, the Secretary may notify the Secretary of the Interior that he has accepted the authority under paragraphs (1) and (2) of subparagraph (C) of section 35 of the Mineral Leasing Act (30 U.S.C. 1535(c)).

SEC. 4334. USE OF ROYALTY IN KIND OIL TO FILL THE STRATEGIC PETROLEUM RESERVE.

SEC. 4335. DEFINITIONS.

In this subtitle:

1. USE OF ROYALTY IN KIND OIL TO FILL THE STRATEGIC PETROLEUM RESERVE.—The term “use of royalty in kind oil to fill the strategic Petroleum Reserve” means the use of royalty in kind oil to fill the Strategic Petroleum Reserve.

2. BENEFIT TO THE UNITED STATES.—The term “benefit to the United States” means the United States.

3. OIL AND GAS CONSERVATION AUTHORITY.—The term “oil and gas conservation authority” means the agency or agencies in each State responsible for regulating for conservation purposes operations to explore for and produce oil and natural gas.

4. PROJECT.—The term “project” means an activity by a lessee, an operator, or an operating rights owner to explore for, develop, produce, or transport oil or gas resources.

5. SECRETARY.—The term “Secretary” means—

(a) the Secretary of the Interior, with respect to land under the administrative jurisdiction of the Department of the Interior; and

(b) the Secretary of Agriculture, with respect to land under the administrative jurisdiction of the Department of Agriculture.

6. SURFACE USE PLAN OF OPERATIONS.—The term “surface use plan of operations” means a plan for surface use, disturbance, and reclaimation.

SEC. 4336. NO AIR FRAGMENTS.

Nothing in this subtitle gives a State a property right or interest in any Federal lease or land.

SEC. 4337. TRANSFER OF AUTHORITY.

Not later than the date that is 180 days after the date of enactment of this Act, the Secretary may notify the Secretary of Energy that he has accepted the authority under paragraphs (1) and (2) of subparagraph (C) of section 35 of the Mineral Leasing Act (30 U.S.C. 1535(c)).

SEC. 4338. USE OF ROYALTY IN KIND OIL TO FILL THE STRATEGIC PETROLEUM RESERVE.

SEC. 4339. SHORT TITLE.

This subtitle may be cited as the “Federal Oil and Gas Lease Management Improvement Act of 2004”.
SEC. 4334. ACTIVITY FOLLOWING TRANSFER OF AUTHORITY.

(a) FEDERAL AGENCIES.—Following the transfer of authority, no Federal agency shall exercise the authority formerly held by the Secretary as to oil and gas operations and related operations on Federal land.

(b) STATE AUTHORITY.—

(1) IN GENERAL.—Following the transfer of authority, each State shall enforce its own oil and gas conservation laws and requirements pertaining to transferred oil and gas lease operations and related operations with due regard to the interest of the federal government as well as the State's own policies and requirements.

(2) PENDING ENFORCEMENT ACTIONS.—The Secretary may continue to enforce any pending actions respecting acts committed before the date on which authority is transferred to the State under section 4333 until those proceedings are concluded.

(c) PAYMENTS.—All applications respecting oil and gas lease operations and related operations on Federal land pending before the Secretary on the date on which authority is transferred under section 4333 shall be immediately transferred to the oil and gas conservation authority of the State in which the lease is located.

(2) ACTION BY THE STATE.—The oil and gas conservation authority shall act on the application in accordance with State laws (including regulations) and requirements.

SEC. 4335. COMPENSATION FOR COSTS.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall compensate any State for costs incurred to carry out the authorities transferred under section 4333.

(b) PAYMENT SCHEDULE.—Payments shall be made not less frequently than quarterly.

(c) COST BREAKDOWN REPORT.—Each State seeking compensation shall report to the Secretary a cost breakdown for the authorities transferred.

SEC. 4336. APPLICATIONS.

(a) LIMITATION ON COST RECOVERY.—Notwithstanding sections 394 and 504 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734, 1764) and section 701 of title 31, United States Code, the Secretary shall not recover the Secretary's costs with respect to applications and other documents relating to oil and gas leases.

(b) COMPLETION OF PLANNING DOCUMENTS AND ANALYSES.—In general.—The Secretary shall complete all resource management planning documents and analyses not later than 90 days after receiving any offer, application, or request for which a planning document or analysis is required to be prepared.

(c) PREPARATION BY APPLICANT OR LESSEE.—If the Secretary is unable to complete the documentation or analyses within the time prescribed by paragraph (1), the Secretary shall notify the applicant or lessee of the opportunity to prepare the required document or analysis under the agency's review and use in decisionmaking.

(d) REIMBURSEMENT FOR COSTS OF NEPA ANALYSES, DOCUMENTATION, AND STUDIES.—

(1) adequate funding to enable the Secretary to timely prepare a project-level analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to an oil or gas lease is not appropriated; and

(2) the lessee, operator, or operating rights owner voluntarily pays for the cost of the required analysis, documentation, or related study;

the Secretary shall reimburse the lessee, operator, or operating rights owner for its costs through any attributable to the lease, unit agreement, or project area.

SEC. 4337. TIMELINESS OF ISSUANCE OF DECISIONS.

(a) IN GENERAL.—The Secretary shall make in accord with the time limitations specified by paragraph (1), the Secretary shall notify the applicant or lessee of the opportunity to prepare the required document or analysis under the agency's review and use in decisionmaking.

(b) REIMBURSEMENT FOR COSTS OF NEPA ANALYSES, DOCUMENTATION, AND STUDIES.—

(1) adequate funding to enable the Secretary to timely prepare a project-level analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to an oil or gas lease is not appropriated; and

(2) the lessee, operator, or operating rights owner voluntarily pays for the cost of the required analysis, documentation, or related study;

the Secretary shall reimburse the lessee, operator, or operating rights owner for its costs through any attributable to the lease, unit agreement, or project area.

SEC. 4338. ELIMINATION OF UNWARRANTED DENIALS AND STAYS.

(a) IN GENERAL.—The Secretary shall ensure that the time limits for decisionmaking respecting acts committed before the date on which authority is transferred to the State under section 4333 are followed.

(b) PENDING APPLICATIONS.—

(1) DEADLINE.—From the time that a Federal oil and gas lease issuance and reservaion operations on Federal land are pending before the Secretary, before acting on the offer, application, or requiring modifications of any surface use plan of operations or application for permit to drill, the Secretary shall have 2 years in which to issue a final decision on the application.

(2) FAILURE TO MEET DEADLINE.—If an offer is not acted upon within that time, the offer shall be deemed to have been accepted.

(c) APPLICATION FOR PERMIT TO DRILL.—

(1) DEADLINE.—The Secretary shall accept or reject an offer to lease not later than 90 days after the filing of the offer.

(2) FAILURE TO MEET DEADLINE.—If an offer is not acted upon within that time, the offer shall be deemed to have been accepted.

(d) PENDING APPLICATIONS.—

(1) DEADLINE.—The Secretary shall accept or reject an offer to lease not later than 90 days after the filing of the offer.

(2) FAILURE TO MEET DEADLINE.—If an offer is not acted upon within that time, the offer shall be deemed to have been accepted.

(e) EFFECTIVENESS OF DECISION.—A decision of the Secretary respecting an oil and gas lease shall be effective promptly upon receipt of the decision, and not for 90 consecutive pricing days or when natural gas prices as delivered at Henry Hub, Louisiana, are less than $3.20 per million British thermal units (BTU).

(f) RENEWALS.—The Secretary shall issue a final decision in the appeal.

(g) REIMBURSEMENT.—The Secretary shall reimburse the lessee, operator, or operating rights owner for its costs through any attributable to the lease, unit agreement, or project area.

SEC. 4339. REPORTS.

(a) IN GENERAL.—Not later than March 31, 2002, the Secretaries shall jointly submit to Congress a report explaining the most efficient means of eliminating jurisdiction, duplication of effort, and inconsistent policymaking and policy implementation as between the Bureau of Land Management and the Forest Service.

(b) RECOMMENDATIONS.—The report shall include recommendations on statutory changes needed to implement the report's conclusions.

Subtitle E—Royalty Reinvestment in America

SEC. 4331. ROYALTY INCENTIVE PROGRAM.

(a) IN GENERAL.—To encourage exploration and development expenditures on Federal lands and the outer Continental Shelf for the development of oil and gas resources when the cash price of West Texas Intermediate crude oil, as posted on the Dow Jones Commodity Index, is $45 per barrel for 90 consecutive pricing days or when natural gas prices as delivered at Henry Hub, Louisiana, are less than $2.00 per million British thermal units.

(b) ROYALTY INCENTIVE.—The Secretary shall allow a credit against the payment of royalties on Federal oil production and gas production, respectively, an amount equal to 20 percent of the capital expenditures made on exploration and development activities on Federal oil and gas leases.

(c) CREDITING AGAINST ONSHORE FEDERAL ROYALTY OBLIGATIONS.—In no case
shall such capital expenditures made on outer Continental Shelf leases be credited against onshore Federal royalty obligations.

**TITLE IV—NUCLEAR**

**Subtitle A—Price-Anderson Amendments**

**SEC. 4401. SHORT TITLE.** This subtitle may be cited as the “Price-Anderson Amendments Act of 2001.”

**SEC. 4402. INDEMNIFICATION AUTHORITY.**

(a) INDEMNIFICATION OF NRC LICENSEES.—Section 170c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended by striking “August 1, 2002” each place it appears and inserting “August 1, 2012”.

(b) INDEMNIFICATION OF DOE CONTRACTORS.—Section 170d.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking “as approved by the Secretary deems necessary” and inserting “as necessary for each fiscal year thereafter”.

(c) INDEMNIFICATION OF NONPROFIT EDUCATIONAL INSTITUTIONS.—Section 170k. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(k)) is amended by striking “August 1, 2002” each place it appears and inserting “August 1, 2012.”

**SEC. 4403. DOE LIABILITY LIMIT.**

(a) AGGREGATE LIABILITY LIMIT.—Section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (2) and inserting the following:

“(2) In agreements of indemnification entered into under paragraph (1), the Secretary—

(A) may require the contractor to provide and maintain financial protection of such a type and in such amounts as the Secretary deems necessary to cover public liability arising out of or in connection with the contractual activity; and

(B) shall indemnify the persons indemnified under subsection (a) against the amount of the financial protection required, in the aggregate, for all persons indemnified in connection with such contract and for each nuclear incident, including such legal costs of the contractor as are necessary for each fiscal year thereafter.”

(b) CONTRACT AMENDMENTS.—Section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is further amended by striking paragraph (3) and inserting the following:

“(3) All agreements of indemnification under which the Department of Energy (or its predecessor agencies) may be required to indemnify any person, shall be deemed to be amended, on the date of enactment of the Price-Anderson Amendments Act of 2001, to reflect the amount of indemnity for public liability and any applicable financial protection required of the contractor under this subsection on such date.”.

**SEC. 4404. INCIDENTS OUTSIDE THE UNITED STATES.**

(a) AMOUNT OF INDEMNIFICATION.—Section 170d.(5) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(5)) is amended by striking “$500,000,000” and inserting “$500,000,000.”

(b) LIABILITY LIMIT.—Section 170e.(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4)) is amended by striking “$100,000,000” and inserting “$300,000,000.”

**SEC. 4405. REPORTS.**

Section 170p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking “August 1, 1996” and inserting “August 1, 2008”.

**SEC. 4406. INFLATION ADJUSTMENT.**

Section 170t. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(t)) is amended—

(1) by inserting paragraph (2) as a new paragraph (3); and

(2) by adding after paragraph (1) the following:

“(2) The Secretary shall adjust the amount of indemnification provided under an agreement of indemnification under subsection d. not less than once during each 5-year period following the date of enactment of the Price-Anderson Amendments Act of 2001, in accordance with the aggregate percentage change in the Consumer Price Index since—

(A) such agreement entered into, in the case of the first agreement entered into under this subsection; or

(B) the previous adjustment under this subsection.”

**SEC. 4407. CIVIL PENALTIES.**

(a) REPEAL OF AUTOMATIC REMISSION.—Section 234A.(b).2(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2232a(b)(2)) is amended by striking “$100,000,000” and inserting “$500,000,000”.

(b) LIMITATION FOR NONPROFIT INSTITUTIONS.—Section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2232a) is further amended by striking subsection d. and inserting the following:

“d. Notwithstanding subsection a., no contractor, subcontractor, or supplier considerations as determined by the Secretary to such contractor, subcontractor, or supplier under the contract under which the violation or violations occur.”

**SEC. 4408. EFFECTIVE DATE.**

(a) IN GENERAL.—The amendments made by this subtitle shall become effective on the date of enactment of this Act.

