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Congressional Record

PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Thursday, October 11, 2001*

The House met at 10 a.m.

The Right Reverend Jane Holmes Dixon, Bishop of Washington, pro tempore, Washington, D.C., offered the following prayer:

Most gracious God, Creator and Ruler of the Universe, the one to whom there are many paths and to whom we call many days, we give You thanks this day for the men and women who serve our Nation in the House of Representatives.

We pray that as they make decisions for our welfare and enact laws for our country, You will guide them to perceive what is right and grant them both the courage to pursue it and the will to accomplish it.

In this time of great national tragedy, profound sadness, and indeed a fear among our people, touch us with Your compassion even as we contend against evil. Help us to know with certainty that love is stronger than hate, and as we make no peace with oppression, give us a devotion to justice and freedom here and throughout the world.

We pray also this day for George, our President, and for all our allies that they may be led to wise decisions and right actions for the welfare and peace of the world. Be especially with all who serve in the armed forces, defend them by day and night, strengthen them in their trials, and give them solace and courage as they offer their lives for freedom.

And we pray for our enemies. Lead them and us from prejudice to truth; and deliver them and us from hatred, cruelty and revenge.

Finally, I ask Your blessing on each and every one gathered here today. Comfort and keep them and make them ever mindful that You, O God, require us to do justice, to love mercy, and to walk humbly with our God. In Your most holy name we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. GREEN of Texas 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.

THE RIGHT REVEREND JANE HOLMES DIXON

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

Ms. NORTON. Mr. Speaker, the House is pleased to welcome the Right Reverend Jane Holmes Dixon who delivered the prayer this morning.

Bishop Dixon was named Bishop of Washington pro tempore, and will be the ecclesiastic authority during the search and transition for the eighth bishop of Washington. She has been suffragan bishop of the Episcopal Diocese of Washington. She is a native of Winona, Mississippi, and only the second woman to hold the Office of Bishop in the Episcopal Church.

All were moved after hearing Bishop Dixon at the service at Washington National Cathedral a few days after the September 11 attack on our country. This wife, this mother, this grandmother, presides over the diocese of the District of Columbia and four Maryland counties. She became a priest in 1982 and has served in churches in Maryland and Virginia. She got her doctorate of divinity in 1993 from the Virginia Theological Seminary.

Bishop Dixon not only serves her church, she serves her community, she serves on the theology and urban affairs committees of the House of Bishops, she is president of the Board of the Interfaith Alliance. She is a member of a board of the Fair Housing Council of Greater Washington and a member of the Women's Forum of Washington, D.C. Bishop Dixon has been selected by the Washingtonian Magazine as one of the 100 most influential women in the Washington, D.C. area. Bishop Jane Holmes Dixon, churchwoman, citizen.

CONFERENCE REPORT ON H.R. 2217, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. REGULA submitted the following conference report and statement on the bill (H.R. 2217) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes:

CONFERENCE REPORT (H. REPT. 107–234)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2217) ''making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes'', having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of

public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $775,632,000, to remain available until expended, of which $1,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act; of which $4,000,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $3,000,000 shall be available in fiscal year 2002 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $32,298,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $775,632,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors: Provided further, That of the amount provided, $28,000,000 is for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided further, That fiscal year 2001 balances in the Federal Infrastructure Improvement account for the Bureau of Land Management shall be transferred to and merged with this appropriation, and shall remain available until expended.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $624,421,000, to remain available until expended, of which not to exceed $19,774,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That unobligated balances of amounts previously appropriated to the ''Fire Protection'' and ''Emergency Department of the Interior Firefighting Fund'' may be transferred and merged with this appropriation: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships, or small or disadvantaged businesses: Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act in connection with wildland fire management activities.