(b) INDEMNIFICATION PROVISIONS.—The amendments made by sections 4403 and 4404 shall not apply to any nuclear incident occurring before the date of enactment of this Act.

**SEC. 4409. CIVIL PENALTY PROVISIONS.**

The amendments by section 4407 to section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2232a) shall not apply to any violation occurring under a contract entered into before the date of enactment of this Act.

**Subtitle B—Funding from the Department of Energy**

**SEC. 4410. NUCLEAR ENERGY RESEARCH INITIATIVE.**

There are authorized to be appropriated $60,000,000 for fiscal year 2002 and such sums as are necessary for each fiscal year thereafter for a Nuclear Energy Research Initiative to be managed by the Director of the Office of Nuclear Energy, for grants to be competitively awarded and subject to peer review for research relating to nuclear energy. The Secretary of Energy shall submit to the Committee on Commerce, Science and Transportation, an annual report on the activities of the Nuclear Energy Research Advisory Council. The Secretary of Energy shall submit to the Committee on Science and the Committee on Appropriations in the House of Representatives, an annual report on the activities of the Nuclear Energy Plant Optimization Program.

**SEC. 4412. NUCLEAR ENERGY TECHNOLOGY DEVELOPMENT PROGRAM.**

There are authorized to be appropriated $25,000,000 for fiscal year 2002 and such sums as are necessary for each fiscal year thereafter for a Nuclear Energy Technology Development Program to be managed by the Director of the Office of Nuclear Energy, for a joint program with industry cost-shared by at least 50 percent and subject to annual review by the Secretary of Energy’s Nuclear Energy Research Advisory Council. The Secretary of Energy shall submit to the Committee on Science and the Committee on Appropriations in the House of Representatives, an annual report on the activities of the Nuclear Energy Plant Optimization Program.

There are authorized to be appropriated $50,000,000 for fiscal year 2002 and such sums as are necessary for each fiscal year thereafter for a Nuclear Energy Plant Optimization Program to be managed by the Director of the Office of Nuclear Energy, for a joint program with industry cost-shared by at least 50 percent and subject to annual review by the Secretary of Energy’s Nuclear Energy Research Advisory Council. The Secretary of Energy shall submit to the Committee on Science and the Committee on Appropriations in the House of Representatives, an annual report on the activities of the Nuclear Energy Plant Optimization Program.
paragraph (1) shall be adjusted for inflation for each fiscal year beginning after calendar year 2001, and, subject to the provisions of section 29(d)(2)(B) of the Internal Revenue Code of 1986, except that in applying such provisions, the calendar year 2001 shall be substituted for the calendar year 1979.

(e) SUNSET.—No payment may be made under this section to any nuclear energy facility after the expiration of the period of 20 fiscal years beginning with fiscal year 2001, and no payment may be made under this section to any such facility after a payment has been made with respect to such facility for a period of 15 fiscal years.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the purposes of this section $50,000,000 for each of the fiscal years 2001 through 2015.

SEC. 4421. NUCLEAR ENERGY EFFICIENCY IMPROVEMENTS.

(a) INCENTIVE PAYMENTS.—The Secretary of Energy shall make incentive payments to the owners or operators of qualified nuclear energy facilities to encourage improvements in the facilities that are directly related to improving the electrical output efficiency of such facilities by at least 1 percent.

(b) LIMITATIONS.—

(1) Incentive payments under this section shall not exceed 10 percent of the costs of the capital improvements concerned and not more than 1 payment may be made with respect to improvements at a single facility.

(2) No payments in excess of $1,000,000 in the aggregate shall be made with respect to improvements at a single facility.

(c) AUTHORIZATION.—There is authorized to be appropriated $50,000,000 for each of the fiscal years 2001 through 2015.

TITλE V—ARCTIC COASTAL PLAIN DOMESTIC ENERGY SECURITY ACT OF 2001

SEC. 4502. DEFINITIONS.

When used in this title the term—

(1) “1002 Area” means that area identified as “Coastal Plain” in the map entitled “Arctic National Wildlife Refuge”, dated August 1980, as referenced in section 1002(b) of the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3142) and comprising approximately 1,549,000 acres; and

(2) "Secretary" means, for so much as is provided in this title, the Secretary of the Interior or the Secretary’s designee.

SEC. 4503. LEASING PROGRAM FOR LANDS WITHIN THE 1002 AREA.

(a) AUTHORIZATION.—Congress hereby authorizes the Secretary, acting through the Bureau of Land Management in consultation with the Fish and Wildlife Service and other appropriate Federal offices and agencies, to take such actions as are necessary to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the 1002 Area and to administer the provisions of this title. The leasing, exploration, development, and all operations conducted under a lease issued or maintained under the provisions of this title shall be adequate to carry out the purposes and provisions of this title, including rules and regulations relating to the fish and wildlife, their habitat, subsistence resources, and the environment of the 1002 Area. Such rules and regulations shall be promulgated not later than fourteen months after the date of enactment of this title and all operations related to the leasing, exploration, development and production of oil and gas.

(b) REVISION OF REGULATIONS.—The Secretary shall periodically review and, if appropriate, revise the rules and regulations issued under subsection (a) of this section to reflect any significant biological, environmental, or engineering data which come to the Secretary’s attention.

SEC. 4506. LEASE SALES.

(a) LEASE SALES.—Leases may be leased pursuant to the provisions of this title to any person qualified to obtain a lease for development of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for the solicitation of sealed nominations for any area in the 1002 Area for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale; and the public notice of a lease sale shall be published in the Federal Register, on or before the 60th day before the date of the lease sale authorized by this title, and to grant rights-of-way and easements to carry out the purposes of this title.

SEC. 4504. RULES AND REGULATIONS.

(a) PROMULGATION.—The Secretary shall prescribe such rules and regulations as may be necessary to carry out the purposes and provisions of this title, including rules and regulations relating to the fish and wildlife, their habitat, subsistence resources, and the environment of the 1002 Area. Such rules and regulations shall be promulgated not later than fourteen months after the date of enactment of this title and shall, as of their effective date, apply to all operations conducted under a lease issued or maintained under the provisions of this title and all operations on the 1002 Area related to the leasing, exploration, development and production of oil and gas.
(b) ANTITRUST REVIEW.—Following each notice of a proposed lease sale and before the acceptance of bids and the issuance of leases based on such bids, the Secretary shall allow the Attorney General, in consultation with the terminal Trade Commission, 30 days to perform an antitrust review of the results of such lease sale on the likely effects the issuance of such leases would have on competition and the Attorney General may, upon request of the Attorney General, in consultation with the terminal Trade Commission, notify the Secretary of the results of such review in writing. No lease issued under this title may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary. Such approval shall be obtained by the Secretary shall consult with, and give due consideration to the views of, the Attorney General.

(c) IMMUNITY.—Nothing in this title shall be deemed to convey to any person, association, corporation, or other business organization immunity from civil or criminal liability, or to create defenses to actions, under any antitrust law.

(d) DEFINITIONS.—As used in this section, the terms—

(1) "antitrust review" shall be deemed an "antitrust investigation" for the purposes of the Antitrust Civil Process Act (15 U.S.C. 1311 et seq.) or any subsequent Act; and


SEC. 4508. LEASE TERMS AND CONDITIONS.

An oil or gas lease issued pursuant to this title shall—

(1) be for a tract consisting of a compact area not less than 5,760 acres, or 9 surveyed townships, or of terms or conditions on any lease, as may be appropriate to prevent any situation inconsistent with the antitrust laws;

(2) be for an initial period of 10 years and shall be extended for so long thereafter as oil or gas is produced in paying quantities from the lands covered by the lease;

(3) provide that, to the greatest extent practicable, lessees unite with each other in collectively adopting and operating under a cooperative or unit plan of development for operation of such pool, field, or lease, or any part thereof, and in order to avoid the unnecessary duplication of facilities, to protect the environment of the 1002 Area, and to protect surface resources, the Secretary shall require that, to the greatest extent practicable, lessees unite with each other in collectively adopting and operating under a cooperative or unit plan of development for operation of such pool, field, or lease, or any part thereof, and the Secretary is also authorized and directed to enter into such agreements as are necessary or appropriate for the protection of the United States against drainage;

(4) provide that the holder of a lease or leases on lands within the 1002 Area shall be fully responsible and liable for the reclamation of those lands within and any other Federal lands adversely affected in connection with exploration, development, production or transportation activities on a lease within the 1002 Area by the holder of a lease or as a result of activities conducted on the lease by any of the lessee's subcontractors or agents;

(5) provide for the payment of royalty as provided for in section 4507 of this title;

(6) contain such provisions relating to rental and other fees as the Secretary may prescribe at the time of offering the area for lease;

(7) contain such provisions relating to the terms and conditions of the lease described in section 4506 of this title as may be necessary to protect caribou calving areas and the environment, as required by section 4503(a) of this title; and

(8) provide for any other provisions necessary to ensure compliance with the provisions of this title and the regulations issued under this title.

SEC. 4509. BONDING REQUIREMENTS TO ENSURE FINANCIAL RESPONSIBILITY OF LESSEE AND AVOID FEDERAL LIABILITY.

(a) REQUIREMENT.—The Secretary shall, by rule or regulation, establish such standards and procedures as necessary to ensure that adequate bond, surety, or other financial arrangement will be established prior to the commencement of surface disturbing activities on any lease, to ensure the complete and timely reclamation of the lease tract, and to comply with and be consistent with the Federal Agreement and Grant of Right of Way for the Operation of the Trans-Alaska Pipeline, of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State; and

(b) AMOUNT.—The bond, surety, or financial arrangement shall be determined by the Secretary, to the greatest extent practicable, with reference to, and not in lieu of, any bond, surety, or financial arrangement required by any other regulatory authority or required by any other provision of law.

(c) ADJUSTMENT.—In the event that an approved exploration or development and production plan is revised, the Secretary may adjust the amount of the bond, surety, or other financial arrangement to conform to such modified plan.

(d) DURATION.—The responsibility and liability of the holder of the lease and its surety under the bond, surety, or other financial arrangement shall continue until such time as the Secretary determines that there has been compliance with the terms and conditions of the lease and all applicable laws.

(e) TERMINATION.—Within 60 days after determining that there has been compliance with the terms and conditions of the lease and all applicable laws, the Secretary, after...
consultation with affected Federal and State agencies, shall notify the lessee that the period of the lease under the bond, surety, or other financial arrangement has been terminated.

SEC. 4510. OIL AND GAS INFORMATION.

(a) IN GENERAL.—(1) Any lessee or permittee, in the normal conduct of business, the Secretary shall pay the reasonable cost of reproducing such data and information; or

(b) by a lessee or permittee, in such other form and manner of processing which is utilized by such lessee or permittee in the normal conduct of business, the Secretary shall pay the reasonable cost of reproducing such data and information; or

SEC. 4511. EXPEDITED JUDICIAL REVIEW.

(a) Any complaint seeking judicial review of any provision in this title, or any other provision of law, all revenues received by the Federal Government from competitive bids, sales, bonuses, royalties, rentals, fees, or interest derived from the leasing of oil and gas within the 1002 Area shall be deposited into the Treasury of the United States, solely as provided in this section. The Secretary of the Treasury shall pay to the State of Alaska, the same percentage of such revenues as is set forth under the heading “EXPLORATION OF NATIONAL PETROLEUM RESERVE IN ALASKA” in the Budget of the United States Government for fiscal year 2000 (42 U.S.C. 8621), is amended by striking “such sums as may be necessary for each of fiscal years 2000 through 2002, and $2,000,000,000 for each of fiscal years 2003 through 2004” and inserting “$2,000,000,000 for each of fiscal years 2000 through 2004”.

(b) PAYMENTS TO STATES.—Section 2602(d)(2) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 8621) is amended by striking “such sums as may be necessary for each of fiscal years 2000 through 2004” and inserting “$2,000,000,000 for each of fiscal years 2000 through 2004”.

(c) EMERGENCY FUNDS.—Section 2602(e) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 8621) is amended by striking “$500,000,000” and inserting “$1,000,000,000”.

SEC. 4602. ENERGY EFFICIENT SCHOOLS PROGRAM.

(a) ESTABLISHMENT.—There is established in the Department of Energy the Energy Efficient Schools Program (referred to in this section as the “Program”).

(b) ADMINISTRATION.—The Secretary shall administer the program of assistance to school districts pursuant to this section; and

(c) GRANTS TO ASSIST SCHOOL DISTRICTS.—Grants under subsection (b)(1) shall be used to—

(1) provide to school districts that have—

(2) authorize the program of assistance to school districts pursuant to this section; and

(3) Promote participation by school districts in the program established by this section.

(3) made a commitment to use the grant funds to develop energy efficient school buildings.
buildings in accordance with the plan developed and approved pursuant to subsection (e)(1).

(d) OTHER GRANTS.—

(1) GRANTS FOR ADMINISTRATION.—Grants under subsection (b)(2) shall be used to evaluate compliance by school districts with the requirements of this section and in addition may be used for—
(A) distributing information and materials to school officials and promote the development of energy efficient school buildings for both new and existing facilities;
(B) organizing and conducting programs for school personnel, architects, engineers, and others to advance the concept of energy efficient school buildings;
(C) obtaining technical services and assistance in planning and designing energy efficient school buildings; and
(D) collecting and monitoring data and information relating to the energy efficient school building projects.

(2) GRANTS TO PROMOTE PARTICIPATION.—Grants under subsection (b)(3) may be used for promotional and public relations activities, including facilitating private and public financing, promoting the use of energy service companies, working with school administrations, parents, students, and communities, and coordinating public benefit programs.

(e) IMPLEMENTATION.—

(1) PLANS.—Grants under subsection (b) shall be provided only to school districts that, in consultation with State offices of energy and education, have developed plans that the State energy office determines to be feasible and appropriate in order to achieve the purposes for which such grants were made.

(2) SUPPLEMENTING GRANT FUNDS.—The State agency referred to in paragraph (1) shall encourage qualifying school districts to supplement their grant funds with funds from other sources in the implementation of their plans.

(f) ALLOCATION OF FUNDS.—Except as provided in subsection (c), funds appropriated for the purpose of this section shall be provided to State energy offices to administer the program of assistance to school districts under this section.

(g) PURPOSES.—Except as provided in subsection (c), funds appropriated under this section shall be allocated as follows:

(1) Seventy percent shall be used to make grants under subsection (b)(1).

(2) Fifteen percent shall be used to make grants under subsection (b)(2).

(3) Fifteen percent shall be used to make grants under subsection (b)(3).

(h) OTHER FUNDS.—The Secretary of Energy may, through the Program established under subsection (a), retain an amount, not to exceed $300,000 per year, to assist State energy offices in coordinating and implementing such Program. Such funds may be used to develop reference materials to further define the principles and criteria to achieve energy efficient school buildings.

(1) AUTHORIZATION OF APPROPRIATIONS.—For this section, there are authorized to be appropriated $200,000,000 for each of fiscal years 2002 through 2005, and such sums as may be necessary for each of fiscal years 2006 through 2011.

(j) DEFINITIONS.—

(1) ELEMENTARY AND SECONDARY SCHOOL.—The term ‘elementary school’ and ‘secondary school’ shall have the same meaning given such terms in paragraphs (14) and (25) of section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(14),(25)).

(2) ENERGY EFFICIENT SCHOOL BUILDING.—The term ‘energy efficient school building’ refers to a building in which, in its design, construction, operation, and maintenance maximizes use of renewable energy and efficient energy practices, is cost-effective, environmentally preferable, durable materials, enhances indoor environmental quality, protects and conserves water, and optimizes site potential.

(3) RENEWABLE ENERGY.—The term ‘renewable energy’ means energy produced by solar, wind, geothermal, hydroelectric power, and biomass power.

SEC. 4603. AMENDMENTS TO WEATHERIZATION ASSISTANCE PROGRAM.

(a) ELIGIBILITY.—Section 412(7) of the Energy Conservation and Production Act (42 U.S.C. 8662(7)) is amended—

(1) in paragraph (7)(A), by striking ‘‘125’’ and inserting ‘‘150’’; and

(2) in paragraph (7)(C), by striking ‘‘125’’ and inserting ‘‘150’’.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 422(a) of the Energy Conservation and Production Act (42 U.S.C. 8627(a)) is amended—

(1) by striking ‘‘$200,000,000’’ and inserting ‘‘$250,000,000’’; and

(2) by striking ‘‘1991’’ and all that follow through ‘‘1991.’’ and inserting ‘‘2002, $325,000,000 for fiscal year 2003, $400,000,000 for fiscal year 2004, $500,000,000 for fiscal year 2005, and such sums as are necessary for each fiscal year thereafter.’’.

SEC. 4604. AMENDMENTS TO STATE ENERGY PROGRAM.

(a) STATE ENERGY CONSERVATION PLANS.—Section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) is amended by—

(1) redesignating subsection (f) as subsection (g); and

(2) inserting after subsection (e) the following:

‘‘(f) The Secretary shall, at least once every 3 years, invite the Governor of each State to review and, if necessary, revise the energy conservation plan of such State submitted under paragraph (7) of this section, and such reviews should consider the energy conservation plans of other States within the region, and identify opportunities and actions necessary in light of common energy conservation goals.’’.

(b) STATE ENERGY EFFICIENCY GOALS.—Section 364 of the Energy Policy and Conservation Act (42 U.S.C. 6324) is amended—

(1) by striking ‘‘October 1, 1991’’ and inserting ‘‘January 1, 2001’’;

(2) by striking ‘‘10’’ and inserting ‘‘25’’; and

(3) by striking ‘‘2000’’ and inserting ‘‘2010’’.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 365(f)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)(1)) is amended by striking ‘‘and’’ and all that follow through ‘‘1991’’ and inserting ‘‘$45,000,000 for fiscal year 1993, $75,000,000 for fiscal year 2002, $100,000,000 for fiscal years 2003 and 2004, $250,000,000 for fiscal year 2005, and such sums as are necessary for each fiscal year thereafter.’’.

SEC. 4605. ENHANCEMENT AND EXTENSION OF AUTHORITY RELATED TO FEDERAL ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) ENERGY SAVINGS THROUGH CONSTRUCTION OF REPLACEMENT FACILITIES.—Section 894 of the National Energy Conservation Policy Act (42 U.S.C. 8237c) is amended—

(1) in paragraph (2)—

(A) by redesigning subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting ‘‘(A)’’ after ‘‘(2)’’; and

(C) by adding at the end the following:

‘‘(j) The term ‘federal energy savings performance contract’ also means a reduction in the cost of energy, from such a base cost established through a methodology set forth in the contract, that would otherwise be utilized in 1 or more federally owned or other federally owned facilities by reason of the construction and operation of 1 or more new buildings or facilities.’’.

(2) in paragraph (3), by inserting after the first sentence the following: ‘‘The terms also mean a contract that provides for energy savings through the construction or operation of 1 or more new buildings or facilities.’’.

(b) COST SAVINGS FROM OPERATION AND MAINTENANCE EFFICIENCIES IN REPLACEMENT FACILITIES.—Section 801(a) of the National Energy Conservation Policy Act (42 U.S.C. 8292) is amended by adding at the end the following:

‘‘(3)(A) In the case of an energy savings contract or energy savings performance contract providing for the construction and the operation of 1 or more new buildings or facilities to replace 1 or more existing buildings or facilities, benefits accrue to the State agency referred to in paragraph (1) may include savings resulting from reduced costs of operation and maintenance at new and/or additional buildings or facilities, from a base cost of operation and maintenance established through a methodology set forth in the contract.

(B) Notwithstanding paragraph (2)(B), aggregate annual payments by an agency under an energy savings contract or energy savings performance contract referred to in subparagraph (A) may be made for purposes for which Section 369 of the Energy Policy and Conservation Act (42 U.S.C. 6329) is amended by striking ‘‘October 1, 2003’’ and inserting ‘‘October 1, 2008’’.

(c) 5-YEAR EXTENSION OF AUTHORITY.—Section 801(c) of the National Energy Conservation Policy Act (42 U.S.C. 8292c) is amended by striking ‘‘October 1, 2003’’ and inserting ‘‘October 1, 2008’’.

(d) UTILITY INCENTIVE PROGRAMS.—Section 564(e) of the National Energy Conservation Policy Act (42 U.S.C. 8256(c)) is amended—

(1) in paragraph (3), by adding at the end the following:

‘‘(6) A utility incentive program may include a contract or contract term for a reduction in the cost of energy, from such a base cost established through a methodology set forth in such a contract, that would otherwise be utilized in 1 or more federally owned or other federally owned facilities by reason of the construction or operation of 1 or more buildings or facilities, as well as benefits ancillary to the purpose of such contract or contract term designed to provide for cost-effective electricity demand management, energy efficiency, or water conservation. Notwithstanding section 202(a)(3) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(a)(3)), such contracts or contract terms may be made for periods not exceeding 25 years.’’;

(2) by adding at the end the following:

‘‘(7) A utility incentive program may include a contract or contract term for a reduction in the cost of energy, from such a base cost established through a methodology set forth in such a contract, that would otherwise be utilized in 1 or more federally owned or other federally owned facilities by reason of the construction or operation of 1 or more buildings or facilities, as well as benefits ancillary to the purpose of such contract or contract term designed to provide for cost-effective electricity demand management, energy efficiency, or water conservation. Notwithstanding section 202(a)(3) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(a)(3)), such contracts or contract terms may be made for periods not exceeding 25 years.’’.}

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consumption per gross square foot of its facilities by 30 percent by 2010 and 50 percent by 2020 relative to the base year for that particular facility.

(b) IMPLEMENTATION PLAN.—Not later than 1 year after date of enactment of this section, each agency shall develop and submit to Congress, the President, and the Committee on Appropriations of the United States House of Representatives and the Committee on Appropriations of the United States Senate, an annual report on the activities of the Energy Efficiency Science Initiative, including a description of the process used to award the funds and an explanation of how the research relates to energy efficiency.

TITLE VII—ALTERNATIVE FUELS AND USE OF ACQUIRING ENERGY

Subtitle A—Alternative Fuels

SEC. 4701. EXCEPTION TO HOV PASSENGER REQUIREMENTS FOR ALTERNATIVE FUEL VEHICLES.

Section 102(a)(1) of title 23, United States Code, is amended by inserting "(unless, at the discretion of the State transportation department, the vehicle is operated on or is fueled by an alternative fuel vehicle as defined in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211))" after "required".

SEC. 4702. ALTERNATIVE FUEL VEHICLE CREDITS FOR INSTALLATION OF QUALIFYING INFRASTRUCTURE.

Section 308 of the Energy Policy Act of 1992 (42 U.S.C. 13258) is amended by adding at the end the following:

"(e) CREDIT FOR ACQUISITION OR INSTALLATION OF QUALIFYING INFRASTRUCTURE.—The Secretary shall, in consultation with the Administrator of the Energy Information Administration, set guidelines for agencies to use in excluding certain facilities from meeting the requirements of this section.

(f) APPLICABILITY.—This order applies to each Federal agency operating 20 or more motor vehicles within the United States.

(g) DEFINITIONS.—In this section:

(1) "agency" means an executive agency as defined in 5 U.S.C. 105. Military departments, as defined in 5 U.S.C. 102, are covered under the auspices of the Department of Defense.

(2) "facility" means any individual building or collection of buildings, grounds, or structures, as well as any fixture or part thereof, including the associated energy or water-consuming support systems, which is constructed, renovated, or purchased in whole or in part directly or indirectly for the utility costs associated with its leased space, and Government-owned contractor-operated facilities.

SEC. 4607. ENERGY EFFICIENCY SCIENCE INITIATIVE.

There are authorized to be appropriated $25,000,000 for fiscal year 2001 and such sums as are necessary for each fiscal year thereafter, for the Secretary of Energy Efficiency and Renewable Energy in consultation with the Director of the Office of Science, for grants to be competitively awarded and subject to peer review for research relating to energy efficiency and renewable energy in the consultation with the Committee on Science and the Committee on Appropriations of the United States House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, an annual report on the activities of the Energy Efficiency Science Initiative, including a description of the process used to award the funds and an explanation of how the research relates to energy efficiency.

Title VII—Alternative Fuels and Use of Acquirable Energy

Subtitle A—Alternative Fuels

Section 102(a)(1) of title 23, United States Code, is amended by inserting "(unless, at the discretion of the State transportation department, the vehicle is operated on or is fueled by an alternative fuel vehicle as defined in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211))" after "required".

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(1) "agency" means an executive agency as defined in 5 U.S.C. 105. Military departments, as defined in 5 U.S.C. 102, are covered under the auspices of the Department of Defense.

(2) "facility" means any individual building or collection of buildings, grounds, or structures, as well as any fixture or part thereof, including the associated energy or water-consuming support systems, which is constructed, renovated, or purchased in whole or in part directly or indirectly for the utility costs associated with its leased space, and Government-owned contractor-operated facilities.

SEC. 4607. ENERGY EFFICIENCY SCIENCE INITIATIVE.

There are authorized to be appropriated $25,000,000 for fiscal year 2001 and such sums as are necessary for each fiscal year thereafter, for the Secretary of Energy Efficiency and Renewable Energy in consultation with the Director of the Office of Science, for grants to be competitively awarded and subject to peer review for research relating to energy efficiency and renewable energy in the consultation with the Committee on Science and the Committee on Appropriations of the United States House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, an annual report on the activities of the Energy Efficiency Science Initiative, including a description of the process used to award the funds and an explanation of how the research relates to energy efficiency.