For an additional amount to cover necessary expenses for burned areas rehabilitation and fire suppression by the Department of the Interior, $54,000,000, to remain available until expended, of which $34,000,000 is for wildfire suppression and $20,000,000 is for burned areas rehabilitation: Provided, That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $54,000,000 shall be available only to the extent an official budget request, that includes designation of the $54,000,000 as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,978,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account to be available until expended without further appropriation: Provided further, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $13,076,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $210,000,000, of which not to exceed $400,000 shall be available for administrative expenses and of which $50,000,000 is for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $49,920,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $105,165,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, and monitoring salvage timber sales and forest ecosystem health and recovery activities such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181–1 et seq., and Public Law 103–66) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use

authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: Provided, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: Provided further, That section 28f(a) of title 30, United States Code, is amended:

(1) In section 28f(a), by striking the first sentence and inserting, ''The holder of each unpatented mining claim, mill, or tunnel site, located pursuant to the mining laws of the United States, whether located before, on or after the enactment of this Act, shall pay to the Secretary of the Interior, on or before September 1 of each year for years 2002 through 2003, a claim maintenance fee of $100 per claim or site''; and

(2) In section 28g, by striking ''and before September 30, 2001'' and inserting in lieu thereof ''and before September 30, 2003''.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of longhorned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $850,597,000, to remain available until September 30, 2003, except as otherwise provided herein, of which $29,000,000 is for conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That fiscal year 2001 balances in the Federal Infrastructure Improvement account for the United States Fish and Wildlife Service shall be transferred to and merged with this appropriation, and shall remain available until expended: Provided further, That not less than $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: Provided further, That $2,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided further, That not to exceed $9,000,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $6,000,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species already listed pursuant to subsection (a)(1) as of the date of enactment this Act: Provided further, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $55,543,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $99,135,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs except that, in fiscal year 2002 only, not to exceed $2,500,000 may be used consistent with the Service's cost allocation methodology: Provided further, That the United States Fish and Wildlife Service is authorized to purchase the common stock of Yauhannah Properties, Inc. for the purposes of inclusion of real property owned by that corporation into the Waccamaw National Wildlife Refuge.

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $40,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: Provided, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, Tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish, or supplement existing, landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, or candidate species, or other at-risk species on private lands.

STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $10,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: Provided, That the amount provided herein is for the Secretary to establish a Private Stewardship Grants Program to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, or candidate species, or other at-risk species.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $96,235,000, to be derived from the Cooperative Endangered Species Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,414,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $43,500,000, to remain available until expended and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That, notwithstanding any other provision of law, amounts in excess of funds provided in fiscal year 2001 shall be used only for projects in the United States.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory

birds in accordance with the Neotropical Migratory Bird Conservation Act, Public Law 106–247 (16 U.S.C. 6101–6109), $3,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), $4,000,000, to remain available until expended: Provided, That funds made available under this Act, Public Law 106–291, and Public Law 106–554 and hereafter in annual appropriations Acts for rhinoceros, tiger, Asian elephant, and great ape conservation programs are exempt from any sanctions imposed against any country under section 102 of the Arms Export Control Act (22 U.S.C. 2799aa–1).

STATE WILDLIFE GRANTS

(INCLUDING RESCISSION OF FUNDS)

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $85,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That of the amount provided herein, $5,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, after deducting said $5,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof: and (B) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: Provided further, That any amount apportioned in 2002 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2003, shall be reapportioned, together with funds appropriated in 2004, in the manner provided herein.

Of the amounts appropriated in title VIII of Public Law 106–291, $25,000,000 for State Wildlife Grants are rescinded.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 74 passenger motor vehicles, of which 69 are for replacement only (including 32 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in Senate Report 105–56.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,476,977,000, of which $10,869,000 for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended; and of which $72,640,000, to remain available until September 30, 2003, is for maintenance repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which $2,000,000 is for the Youth Conservation Corps, defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act, for high priority projects: Provided, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office: Provided further, That none of the funds in this or any other Act may be used to fund a new Associate Director position for Partnerships.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $65,260,000.

CONTRIBUTION FOR ANNUITY BENEFITS

For reimbursement (not heretofore made), pursuant to provisions of Public Law 85–157, to the District of Columbia on a monthly basis for benefit payments by the District of Columbia to United States Park Police annuitants under the provisions of the Policeman and Fireman's Retirement and Disability Act (Act), to the extent those payments exceed contributions made by active Park Police members covered under the Act, such amounts as hereafter may be necessary: Provided, That hereafter the appropriations made to the National Park Service shall not be available for this purpose.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $66,159,000, of which $500,000 are for grants pursuant to the National Underground Railroad Network to Freedom Act of 1988 (16 U.S.C. 469l, as amended).