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(2) "facility" means any individual building or collection of buildings, grounds, or structures, as well as any fixture or part thereof, including the associated energy or water-consuming support systems, which is constructed, renovated, or purchased in whole or in part directly or indirectly for the utility costs associated with its leased space, and Government-owned contractor-operated facilities.
SEC. 4705. LOCAL GOVERNMENT GRANT PROGRAM.

(a) ESTABLISHMENT.—Within 1 year of date of enactment of this section, the Secretary of Energy shall establish a program for making grants to local governments for covering the incremental cost of qualified alternative fuel motor vehicles.

(b) CRITERIA.—In deciding to whom grants shall be made under this subsection, the Secretary of Energy shall consider the goal of assisting the greatest number of applicants, provided that no grant award shall exceed $1,000,000.

(c) PRIORITIES.—Priority shall be given under this section to those local government fleets where the use of alternative fuels would have a significant beneficial effect on energy security and the environment.

(d) QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLE DEFINED.—For purposes of this section, a "qualified alternative fuel motor vehicle" means any motor vehicle which is capable of operating only on an alternative fuel.

(e) INCREMENTAL COST.—For purposes of this section the incremental cost of any qualified alternative fuel motor vehicle is equal to the amount of the excess of the price of such vehicle over such price for a gasoline or diesel motor vehicle of the same model.

SEC. 4710. RESIDENTIAL RENEWABLE ENERGY GRANT PROGRAM.

(a) IN GENERAL.—The Secretary of Energy shall develop and implement a grant program to offset a portion of the total cost of certain eligible residential renewable energy systems.

(b) ELIGIBILITY.—Grants may be awarded for—

(1) the new installation of an eligible residential renewable energy system for an existing dwelling unit;

(2) the purchase of an existing dwelling unit with an eligible residential renewable energy system that was installed prior to the date of enactment of this section;

(3) the addition to or augmentation of an existing eligible residential renewable energy system installed on a dwelling unit prior to the date of enactment of this section, provided that any such addition or augmentation results in additional electricity, heat, or other useful energy; or

(4) the construction of a new home or rental property which includes an eligible residential renewable energy system.

(c) TOTAL COST.—

(1) IN GENERAL.—For purposes of this section, "total cost" means expenditure of funds for—

(A) any equipment whose primary purpose is to provide for the collection, conversion, transfer, distribution, storage or control of electricity or heat generated from renewable energy;

(B) installation charges;

(C) labor costs properly allocable to the on-site production and delivery, or original installation of the system; and

(D) piping or wiring to interconnect such system to the dwelling unit.

(2) LIMITED SYSTEMS.—In the case of a system that is leased, "total cost" means the principal recovery portion of all lease payments scheduled to be made during the full term of the lease, excluding interest charges and maintenance expenses.

(3) EXISTING SYSTEMS.—In the case of addition to or augmentation of an existing system, "total cost" shall include only those expenditures related to the incremental cost of the addition or augmentation, and not the full cost of the system.

(d) CONDOMINIUMS.—

(1) LEASED SYSTEMS.—Grants provided under this section shall not exceed $3,000 per eligible residential renewable energy system, and shall be limited further as follows:

(I) For fiscal years 2002 and 2003, grants provided under this section shall be limited to the smaller of—

(A) 50 percent of the total cost of the energy system; or

(B) $3.00 per watt of system electricity output or equivalent.

(II) For fiscal years 2004 and 2005, grants provided under this section shall be limited to the smaller of—

(A) 40 percent of the total cost of the energy system; or

(B) $2.50 per watt of system electricity output.

(II) For fiscal years 2006 and 2007, grants provided under this section shall be limited to the smaller of—

(A) 30 percent of the total cost of the energy system; or

(B) $2.00 per watt of system electricity output.

(III) For fiscal years 2008 and 2009, grants provided under this section shall be limited to the smaller of—

(A) 20 percent of the total cost of the energy system; or

(B) $1.50 per watt of system electricity output.

(IV) For fiscal years 2010 and 2011, grants provided under this section shall be limited to the smaller of—

(A) 10 percent of the total cost of the energy system; or

(B) $1.00 per watt of system electricity output.

(e) LIMITATIONS.—No grant shall be allowed under this section for an eligible residential renewable energy system unless—

(1) such expenditure is made for property installed on or in connection with a dwelling unit which is not an accessory or portable unit;

(2) such property is installed in the United States and which is used as a residence;

(3) such property is certified by the Solar Rating Certification Corporation or a comparable entity endorsed by the government of the State in which such property is installed; and

(4) such system meets appropriate fire and electric code requirements.

(f) RENEWABLE ENERGY.—

(1) DEFINITIONS.—In this subsection:

(A) FORM OF RENEWABLE ENERGY.—The term "form of renewable energy" means energy produced through the use of—

(i) a solar photovoltaic system;

(ii) a solar thermal system;

(iii) wind;

(iv) biomass; and/or

(v) hydroelectric system; or

(vi) a source of geothermal energy.

(B) RENEWABLE ENERGY SYSTEM.—The term "renewable energy system" means property that uses a form of renewable energy to create electricity, heat, or any other form of useful energy.

(2) SOLAR PANELS.—No expenditure relating to a solar panel or other property installed as a roof (or portion thereof) shall fail to be treated as property described in paragraph (1) solely because it constitutes a structural component of the structure on which it is installed.

(g) ENERGY STORAGE MEDIUM.—Expenditures which are properly allocable to a swimming pool, hot tub, or any other energy storage medium which has a function other than the function of such storage shall not be taken into account for purposes of this section.

(h) SPECIAL RULES.—For purposes of this section:

(1) TENANT-STOCKHOLDER IN CONDOMINIUM.—For the purposes of this section, any tenant-stockholder in a condominium shall be treated as having made his proportionate share of any expenditures of such association.

(2) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term "condominium management association" means an organization which meets the requirements of 42 U.S.C. 2602(c) (other than subparagraph (E) thereof) with respect to a condominium project substantially all of the units of which are used as residences.

(3) RENEWABLE ENERGY SYSTEMS FOR MULTIPLE DWELLINGS.—

(1) IN GENERAL.—Any expenditure otherwise qualifying as an expenditure described in paragraph (1) of subsection (c) shall not be treated as failing to so qualify merely because such expenditure was made with respect to 2 or more dwelling units.

(2) LIMITS APPLIED SEPARATELY.—In the case of any expenditure described in subparagraph (A), the amount of the grant available under subsection (d) shall be computed separately with respect to the amount of the expenditure made for each dwelling unit.

(i) ANNUAL REPORT.—The Secretary shall submit to Congress and the President an annual report on grants distributed pursuant to this section. The report shall include, at minimum—

(I) a summary of the eligible residential renewable energy systems receiving grants in the year just concluded;

(II) an estimate of the renewable energy generation installed as a result of grants awarded, and its distribution by renewable energy source and geographic location;

(III) evidence that the program is contributing to declining costs for renewable energy technologies; and

(IV) description of the methods used to award such grants.

(j) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of this section, there are authorized to be appropriated $30,000,000 for fiscal year 2002 and such sums as are necessary for each fiscal year thereafter, but not to exceed $150,000,000 in any fiscal year.
and an estimate of the costs needed to develop each resource. The report shall also include each other information as the Secretary of Energy believes would be useful in siting renewable energy generation, such as appropriate terrain, population and load centers, existing transportation infrastructure, and location of energy and water resources.

(c) **AVAILABILITY.**—The information and cost estimates in this report shall be updated annually and made available to the public, along with the data used to create the report.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—For the purposes of carrying out this section, there are authorized to be appropriated $10,000,000 for fiscal years 2002 through 2006.

**Subtitle C—Hydroelectric Licensing Reform**

**SEC. 4721. SHORT TITLE.**

This subtitle may be cited as the ‘‘Hydroelectric Licensing Process Improvement Act of 2001.’’

**SEC. 4722. FINDINGS.**

Congress finds that—

(1) hydroelectric power is an irreplaceable source of clean, economic, renewable energy with the unique capability of supporting reliable electric service while maintaining environmental quality;

(2) hydroelectric power is the leading renewable energy resource of the United States;

(3) hydroelectric power projects provide multiple benefits to the United States, including recreation, irrigation, flood control, water supply, and fish and wildlife benefits;

(4) in the next 15 years, the bulk of all non-Federal hydroelectric power capacity in the United States is due to be relicensed by the Federal Energy Regulatory Commission;

(5) the process of licensing hydroelectric projects by the Commission—

(A) does not produce optimal decisions, because the agencies that participate in the process are not required to consider the full effects of their mandatory and recommended conditions on a license;

(B) is inefficient, in part because agencies do not always submit their mandatory and recommended conditions by a time certain;

(C) is burdened by uncoordinated environmental reviews and duplicative permitting authority; and

(D) is burdensome for all participants and too often results in litigation; and

(6) making other improvements in the licensing process.

**SEC. 4723. PURPOSE.**

The purpose of this subtitle is to achieve the objective of relicensing hydroelectric power projects to maintain high environmental standards while preserving low cost power by—

(1) requiring agencies to consider the full effects of their mandatory and recommended conditions on a hydroelectric power license and to document the consideration of a broad range of factors;

(2) requiring the Federal Energy Regulatory Commission to impose deadlines by which Federal agencies must submit proposed mandatory and recommended conditions to a license; and

(3) making other improvements in the licensing process.

**SEC. 4724. PROCESS FOR CONSIDERATION BY FEDERAL AGENCIES OF CONDITIONS TO LICENSES.**

(a) **IN GENERAL.**—Part I of the Federal Power Act (16 U.S.C. 791a et seq.) is amended by adding at the end the following:

> **‘‘SEC. 33. PROCESS FOR CONSIDERATION BY FEDERAL AGENCIES OF CONDITIONS TO LICENSES.‘‘**

> **‘‘(a) DEFINITIONS.—In this section:‘‘**

> **‘‘(1) CONDITION.—The term ‘condition’ means—‘‘**

> (A) a condition to a license for a project on a Federal reservation determined by a consulting agency for the purpose of the first proviso of section 4(e); and

> (B) a condition relating to the construction, maintenance, or operation of a fishway determined by a consulting agency for the purpose of the first sentence of section 4.

> **‘‘(2) CONSULTING AGENCY.—The term ‘consulting agency’ means—‘‘**

> (A) in relation to a condition described in paragraph (1)(A), the Federal agency with responsibility for supervising the reservation; and

> (B) in relation to a condition described in paragraph (1)(B), the Secretary of the Interior or the Secretary of Commerce, as appropriate.

> **‘‘(b) FACTORS TO BE CONSIDERED.—‘‘**

> (1) In considering a condition, a consulting agency shall take into consideration—

> (A) the Impacts of the condition on—

> (i) economic and power values;

> (ii) electric generation capacity and system reliability;

> (iii) air quality (including consideration of the impacts on greenhouse gas emissions); and

> (iv) drinking, flood control, irrigation, navigation, or recreation water supply.

> (B) compatibility with other conditions to be included in the license, including mandatory conditions of other agencies, when available; and

> (C) means to ensure that the condition addresses only direct project environmental impacts, and does so at the lowest project cost.

> **‘‘(c) DOCUMENTATION.—‘‘**

> (1) **IN GENERAL.**—In the course of the consideration of factors under paragraph (1) and before any review under subsection (e), a consulting agency shall create written documentation detailing, among other pertinent matters, all proposals made, comments received, facts considered, and analyses made regarding each of those factors sufficient to demonstrate that each of the factors was given full consideration in determining the condition to be submitted to the Commission.

> (2) **DATA.—For the purpose of paragraph (1), a condition shall be considered to have been subjected to appropriately substantiated scientific review if the review—

> (A) was based on current empirical data or field-test data;

> (B) was subjected to peer review;

> (C) addresses only direct project environmental impacts, and does so at the lowest project cost;

> (D) RELATIONSHIP TO IMPACTS ON FEDERAL RESERVATION.—In the case of a condition for the purpose of the first proviso of section 4(e), each condition determined by a consulting agency shall be directly and reasonably related to the impacts of the project within the Federal reservation.

> **(e) ADMINISTRATIVE REVIEW.—‘‘**

> (1) **OPPORTUNITY FOR REVIEW.**—Before submitting to the Commission a proposed condition to a license, an applicant is required to file a license application with the Commission, a consulting agency shall provide the proposed condition to the license applicant and offer the license applicant an opportunity to obtain expedited review before an administrative law judge or other independent reviewing body of—

> (A) the reasonableness of the proposed condition in light of the effect that implementation of the condition will have on the energy and economic values of a project; and

> (B) compliance by the consulting agency with the requirements of this section, including the requirement to consider the factors described in subsection (b)(1).

> **(2) COMPLETION OF REVIEW.—‘‘**

> (A) In general.—A review under paragraph (1) shall be completed not more than 180 days after the license applicant notifies the consulting agency of the request for review.

> **(B) FAILURE TO MAKE TIMELY COMPLETION OF REVIEW.—‘‘**

> If a review of a proposed condition is not completed within 180 days of the date specified by subsection (a)(1), the Commission may treat a condition submitted by the consulting agency as a recommendation is treated under section 19.

> **(C) REMAND.—‘‘**

> If the administrative law judge or reviewing body finds that a proposed condition is unreasonable or that the consulting agency failed to comply with any of the requirements of this section, the administrative law judge or reviewing body shall—

> (A) render a decision that—

> (i) explains the reasons for a finding that the condition is unreasonable and may make recommendations that the administrative law judge or reviewing body may have for the formulation of a condition that would not be found unreasonable; or

> (ii) explains the reasons for a finding that a requirement was not met and may describe any action that the consulting agency should take to meet the requirement; and

> (B) remand the matter to the consulting agency for further action.

> **(D) SUBMISSION TO THE COMMISSION.—‘‘**

> Following administrative review under this subsection, a consulting agency shall—

> (A) take such action as is necessary to—

> (i) withdraw the condition;

> (ii) formulate a condition that follows the recommendation of the administrative law judge or reviewing body; or

> (iii) otherwise comply with this section; and

> (B) include with its submission to the Commission a proposed condition—

> (i) the record on administrative review; and

> (ii) documentation of any action taken following administrative review.

> **(f) SUBMISSION OF FINAL CONDITION.—‘‘**

> (1) **IN GENERAL.**—After an applicant files with the Commission an application for a license, the Commission shall set a date by which a consulting agency shall submit to the Commission a final condition.

> **(2) LIMITATION.—‘‘** Except as provided in paragraph (1), the date for submission of a final condition shall be not later than 1 year after the date on which the Commission gives the consulting agency notice that a license application is ready for environmental review.

17306  CONGRESSIONAL RECORD—SENATE September 19, 2001
SEC. 4801. SHORT TITLE.

This subtitle may be cited as the ‘‘National Electric Reliability Act’’.

SEC. 4802. ELECTRIC ENERGY TRANSMISSION RELIABILITY.

(a) ELECTRIC RELIABILITY ORGANIZATION AND OVERSIGHT.

(1) IN GENERAL.—Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

‘‘SEC. 215. ELECTRIC RELIABILITY ORGANIZATION AND OVERSIGHT.

‘‘(a) DEFINITIONS.—In this section:

‘‘(1) AFFILIATED REGIONAL RELIABILITY ENTITY.—The term ‘affiliated regional reliability entity’ means an entity organized and incorporated under State law, or an organization formed under Federal law, that is not otherwise a public utility, that is an affiliate of a regional reliability organization, and that contracts to perform functions relating to the provision of electric energy to users of the bulk power system, including functions relating to the provision or planning of electric energy and the development of transmission facilities and methods of transmission to meet the needs of users, as determined by the regional reliability organization.

‘‘(2) BULK POWER SYSTEM.—The term ‘bulk power system’ means the interconnected system of bulk power transmission facilities of the United States, and any other electric energy facilities,！”
shall be enforceable by the Commission.

(c) EXISTING RELIABILITY STANDARDS.—

After the date of enactment of this section, and prior to the approval of an organization under subsection (d), any entity, including the North American Electric Reliability Council and its member regional reliability councils, may file any reliability standard, guidance, or practice that such entity would propose to be made mandatory and enforceable. The Commission, after allowing an opportunity to submit comments, may approve any such proposed mandatory standard, guidance, or practice, or any amendment thereto, if it finds that the standard, guidance, or practice, or amendment is just, reasonable, and not unduly discriminatory or preferential, and in the public interest.

The Commission may, without further proceeding or finding, grant its approval to any standard, guidance, or practice for which no substantive objections are filed in the comment period. Filed standards, guidelines, or practices, including any amendments thereto, shall be mandatory and applicable according to their terms following approval by the Commission and shall remain in effect until—

(1) withdrawn, disapproved, or superseded by an Organization Standard, issued or approved by the Electric Reliability Organization and made effective by the Commission under subsection (e); or

(2) disapproved by the Commission if, upon complaint or upon its own motion and after notice and an opportunity for comment, the Commission finds the standard, guidance, or practice unjust, unreasonable, unduly discriminatory, or preferential or not in the public interest.

Standards, guidelines, or practices in effect pursuant to the provisions of this subsection shall be enforceable by the Commission.

(d) ORGANIZATION APPROVAL.—

(1) The Electric Reliability Organization shall file with the Commission a statement of a final Commission rule under subsection (b)(3), an entity rule, or any variances or entity rules, and the Commission shall follow the procedures under subsection (b)(3) for such rule, or variance, or entity rule.

(2) The Commission shall provide public notice of the application and afford interested parties an opportunity to comment.

(3) The Commission shall approve the application if the Commission determines that—

(A) the Electric Reliability Organization has the ability to develop, implement, and enforce standards that provide for an adequate level of reliability of the bulk power system;

(B) permits voluntary membership to any user of the bulk power system or public interest interests in the selection of its directors and officers, in the exercise of oversight of the bulk power system reliability;

(D) ensures that no 2 industry sectors have the ability to control, and no 1 industry sector has undue influence, the Electric Reliability Organization’s discharge of its responsibilities (including actions by committees recommending standards to the Commission, or other board actions to implement and enforce standards);

(E) provides for governance by a board wholly comprised of independent directors;

(F) provides a funding mechanism and requirements that are just, reasonable, and not unduly discriminatory or preferential and are in the public interest, and which satisfy the requirements of subsection (i);

(G) establishes procedures for development of Organization Standards that provide reasonable notice and opportunity for public comment, taking into account the need for efficiency and effectiveness in decisionmaking and operations and the requirements for technical competency in the development of Organization Standards, and which standards development process has—

(i) openness;

(ii) balance of interests; and

(iii) not unduly discriminatory or preferential and are in the public interest;

(H) establishes fair and impartial procedures for enforcement of Organization Standards, either directly or through delegation to an affiliated regional reliability entity, including the imposition of penalties, limitations on activities, functions, or operations, or other appropriate sanctions;

(I) establishes procedures for notice and opportunity for public observation of all meetings, except that the procedures for public observation may include alternative procedures for emergencies or for the discussion of information the directors determine should take place in closed session, such as litigation, personnel actions, or commercially sensitive information;

(J) provides reconsideration of recommendations of States and State commissions; and

(K) addresses other matters that the Commission deems necessary or appropriate to ensure that the procedures, governance, and funding of the Electric Reliability Organization are just, reasonable, not unduly discriminatory or preferential, and are in the public interest.

(4) The Commission shall approve only 1 Electric Reliability Organization. If the Commission receives 2 or more timely applications that satisfy the requirements of this subsection, the Commission shall approve only the application it concludes will best implement the provisions of this section.

(5) The Commission, on its own motion or upon complaint, may direct the Electric Reliability Organization to develop an organization standard, including modification to an existing organization standard, address any specific matter by a date certain if the Commission considers such new or modified organization standard necessary or appropriate to further the purposes of this section. The Electric Reliability Organization shall file any such new or modified organization standard in accordance with this subsection.

(6) An affiliated regional reliability entity may make a proposal to a variance or entity rule to the Electric Reliability Organization. The affiliated regional reliability entity may request that the Electric Reliability Organization consider a variance or entity rule, and may file a notice of such request with the Commission, if expedited consideration is necessary to provide for bulk-power system reliability. If the Electric Reliability Organization fails to adopt the variance or entity rule, either in whole or in part, the affiliated regional reliability entity may request that the Commission review such action. If the Commission determines, after its review of such a request, that the action of the Electric Reliability Organization did not conform to the applicable standards and procedures approved by the Commission, or if the Commission determines that the variance or entity rule is just, reasonable, and not unduly discriminatory or preferential and in the public interest, and that the Electric Reliability Organization has unreasonably rejected the proposed variance or entity rule, then the Commission may remand the proposed variance or entity rule for further consideration by the Electric Reliability Organization or may direct the Electric Reliability Organization to further consideration by the entity or region reliability entity to develop a variance or entity rule consistent with that request by the affiliated regional reliability entity. Comments on the proposed variance or entity rule, if the Commission determines that such variance or entity rule is proposed by an affiliated regional reliability entity shall be submitted to the Electric Reliability Organization for review and filing with the Commission in accordance with the procedures specified in this subsection.
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“(E) Notwithstanding any other provision of this subsection, a proposed organization standard or amendment shall take effect according to its terms if the Electric Reliability Organization determines that an emergency exists requiring that such proposed standard or amendment take effect without notice or comment. The Electric Reliability Organization shall notify the Commission immediately following such determination, and shall file any emergency organization standard or amendment with the Commission not later than 5 days following such determination and shall include in such filing an explanation of the need for such emergency standard. Subsequently, the Commission shall provide notice of the organization standard or amendment for comment, and shall follow the procedures set out in paragraphs (2) and (3) for review of the new or modified organization standard. Any such organization standard that has gone into effect shall remain in effect unless and until suspended or disapproved by the Commission. If the Commission determines at any time that the emergency determination was not necessary, the Commission may suspend such emergency organization standard or amendment.

“(4) Each component of the bulk power system shall comply with any organization standard or amendment that takes effect under this section.

“(1) COORDINATION WITH CANADA AND MEXICO.—The Electric Reliability Organization shall take all appropriate steps to gain recognition in Canada and Mexico. The United States shall use its best efforts to enter into international agreements with the appropriate governments of Canada and Mexico to provide for effective compliance with organization standards and to provide for the effectiveness of the Electric Reliability Organization in carrying out its mission and responsibilities. All actions taken by the Electric Reliability Organization, any affiliated regional reliability entity, or the Commission shall be consistent with the provisions of such international agreements.

“(5) CHANGES IN PROCEDURES, GOVERNANCE, OR FUNCTIONS.—

“(1) The Electric Reliability Organization shall file with the Commission any proposed change in its procedures, governance, or funding that is related to the activities of an affiliated regional reliability entity’s procedures, governance, or funding relating to delegated functions, and shall include with the filing an explanation of the basis and purpose for the change.

“(2) A proposed procedural change may take effect 90 days after filing with the Commission if the change constitutes a statement of policy, practice, or interpretation with respect to the meaning or enforcement of an existing procedure. Otherwise, a proposed procedural change shall take effect only upon a finding by the Commission, after notice and opportunity for comment, that the change is just, reasonable, not unduly discriminatory or preferential, is in the public interest, and satisfies the requirements of subsection (d)(4).

“(3) A change in governance or funding shall not take effect unless the Commission finds that the change is just, reasonable, not unduly discriminatory or preferential, is in the public interest, and satisfies the requirements of subsection (d)(4).

“(4) The Commission, upon complaint or upon its own motion, may require the Electric Reliability Organization to amend the procedures, governance, or funding if the Commission determines that the amendment is necessary to meet the requirements of this section. The Electric Reliability Organization shall file the amendment with paragraph (1) of this subsection.

“(h) DELEGATIONS OF AUTHORITY.—

“(1) The Electric Reliability Organization shall propose an agreement with an entity for the delegation of authority to implement and enforce compliance with organization standards, that specifies geographic area if the organization finds that the entity requesting the delegation satisfies the requirements of subparagraphs (A), (B), (C), (D), (F), (J), and (K) of subsection (d)(4), and if the delegation promotes the effective and efficient implementation and administration of bulk power system reliability. The Electric Reliability Organization may enter into an agreement to delegate to the entity any other authority, except that the Electric Reliability Organization shall reserve the right to set and approve standards for bulk power system reliability.

“(2) The Electric Reliability Organization shall file with the Commission any agreement proposed under this paragraph, and any information the Commission requires with respect to the affiliated regional reliability entity to which authority is to be delegated by the Electric Reliability Organization shall be valid unless approved by the Commission, following public notice and an opportunity for comment, if it finds that the agreement meets the requirements of paragraph (1), and is just, reasonable, not unduly discriminatory or preferential, and is in the public interest. A proposed delegation agreement with an affiliated regional reliability entity organized on an interconnected system-wide basis shall be rebuttably presumed by the Commission to promote the effective and efficient implementation and administration of bulk power system reliability. No delegation by the Electric Reliability Organization shall be valid unless approved by the Commission.