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), $30,000,000, to remain available until expended and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $74,500,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2003, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Control Act of 1985, as amended, for the purposes of such Act: Provided, That, of the amount provided herein, $2,500,000, to remain available until expended, is for a grant for the perpetual care and maintenance of National Trust Historic Sites, as authorized under 16 U.S.C. 470a(e)(2), to be made available in full upon signing of a grant agreement: Provided further, That, notwithstanding any other provision of law, these funds shall be available for investment with the proceeds to be used for the same purpose as set out herein: Provided further, That of the total amount provided, $30,000,000 shall be for Save America's Treasures for priority preservation projects, including preservation of intellectual and cultural artifacts, preservation of historic structures and sites, and buildings to house cultural and historic resources and to provide educational opportunities: Provided further, That any individual Save America's Treasures grant shall be matched by non-Federal funds: Provided further, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate

Committees on Appropriations prior to the commitment of grant funds: Provided further, That Save America's Treasures funds allocated for Federal projects shall be available by transfer to appropriate accounts of individual agencies, after approval of such projects by the Secretary of the Interior: Provided further, That none of the funds provided for Save America's Treasures may be used for administrative expenses, and staffing for the program shall be available from the existing staffing levels in the National Park Service.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $376,044,000, to remain available until expended, of which $66,851,000 is for conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That of the amount provided for Cuyahoga National Park, $200,000 may be used for the Cuyahoga Valley Scenic Railroad platform and station in Canton, Ohio.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2002 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $274,117,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control of 1985, as amended, for the purposes of such Act, of which $144,000,000 is for the State assistance program including $4,000,000 to administer the State assistance program, and of which $11,000,000 shall be for grants, not covering more than 50 percent of the total cost of any acquisition to be made with such funds, to States and local communities for purposes of acquiring lands or interests in lands to preserve and protect Civil War battlefield sites identified in the July 1993 Report on the Nation's Civil War Battlefields prepared by the Civil War Sites Advisory Commission: Provided, That lands or interests in land acquired with Civil War battlefield grants shall be subject to the requirements of paragraph 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(f)(3)): Provided further, That of the amounts provided under this heading, $15,000,000 may be for Federal grants to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed; and $16,000,000 may be for project modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act: Provided further, That funds provided under this heading for assistance to the State of Florida to acquire lands within the Everglades watershed are contingent upon new matching non-Federal funds by the State and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: Provided further, That none of the funds provided for the State Assistance program may be used to establish a contingency fund.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 315 passenger motor vehicles, of which 256 shall be for replacement only, including not to exceed 237 for police-type use, 11 buses, and 8 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided further, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

Notwithstanding any other provision of law, the National Park Service may convey a leasehold or freehold interest in Cuyahoga NP to allow for the development of utilities and parking needed to support the historic Everett Church in the village of Everett, Ohio.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $914,002,000, of which $64,318,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $16,400,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $8,000,000 shall remain available until expended for satellite operations; and of which $26,374,000 shall be available until September 30, 2003 for the operation and maintenance of facilities and deferred maintenance; and of which $166,389,000 shall be available until September 30, 2003 for the biological research activity and the operation of the Cooperative Research Units: Provided, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That of the amount provided herein, $25,000,000 is for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $150,667,000, of which $83,344,000, shall be available for royalty management activities; and an amount not to exceed $102,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: Provided, That to the extent $102,730,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $102,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That $3,000,000 for computer acquisitions shall remain available until September 30, 2003: Provided further, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the

Minerals Management Service (MMS) concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That MMS may under the royalty-in-kind pilot program use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, and to process or otherwise dispose of royalty production taken in kind: Provided further, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,105,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $102,800,000: Provided, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2002 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $203,455,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: Provided, That grants to minimum program States will be $1,500,000 per State in fiscal year 2002: Provided further, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $11,000,000: Provided further, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That, in addition to the amount granted to the Commonwealth of Pennsylvania under sections 402 (g)(1) and 402(g)(5) of the Surface Mining Control and Reclamation Act (Act), an additional $500,000 will be specifically used for the purpose of conducting a demonstration project in accordance with section 401(c)(6) of the Act to determine the efficacy of improving water quality by removing metals from eligible waters polluted by acid mine drainage: Provided further, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,799,809,000, to remain available until September 30, 2003 except as otherwise provided herein, of which not to exceed $89,864,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $130,209,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2002, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and up to $3,000,000 shall be for the Indian Self-Determination Fund which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts or cooperative agreements with the Bureau under such Act; and of which not to exceed $436,427,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2002, and shall remain available until September 30, 2003; and of which not to exceed $58,540,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $43,065,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2003, may be transferred during fiscal year 2004 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2004.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $357,132,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That for fiscal year 2002, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e): Provided further, That notwithstanding any other provision of law, not to exceed $450,000 in collections from settlements between the United States and contractors concerning the Dunseith Day School are to be made available for school construction in fiscal year 2002 and thereafter.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $60,949,000, to remain available until expended; of which $24,870,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618 and 102–575, and for implementation of other enacted water rights settlements; of which $7,950,000 shall be available for future water supplies facilities under Public