“(3) A delegation agreement entered into under this subsection shall specify the procedures for an affiliated regional reliability entity to propose entity rules or modified entity rules to the Electric Reliability Organization. With respect to any such proposal that would apply on an interconnected system-wide basis, the Electric Reliability Organization shall include in the agreement, following public notice and an opportunity for comment, if it finds that the proposal—

“(i) was not developed in a fair and open process that provided an opportunity for all interested parties to participate;

“(ii) has a significant adverse impact on reliability or commerce in other interconnected systems;

“(iii) fails to provide a level of reliability of the bulk power system within the interconnected system such that it would constitute a serious and substantial threat to public health, safety, welfare, or national security; or

“(iv) creates a serious and substantial burden on competitive markets within the interconnected system that is not necessary for reliability.

“(B) Following an order of the Commission issued under paragraph (A), the Commission may suspend the affected agreement if the Electric Reliability Organization determines that the affiliated regional reliability entity or entities making the proposal demonstrate that it—

“(i) was developed in a fair and open process that provided an opportunity for all interested parties to participate;

“(ii) would not have an adverse impact on commerce that is not necessary for reliability;

“(iii) provides a level of bulk power system reliability adequate to protect public health, safety, welfare, and national security, and would not have a significant adverse impact on reliability;

“(iv) in the case of a variance, is based on legitimate differences between regions or between subregions within the affiliated region reliability entity.

“The Electric Reliability Organization shall approve or disapprove such proposal within 120 days, or the proposal shall be deemed approved. Following approval of a proposal under this paragraph, the Electric Reliability Organization shall seek Commission approval pursuant to the procedures prescribed under subsection (e)(3). Affiliated regional reliability entities may not make requests for approval directly to the Commission except pursuant to subsection (e)(3)(D).

“(4) If an affiliated regional reliability entity, or has failed to meet its obligations under this subsection.

“(5) The Electric Reliability Organization shall make such delegation.

“(5)(A) The Commission may, upon its own motion or upon complaint, and with notice to the appropriate affiliated regional reliability entity or entities, direct the Electric Reliability Organization to propose a modification to an agreement entered into under this subsection if the Commission determines that—

“(i) the affiliated regional reliability entity no longer has the capacity to carry out effectively and efficiently its functions, or enforcement responsibilities under that agreement, has failed to meet its obligations under that agreement, or has violated any provision of this section;

“(ii) the rules, practices, or procedures of the affiliated regional reliability entity no longer provide for fair and impartial discharge of its investigation or enforcement responsibilities under the agreement;

“(iii) the geographic boundary of a transmission entity approved by the Commission is not wholly within the boundary of the affiliated regional reliability entity and such difference is inconsistent with the effective and efficient implementation and administration of bulk power system reliability;

“(iv) the agreement is inconsistent with another delegation agreement as a result of actions taken under paragraph (4) of this subsection.

“(B) Following an order of the Commission issued under paragraph (A), the Commission may suspend the affected agreement if the Electric Reliability Organization determines that the affiliated regional reliability entity does not propose an appropriate and timely modification. If the agreement is suspended, the Electric Reliability Organization shall assume the previously delegated responsibilities.
The Commission shall allow the Electric Reliability Organization and the affiliated re-
gional transmission organizations to appeal an opportunity to appeal the suspension.

"(1) ORGANIZATION MEMBERSHIP.—Every system operator shall be required to be a member of the Electric Reliability Organiza-
tion and shall be required also to be a member of any affiliated regional reliability enti-
ty operating under an agreement effective pursuant to subsection (b) applicable to the region in which the system operator operates or is responsible for the operation of bulkpower system facilities.

"(j) INJUNCTIONS AND DISCIPLINARY AC-
TION.—

"(1) Consistent with the range of actions approved by the Commission under sub-
section (d)(4)(H), the Electric Reliability Or-
ganization may impose a penalty, limitation of activities, functions, operations, or other disciplinary action the Electric Reliability Organization finds appropriate against a user of the bulk power system if the Electric Reliabil-
ity Organization, after notice and an op-
portunity for interested parties to be heard, issues a final order determining whether a user of the bulk-power system has violated an organ-
ization standard. The Electric Reliability Organization shall immediately notify the Com-
mission of any disciplinary action im-
pended with respect to an act or failure to act of a user of the bulk-power system that af-
fected or threatened to affect bulk power system facilities located in the United States, and the sanctioned party shall have the right to seek modification or rescission of such disciplinary action by the Com-
mission. If the Commission finds it necessary to prevent a serious threat to reliability, the organization may seek injunctive relief in a Federal court in the district in which the af-
fected facilities are located.

"(2) A disciplinary action taken under paragraph (1) may take effect not earlier than the 30th day after the Electric Reliabil-
ity Organization files with the Commis-
sion its written finding and record of pro-
ceedings before the Electric Reliability Or-
ganization and the Commission posts its written finding and record of proceeding to its own motion or upon application by the user of the bulk power system which is the subject of the action, suspends the action. The action in effect shall be suspended unless and until the Commission, after notice and opportunity for hearing, af-
firms, sets aside, modifies, or reinstates the action, but the Commission shall conduct such hearing under procedures established to ensure expedited consideration of the action taken.

"(3) The Commission, on its own motion or on complaint, may order compliance with an organization standard and may impose a penalty, limitation of activities, functions, or operations, or take such other disciplinary action as the Commission finds appro-
priate, against a user of the bulk power sys-
tem with respect to actions affecting or threatening to affect bulk power system fa-
cilities located in the United States if the Commission finds, after notice and oppor-
tunity for a hearing, that the user of the bulk power system has violated or threatened to violate an organization standard.

"(4) The Commission may take such action as is necessary against the Electric Reliabil-
ity Organization or any affiliated regional reliability entity to ensure compliance with an organization standard, or any Commis-
sion order affecting the Electric Reliability Organization or an affiliated regional reli-
bility entity.

"(k) RELIABILITY REPORTS.—The Electric Reliability Organization shall conduct peri-
dodic assessments of the reliability and ade-
quacy of the interconnected bulk power sys-
tem in North America and shall report annu-
ally to the Secretary of Energy and the Com-
nission its findings and recommendations for monitoring or improving system reli-
ability and adequacy.

"(l) ASSESSMENT AND RECOVERY OF CERTAIN COSTS.—The reasonable costs of the Electric Reliability Organization, and the reasonable costs of each affiliated regional reliability entity that are related to implementation and enforcement of organization standards or other requirements contained in a delega-
tion agreement approved under subsection (h), shall be assessed by the Electric Reli-
ability Organization and each affiliated re-
gional reliability entity, respectively, taking into account the relationship of costs to each region and based on an allocation that reflects an equitable sharing of the costs among all end users. The Commission shall provide by rule for the review of such costs and allocations, pursuant to the standards in this subsection and subsection (d)(4)(F).

"(m) SAVINGS PROVISIONS.—

"(1) The Electric Reliability Organization shall have authority to develop, implement, and enforce organization standards for the reliable operation of only the bulk power system.

"(2) This section does not provide the Elec-
tric Reliability Organization with the au-

tority to set and enforce compliance with organ-
ization standards. Where such hindrance or con-
flict is identified, the Commission shall ad-

ress such hindrance or conflict, and the need for any changes to such rule, order, tar-
fiff, schedule, or agreement, if appro-

ved or ordered by the Commission in its order under subsection (e) regarding the pro-
posed standard. Where such hindrance or conflict is identified between a proposed or-
ganization standard and a provision of any rule, order, tariff, rate schedule, or agree-
ment accepted, approved or ordered by the Commis-
osion applicable to a regional transmission organ-
ization, nothing in this section shall require a change in the regional trans-
mision organization’s obligation to comply with such provision unless the Commission orders such a change and the change be-

comes effective. If the Commission finds that the tariff, rate schedule, or agreement needs to be changed, the regional trans-
mision organization must expeditiously make a sec-
tion 205 filing to reflect the change. If the Commission finds that the proposed organ-
ization standard needs to be changed, it shall remand the proposed organization standard to the electric reliability organization under subsection (e)(3)(B).

"(3) Except as provided in paragraph (5), to the extent hindrances and conflicts arise after approval of a reliability standard under subsection (e) or organization standard under subsection (e), each regional trans-
mision organization authorized by the Commis-
sion shall report to the Commission, and napt the electric reliability organization and any applicable affiliated regional reli-
bility entity, regarding whether the proposed organiza-
tion standard hinders or conflicts with that regional transmission organization’s ability to meet the requirements of regu-

lation, order, tariff rate schedule, or agree-

ment accepted, approved or ordered by the Commis-
osion. Where such hindrance or con-
flict is identified, the Commission shall ad-

ress such hindrance or conflict, and the need for any changes to such rule, order, tar-
fiff, schedule, or agreement, if appro-

ved or ordered by the Commission in its order under subsection (e) regarding the pro-
posed standard. Where such hindrance or conflict is identified between a proposed or-

ganization standard and a provision of any rule, order, tariff, rate schedule, or agree-

ment accepted, approved or ordered by the Commis-
osion applicable to a regional trans-
mision organization, nothing in this section shall require a change in the regional trans-
mision organization’s obligation to comply with such provision unless the Commission orders such a change and the change be-

comes effective. If the Commission finds that the tariff, rate schedule, or agreement needs to be changed, the regional trans-
mision organization must expeditiously make a sec-
tion 205 filing to reflect the change. If the Commission finds that the proposed organ-
ization standard needs to be changed, it shall remand the proposed organization standard to the electric reliability organization under subsection (e)(3)(B).
change and the change becomes effective. If the Commission finds that the tariff, rate schedules, or agreements accepted, approved or ordered by the Commission, in areas without an affiliated regional reliability entity, the electric reliability organization shall act as the affiliated regional reliability entity for purposes of this paragraph.

(5) For 180 days after approval of applicable subsection (b)(3) procedures, any reliability standard, guidance, or practice contained in Commission-accepted tariffs, rate schedules, or agreements otherwise in effect, whether Commission-authorized independent system operator or regional transmission organization shall remain in effect. Each such transmission organization acceptance of tariff, rate schedule, or agreement thereto shall be consistent with or in accordance with the provisions of this Act. The Commission shall review the actions of the applicable operator or organization, or upon complaint finds them to be unjust, unreasonable, unduly discriminatory or preferential, as to public interest. At the conclusion of such transition period, any such reliability standard, guidance, practice, or order thereto that the Commission determines is inconsistent with organization standards shall no longer apply.

(2) ENFORCEMENT.—Sections 316 and 316A of the Federal Power Act (16 U.S.C. 825o, 825t-1) are amended by striking "or 214" each place it appears and inserting "214, or 215." (a) APPLICATION OF ANTITRUST LAWS.—Notwithstanding any provision of law, each of the following activities are rebuttably presumed to be in compliance with the antitrust laws of the United States: (1) Activities undertaken by the Electric Reliability Organization under section 215 of the Federal Power Act or affiliated regional reliability entity operating under an agreement in effect under section 215(k) of such Act.

(b) Activities of a member of the Electric Reliability Organization or affiliated regional reliability entity in pursuit of organization objectives under section 215 of the Federal Power Act undertaken in good faith with the understanding that the organization, primary jurisdiction, and immunities and other constitutional rights, shall be available to the extent otherwise applicable.

Subtitle B—PURPA Mandatory Purchase and Sale Requirements

SEC. 4803. PURPA MANDATORY PURCHASE AND SALE REQUIREMENTS.

Section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2624-3) is amended by adding at the end the following:

"(m) TERMINATION OF MANDATORY PURCHASE AND SALE REQUIREMENTS.—(1) In general.—After the date of enactment of this subsection, no electric utility shall be required to enter into a new contract or obligation to purchase electric energy from, or sell electric energy under this section.

(2) No effect on existing rights and remedies.—Nothing in this subsection affects the right of the purchaser or seller under this section, or any other legal right, remedy, or defense available to either party with respect to the purchase or sale of electric energy or capacity from or to a facility under this section or any contract or obligation entered into or imposed under this section. This subsection does not supercede any other provision of law.

(A) The right to recover costs of purchasing such electric energy or capacity; and

(B) in States without competition for retail electric supply, the obligation of a utility to provide, at just and reasonable rates for consumption by a qualifying small power production facility or a qualifying cogeneration facility, backup, standby, and maintenance power.

(3) Recovery of costs.—

(A) Regulation.—To ensure recovery, by an electric utility that purchases electricity or capacity from a qualifying facility pursuant to an agreement entered into or imposed under this section on the date of enactment of this subsection, that the charges are not less than, and the costs associated therewith, or another electric utility that purchases electricity or capacity from or to a facility under this section under any contract or obligation entered into or imposed under this subsection, that the charges are not less than, the costs associated therewith.

(B) Enforcement.—A regulation under subparagraph (A) shall be enforceable in accordance with the provisions of law applicable to enforcement of regulations under the Federal Power Act.

Subtitle C—Repeal of the Public Utility Holding Company Act of 1935 and Enactment of the Public Utility Holding Company Act of 2001

SEC. 4810. SHORT TITLE.

This title may be cited as the "Public Utility Holding Company Act of 2001.

SEC. 4811. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Public Utility Holding Company Act of 1935 is no longer appropriate for the work of Federal and State regulators by placing certain constraints on the activities of holding company systems; and

(2) development since 1935, including changes in other regulatory systems such as the electric and gas industries, have called into question the continued relevance of the model regulated by that Act.

(b) Purposes.—The purposes of this title are—

(1) to eliminate unnecessary regulation, yet continue to provide for consumer protection of facilities, energy, and transmission rates and rate regulation by the Federal and State commissions to the extent that such information is relevant to rates paid by utility customers, while affording companies the flexibility required to compete in the energy markets; and

(2) to address protection of electric and gas utility customers by providing for Federal and State rates, rules, and records of all affiliates of a holding company system that are relevant to utility rates.

SEC. 4812. DEFINITIONS.

For the purposes of this title—

(1) the term "affiliate" of a company means any company 5 percent or more of the outstanding voting securities of which are owned, controlled, or held with power to own or control directly or indirectly, by such company;

(2) the term "associate company" of a company means any company in the same holding company system with such company;

(3) the term "Commission" means the Federal Energy Regulatory Commission;

(4) the term "company" means a corporation, partnership, association, joint stock company, business trust, or any organized group of persons, whether incorporated or not, or a receiver, trustee, or other liquidating agent of any of the foregoing;

(5) the term "utility company" means any company that owns or operates facilities used for the generation, transmission, or distribution of electric energy for sale; and

(6) the terms "wholesale generator" and "foreign utility company" have the same meanings as in sections 201 and 211, respectively, of the Public Utility Holding Company Act of 1935, as those sections existed on the date before the effective date of this Act.

(7) the term "utility company" means any company that owns or operates facilities used for distribution at retail (other than the distribution only to the extent necessary for resale of natural or manufactured gas for heat, light, or power);

(8) the term "holding company" means—

(A) any company that directly or indirectly controls, has the power to control, or is under common control with another company;

(B) any person determined by the Commission, after notice and opportunity for hearing, to exercise directly or indirectly (either alone or as a participant in a group), ownership of voting securities of a public utility company; and

(C) any person, determined by the Commission, who possesses or exercises significant influence over the management of a public utility company.

(9) the term "holding company system" means a holding company system, together with its subsidiary companies; and

(10) the term "jurisdictional rates" means rates established by the Commission for the transmission of electric energy in interstate commerce; the sale of electric energy at wholesale in interstate commerce, the transportation of natural gas in interstate commerce, and the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use; and

(11) the term "natural gas company" means a person or persons engaging in the transportation of natural gas in interstate commerce or the sale of such gas in interstate commerce for resale; and the term "person" means an individual or company; and

(12) the term "public utility" means any person who owns or operates facilities used for the transmission of electric energy in interstate commerce or sales of electric energy at wholesale in interstate commerce;

(13) the term "public utility company" means an electric utility company or a gas utility company;
The Public Utility Holding Company Act of 1935 (15 U.S.C. 79a et seq.) is repealed, effective 1 year after the date of enactment of this Act.

SEC. 4814. FEDERAL ACCESS TO BOOKS AND RECORDS.

(a) IN GENERAL.—Each holding company and each associate company thereof shall maintain, and shall make available to the Commission, such books, accounts, memoranda, and other records as the Commission deems to be relevant to costs incurred by such public utility company; and any officer, agent, or employee of any entity referred to in paragraph (1), (2), or (3) acting as such in the course of his or her official duty.

SEC. 4815. STATE ACCESS TO BOOKS AND RECORDS.

(a) IN GENERAL.—Upon the written request of a State commission having jurisdiction to regulate a public utility company in a holding company system, the holding company or any associate company or affiliate thereof, other than such public utility company, wherever located, shall produce for inspection books, accounts, memoranda, and other records that—

(1) have been identified in reasonable detail in a proceeding before the State commission;

(2) the State commission deems relevant to costs incurred by such public utility company; and

(3) are necessary for the effective discharge of the responsibilities of the State commission with respect to such proceeding.

(b) LIMITATION.—(a) does not apply to any person that is a holding company solely by reason of ownership of 1 or more more qualifying facilities under the Public Utility Regulatory Policies Act.

(c) CONFIDENTIALITY OF INFORMATION.—The production of books, accounts, memoranda, and other records under subsection (a) shall be subject to such terms and conditions as may be necessary and appropriate to safeguard against unwarranted disclosure to the public of any trade secrets or sensitive commercial information.

(d) EFFECT ON STATE LAW.—Nothing in this section shall preempt applicable State law concerning the production of books, records, or any other information, or in any way limit the rights of any State to obtain books, records, or any other information under any other Federal law, contract, or otherwise.

(e) COURT JURISDICTION.—Any United States court having jurisdiction in which the holding company is located shall have jurisdiction to enforce compliance with this section.

SEC. 4816. RULEMAKING.—Not later than 90 days after the date of enactment of this subtitle, the Commission shall promulgate such regulations as may be necessary or appropriate to implement this subtitle.

SEC. 4817. AFFILIATE TRANSACTION.

(a) IN GENERAL.—Nothing in this subtitle prohibits a person from engaging in or continuing to engage in activities or transactions in which it is legally engaged or authorized to engage on the effective date of this subtitle.

SEC. 4818. APPLICABILITY.

Nothing in this subtitle shall apply to—

(1) the United States;

(2) a State or any political subdivision of a State;

(3) any foreign governmental authority not operating in the United States;

(4) any agency, authority, or instrumentality of any entity referred to in paragraph (1), (2), or (3); or

(5) any officer, agent, or employee of any entity referred to in paragraph (1), (2), or (3) acting as such in the course of his or her official duty.

SEC. 4819. EFFECT ON OTHER REGULATIONS.

Nothing in this subtitle precludes the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to protect utility customers.

SEC. 4820. ENFORCEMENT.

The Commission shall have the same powers as set forth in section 827 of the Federal Power Act (16 U.S.C. 825d–825p) to enforce the provisions of this subtitle.

SEC. 4821. SAVINGS PROVISIONS.

(a) IN GENERAL.—Nothing in this subtitle shall—

(1) promulgate such regulations as may be necessary or appropriate to implement this title (other than section 4815); and

(2) submit to Congress detailed recommendations on technical and conforming amendments to Federal law necessary to carry out this subtitle and the amendments made by this subtitle.

SEC. 4822. IMPLEMENTATION.

All books and records that relate primarily to the functions transferred to the Commission under this subtitle shall be transferred from the Securities and Exchange Commission to the Commission.

SEC. 4824. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

SEC. 4825. CONFORMING AMENDMENT TO THE FEDERAL POWER ACT.

Section 318 of the Federal Power Act (16 U.S.C. 825q) is repealed.

Subtitle D—Emission-Free Control Measures Under State Implementation Plans

SEC. 4830. EMISSION-FREE CONTROL MEASURES UNDER A STATE IMPLEMENTATION PLAN.

Actions taken by a State to support the continued operation of existing emission-free electricity sources, or the construction or extension of new emission-free utility or electricity sources, shall be considered control measures necessary or appropriate to meet applicable requirements under section 110(a) of the Clean Air Act (42 U.S.C. 7410(a)) and shall be included in a State Implementation Plan.
TITLE IX—TAX INCENTIVES FOR ENERGY PRODUCTION AND CONSERVATION

SEC. 4901. SENSE OF CONGRESS REGARDING TAX INCENTIVES FOR ENERGY PRODUCTION AND CONSERVATION.

It is the sense of Congress that certain Federal regulations, including those contained in title IX of S. 389 as introduced in the First Session of the 107th Congress should be enacted into law to encourage energy production and conservation in the United States.

SA 1583. Mr. DORGAN (for Mrs. CLINTON) (for herself, Mr. SCHUMER, Mr. DORGAN, Mr. EDWARDS, Mr. BIDEN, Mr. BAYH, Mr. SARBANES, Mr. LEAHY, Mr. SHEELY, Ms. STABENOW, Mr. CLELAND, Mr. BREAUX, Mr. JOHNSON, Mr. CRAPO, Mr. SMITH of New Hampshire, Mr. HELMS, Mr. ALLARD, Mr. CHAPEL, Ms. CANTWELL, Mr. INHOFE, Mr. KERRY, Mr. MCCAIN, Mr. FEINGOLD, Mr. MURKOWSKI, Mr. WYDEN, Ms. SNOWE, and Mr. WARNER) proposed an amendment to the bill the H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SECTION 1. SHORT TITLE.

This title may be cited as the “9/11 Heroes Stamp Act of 2001.”

SEC. 2. REQUIREMENT THAT A SPECIAL COMMEMORATIVE POSTAGE STAMP BE DESIGNED AND ISSUED.

(a) IN GENERAL.—In order to afford the public a direct and tangible way to provide assistance to the families of emergency relief personnel killed or permanently disabled in the line of duty in connection with the terrorist attacks against the United States on September 11, 2001, the United States Postal Service shall issue a semipostal in accordance with this section.

(b) REQUIREMENTS.—The provisions of section 416 of title 39, United States Code, shall apply with respect to the semipostal described in subsection (a), subject to the following:

(1) RATE OF POSTAGE.—Section 414(b) of title 39, United States Code, shall apply with respect to the semipostal described in subsection (a), except that the rate of postage for a single stamp issued under this section shall be limited to $0.32.

(2) DISPOSITION OF AMOUNTS RECEIVED.—All amounts received from the sale of the semipostal (as determined under such section) shall be transferred to the Federal Emergency Management Agency under such arrangements as the Postal Service considers to be most appropriate, the efforts of emergency relief personnel at the site of the World Trade Center in New York City, and the Pentagon in Arlington, Virginia.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term “emergency relief personnel” means firefighters, law enforcement officers, paramedics, emergency medical technicians, members of the clergy, and other individuals (including employees of legally organized and recognized volunteer organizations, whether compensated or not) who, in the course of professional duties, respond to fire, medical, hazardous material, or other similar emergencies; and

(2) the term “semipostal” has the meaning given such term by section 416 of title 39, United States Code.

SA 1584. Mr. DORGAN (for Mr. HATCH) proposed an amendment to the bill the H.R. 2590, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 36, line 7, after the second colon insert the following:

"(f) For purposes of section 416 (including any regulation prescribed under subsection (e)(1)(C) of that section), the special postage stamp issued under this section shall not apply to any limitation relating to whether more than 1 semipostal may be offered for sale at the same time."

(c) DESIGN.—It is the sense of the Congress that the semipostal issued under this section should depict, by such design as the Postal Service considers to be most appropriate, the efforts of emergency relief personnel at the site of the World Trade Center in New York City, and the Pentagon in Arlington, Virginia.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term “emergency relief personnel” means firefighters, law enforcement officers, paramedics, emergency medical technicians, members of the clergy, and other individuals (including employees of legally organized and recognized volunteer organizations, whether compensated or not) who, in the course of professional duties, respond to fire, medical, hazardous material, or other similar emergencies; and

(2) the term “semipostal” has the meaning given such term by section 416 of title 39, United States Code.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Wednesday, September 26, 2001, beginning at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, D.C.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Public Lands and Forests, Committee on Energy and Natural Resources, United States Senate, 312 Dirksen Senate Office Building, Washington, D.C.

For further information, please contact Kira Finkler of the committee staff at (202) 224-8164.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, October 2, 2001, beginning at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of the hearing is to receive testimony on the science and implementation of the Northwest Forest Plan including its effect on species restoration and timber availability.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Public Lands and Forests, Committee on Energy and Natural Resources, United States Senate, 312 Dirksen Senate Office Building, Washington, D.C.

For further information, please contact Kira Finkler of the committee staff at (202) 224-8164.

PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that Matt King, a
be confirmed, the motion to reconsider the nomination of Robert Bonner to be Commissioner of Customs, that the nomination be discharged from the jurisdiction of the Senate; and that the Senate return to legislative session.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

PROVIDING FOR A JOINT SESSION OF CONGRESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 231 just received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 231) providing for a joint session of Congress to receive a message from the President.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be considered agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The concurrent resolution (H. Con. Res. 231) was agreed to.

DISCHARGE AND REFERRAL—H.R. 768

Mr. REID. Mr. President, I ask unanimous consent that H.R. 768, the Need-Based Educational Aid Act of 2001, be discharged from the HELP Committee and then referred to the Committee on the Judiciary.

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

The Concurrent Resolution (S. Con. Res. 67) was agreed to.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 68) providing for a joint session of Congress to consider the Concurrent Resolution (S. Con. Res. 68) submitted earlier by Senators Dodd and McConnell.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 68) providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, in regard to S. Con. Res. 68, I ask unanimous consent that the resolution be agreed to, that any statements thereon be printed in the Record, and that any statements supporting the concurrent resolution be printed in the Record.

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

The concurrent resolution (S. Con. Res. 68) was agreed to.

The resolution (S. Con. Res. 68) was agreed to.

The concurrent resolution (S. Con. Res. 68) was agreed to.

The text of the concurrent resolution is printed in today's Record under "Statements on Submitted Resolutions."

ORDERS FOR THURSDAY, SEPTEMBER 20, AND FRIDAY, SEPTEMBER 21, 2001

Mr. REID. I ask unanimous consent that when the Senate completes its business today it adjourn until 8:30 p.m. tomorrow, Thursday, September 20. I further ask consent that on Thursday, immediately following the prayer
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and pledge, the Journal of proceedings be approved to date, the morning hour to be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period for morning business until 8:40 p.m., with Senators permitted to speak for up to 5 minutes each. Further, that the Senate adjourn upon the conclusion of the joint session until 9 a.m. Friday, September 21. I further ask unanimous consent that on Friday, immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day.

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

PROGRAM

Mr. REID. On Thursday, the Senate will convene at 8:30 p.m. and there will be a joint session beginning at 9 p.m. to hear from the President of the United States. The Senators should be in the Senate Chamber by 8:40 to proceed to the House Chamber. There will be no rollcall votes tomorrow.

The Senate will then convene Friday at 9 a.m. The next rollcall vote will begin at 9:20 a.m. on Friday.

ADJOURNMENT UNTIL 8:30 P.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:41 p.m., adjourned until Thursday, September 20, 2001, at 8:30 p.m.

NOMINATIONS

Executive nominations received by the Senate September 19, 2001:

TENNESSEE VALLEY AUTHORITY

WILLIAM BAXTER, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE TERM EXPIRING MAY 18, 2011.

WILLIAM BAXTER, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR THE REMAINDER OF THE TERM EXPIRING MAY 18, 2002, VICE CRAVEN H. CROWELL, JR., RESIGNED.

DEPARTMENT OF STATE

JOHN PRICE, OF UTAH, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MAURITIUS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL AND ISLAMIC REPUBLIC OF THE COMOROS AND AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SICHUANN.

DEPARTMENT OF JUSTICE

PATRICK J. FITZGERALD, OF ILLINOIS, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS, VICE SCOTT RICHARD LASSAR, RESIGNED.

ALICE HOWZE MARTIN, OF ALABAMA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS, VICE G. DOUGLAS JONES, RESIGNED.

JOHN MCKAY, OF WASHINGTON, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF WASHINGTON FOR THE TERM OF FOUR YEARS, VICE KATRINA CAMPBELL PFLAUMER, RESIGNED.

KARL K. WARNER, II, OF WEST VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF FOUR YEARS, VICE REBECCA ALINE BETTS, RESIGNED.

IN THE ARMY

The following nominated officers for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under Title 10, U.S.C. Section 601:

To be lieutenant general

MAJ. GEN. JOHN M. LE MOYNE, 0000

To be lieutenant colonel

ROGER L ARMSTRAD, 0000 CH

GERALD K BEBBER, 0000 CH

FRANCIS M BELUE, 0000 CH

PAUL K BRADFORD, 0000 CH

RICHARD J CHAVARRIA, 0000 CH

RUBEN D COLON JR., 0000 CH

THOMAS M DURHAM, 0000 CH

STEPHEN E FERRAR, 0000 CH

JAMES R FOXWORTH, 0000 CH

DON E GERMAN, 0000 CH

JAMES L GRIFFEN, 0000 CH

CHARLES L HOWELL, 0000 CH

WILLIAM T LIGAIE, 0000 CH

RICHARD G QUINN, 0000 CH

MICHAEL L RAYNO, 0000 CH

KENNETH L STROOK, 0000 CH

JAMES R WHIRR JR., 0000 CH

GREGORY K WILLIAMSON, 0000 CH

CHRISTOPHER H WISDOM, 0000 CH

CARL S YOUNG JR., 0000 CH

CONFIRMATION

Executive Nomination Confirmed by the Senate September 19, 2001:

DEPARTMENT OF THE TREASURY

ROBERT C. BONNER, OF CALIFORNIA, TO BE COMMISSIONER OF CUSTOMS.
Tribute to Kenneth and Jennifer Lewis

HON. ERIC CANTOR
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 19, 2001

Mr. CANTOR. Mr. Speaker, I would like to take the opportunity today to pay tribute to Jennifer and Kenneth Lewis.

On Tuesday, September 11, 2001, the lives of a husband and wife from Culpeper, Virginia, were tragically wrenched from us. Jennifer and Kenneth Lewis, attendants on Flight 77, will be greatly missed by their family, their friends, and their community.

Rest assured that the people of Culpeper and across the Commonwealth mourn this great loss in unity.

Mr. and Mrs. Lewis are two of the courageous souls who paid the price on Tuesday for America’s freedom.

America was chosen as a target because it is the brightest beacon for freedom and democracy this world has ever known.

Jennifer and Kenneth stood on the anvil of America’s greatness and suffered as the representatives of our freedom and the values that have made America the strongest nation in the world.

Consequently, their memory will remain with us.

Their memory will guide us as America rebuilds and grows stronger in the wake of Tuesday’s tragedy.

The great loss of Jennifer and Kenneth will serve as a reminder to us of the precious value of each life and will draw us closer together as a community.

America must not forget Jennifer and Kenneth and those who perished with them, for their memory will motivate us to protect our families, our communities, and our Nation from future tragedy.

It is fitting that the Lewises were together on their final day—a demonstration of their unity and their strength as a family.

They have helped America to unify. We will now care more for our neighbor and treasure every day more dearly, in their honor.

God bless America. Our loss is not in vain. My prayers and those of my wife, Diana, remain with the family and friends of Jennifer and Kenneth Lewis and with the community of Culpeper.

Introduction of the Victory Bonds Act of 2001

HON. JOHN J. LaFALCE
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 19, 2001

Mr. LaFALCE. Mr. Speaker, I am today introducing legislation that will provide Americans in every part of the Nation with an opportunity to contribute directly to our Nation’s response to last week’s tragic events. The “Victory Bonds Act of 2001” directs the United States Treasury to issue special bonds to help finance the Federal government’s recovery and anti-terrorism efforts.

The American people have responded to last week’s murderous attacks on the World Trade Center and the Pentagon with great courage, generosity, and determination. Thousands of volunteers have joined in the rescue efforts in New York City and tens of thousands more have donated blood and contributed money and supplies to aid both the rescuers and victims. These efforts represent the true spirit and finest traditions of our American republic.

Americans in my district and across the country have called Federal offices asking how they can also assist in relief and rebuilding efforts and how they can show support for possible military operations against terrorism. The legislation I am introducing responds to these requests by directing the Treasury Department to offer special “Victory Bonds” to fund recovery operations, victim relief and military operations responding to the terrorist attacks. By purchasing these special U.S. bonds, patriotic citizens will make a direct contribution that helps heal and rebuild our Nation and expresses a common determination to resist all future terrorist attacks on American soil.

The “Victory Bonds Act of 2001” also directs the Treasury to place the proceeds of the bond sales into a separate Treasury fund that would be earmarked for recovery and anti-terrorism expenses. Americans who purchase the bonds should have assurance that they are contributing directly to Federal relief for terrorist victims and specific programs to combat terrorism. The bill is similar in this approach to legislation introduced in the Senate by Sen. Tim Johnson (D–SD).

The issuance of special bonds in times of national emergency is one of our country’s proudest traditions that dates back to the American Revolution. The war bond effort during World War II generated more than $200 billion as patriotic Americans sought to contribute to our Nation’s struggle against international fascism. A similar outpouring of public support will be needed in what could be a long and arduous effort to defeat international terrorism.

Just as special war bonds enabled our parents and grandparents to contribute to our military victory in World War II, purchases of Victory Bonds will give millions of Americans a vital and continuing role in our new struggle against terrorism. The bonds will help mobilize and direct public resources for emergency spending while signifying that all Americans stand together in their resolve to root out terrorism once and for all.

I urge prompt consideration of this important and timely legislation.

Honor of the New Jersey Urban Search and Rescue Team

HON. RUSHD D. HOLT
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, September 19, 2001

Mr. HOLT. Mr. Speaker, I rise to praise the members of the State of New Jersey Office of Emergency Management’s Urban Search and Rescue Team (NJTF–1), who responded to the call for assistance in New York City after the terrorist attack on September 11, 2001.

I had the privilege of spending time with their members who have created a tent city at the Jacob Javitz Convention Center. They are among the best-trained rescue personnel anywhere, and no one works harder than they do. They, along with the Federal Emergency Management Agency and others, have risen to the challenge of last week’s tragedy.

Within hours after the attack on the World Trade Center, the New Jersey Urban Search and Rescue Team were in New York City volunteering to assist in the immediate search for victims. The team stayed in New York City for nine days, away from their families, and in harm’s way, in order to help those in need. Tomorrow, they return to their homes and jobs in New Jersey. First NJTF–1 will stop at their deployment center in Lakehurst where their families and friends will celebrate their service to their fellow citizens.

On behalf of all of New Jersey’s residents, I am proud of these dedicated men and women and proud they serve not only the people of New Jersey, but all the people of the United States. They, like so many of New Jersey’s fire, police, and emergency medical technicians, deserve our praise and our thanks for their efforts in Manhattan. They have served as a bright light of hope in our days of darkness and are a testament to the unyielding will of the American people and the strength of our democracy.

I urge all my colleagues in the House to join me in honoring them for their dedication and their heroism.

Senate Committee Meetings

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
September 19, 2001

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 20, 2001 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

SEPTEMBER 21

9:30 a.m.
Governmental Affairs
To hold hearings to examine the U.S. response to homeland attacks.
SD-342

12 p.m.
Foreign Relations
To hold hearings on the nomination of Arlene Render, of Virginia, to be Ambassador to the Republic of Cote d’Ivoire; the nomination of Mattie R. Sharpless, of North Carolina, to be Ambassador to the Central African Republic; the nomination of R. Barrie Walkley, of California, to be Ambassador to the Republic of Guinea; the nomination of Jackson McDonald, of Florida, to be Ambassador to the Republic of The Gambia; the nomination of Kevin Joseph McGuire, of Maryland, to be Ambassador to the Republic of Namibia; the nomination of Ralph Leo Boyce, Jr., of Virginia, to be Ambassador to the Republic of Indonesia; and the nomination of Robert W. Jordan, of Texas, to be Ambassador to the Kingdom of Saudi Arabia.
SD-419

2 p.m.
Health, Education, Labor, and Pensions Employment, Safety and Training Subcommittee
To hold hearings to examine workplace safety for immigrant workers.
SD-430

SEPTEMBER 25

10 a.m.
Health, Education, Labor, and Pensions Public Health Subcommittee
To hold hearings to examine environmental health issues.
SD-430

Judiciary
To hold hearings to examine homeland defense matters.
SD-226

Armed Services
To hold hearings to examine the nomination of The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601: Gen. John W. Handy, to be General; the nomination of The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601: Adm. James O. Ellis Jr., to be Admiral; and the nomination of The following named officer for appointment as the Vice Chairman of the Joint Chiefs of Staff and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 152: Gen. Peter Pace, to be General.
SH-216

12 p.m.
Health, Education, Labor, and Pensions Business meeting to consider pending calendar business.
SD-430

Health, Education, Labor, and Pensions
To hold hearings to examine psychological trauma and terrorism, focusing on assurance that Americans receive the support they need.
SD-430

2:30 p.m.
Energy and Natural Resources Public Lands and Forests Subcommittee
To hold oversight hearings to examine the science and implementation of the Northwest Forest Plan including its effect on species restoration and timber availability.
SD-366

SEPTEMBER 26

10 a.m.
Health, Education, Labor, and Pensions Business meeting to consider pending calendar business.
SD-430

Health, Education, Labor, and Pensions
To hold hearings to examine the situation in Moldova, focusing on development in the Transdniestria region and the promised withdrawal of Russian military forces as well as armaments and ammunition from Moldova.
334 Cannon Building

2:30 p.m.
Energy and Natural Resources Public Lands and Forests Subcommittee
To hold oversight hearings to examine the effectiveness of the National Fire Plan in the 2001 fire season, including fuel reduction initiatives, and to examine the 10-Year Comprehensive Strategy for Reducing Wildland Fire Risks to Communities and the Environment.
SD-366

OCTOBER 2

2:30 p.m.
Energy and Natural Resources Public Lands and Forests Subcommittee
To hold oversight hearings to examine the interaction of old-growth forest protection initiatives and national forest policy.
SD-366