Law 106–163; of which $21,875,000 shall be available pursuant to Public Laws 99–264, 100–580, 106–263, 106–425, 106–554, and 106–568; and of which $6,254,000 shall be available for the consent decree entered by the U.S. District Court, Western District of Michigan in United States v. Michigan, Case No. 2:73 CV 26.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans, $4,500,000, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $75,000,000.

In addition, for administrative expenses to carry out the guaranteed loan programs, $486,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations, pooled overhead general administration (except facilities operations and maintenance), or provided to implement the recommendations of the National Academy of Public Administration's August 1999 report shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code (commonly known as the ''Federal Tort Claims Act'').

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $78,950,000, of which: (1) $74,422,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $4,528,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That of the funds provided herein for American Samoa government operations, the Secretary is directed to use up to $20,000 to increase compensation of the American Samoa High Court Justices: Provided further, That of the amounts provided for technical assistance, not to exceed $2,000,000 shall be made available for transfer to the Disaster Assistance Direct Loan Financing Account of the Federal Emergency Management Agency for the purpose of covering the cost of forgiving the repayment obligation of the Government of the Virgin Islands on Community Disaster Loan 841, as required by section 504 of the Congressional Budget Act of 1974, as amended (2 U.S.C. 661c): Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure (with territorial participation and cost sharing to be determined by the Secretary based on the grantees commitment to timely maintenance of its capital assets): Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $23,245,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $67,741,000, of which not to exceed $8,500 may be for official reception and representation expenses, and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $45,000,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $34,302,000, of which $3,812,000 shall be for procurement by contract of independent auditing services to audit the consolidated Department of the Interior annual financial statement and the annual financial statement of the Department of the Interior bureaus and offices funded in this Act.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $99,224,000, to remain available until expended: Provided, That funds for trust management improvements may be transferred, as needed, to the Bureau of Indian Affairs ''Operation of Indian Programs'' account and to the Departmental Management ''Salaries and Expenses'' account: Provided further, That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2002, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of

1983, as amended, by direct expenditure or cooperative agreement, $10,980,000, to remain available until expended and which may be transferred to the Bureau of Indian Affairs and Departmental Management.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $5,497,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: Provided further, That no programs funded with appropriated funds in the ''Departmental Management'', ''Office of the Solicitor'', and ''Office of Inspector General'' may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire operations'' shall be exhausted within 30 days: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: Provided, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 113. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

SEC. 114. A grazing permit or lease that expires (or is transferred) during fiscal year 2002 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752) or if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expiring permit or lease shall continue in effect under the new permit or lease until such time as the Secretary of the Interior completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary's statutory authority: Provided, That any Federal lands included within the boundary of Lake Roosevelt National Recreation Area, as designated by the Secretary of the Interior on April 5, 1990, (Lake Roosevelt Cooperative Management Agreement) that were utilized as of March 31, 1997, for grazing purposes pursuant to a permit issued by the National Park Service, the person or persons so utilizing such lands as of March 31, 1997, shall be entitled to renew said permit under such terms and conditions as the Secretary may prescribe, for the lifetime of the permittee or 20 years, whichever is less.

SEC. 115. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: Provided, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 116. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2002. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 117. None of the funds in this Act may be used to establish a new National Wildlife Refuge in the Kankakee River basin that is inconsistent with the United States Army Corps of Engineers' efforts to control flooding and siltation in that area. Written certification of consistency shall be submitted to the House and Senate Committees on Appropriations prior to refuge establishment.

SEC. 118. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2002 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 119. (a) The Secretary of the Interior shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106–291) are used only in accordance with this section.

(b) The lands of the Huron Cemetery shall be used only: (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and (2) as a burial ground.

SEC. 120. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 121. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 122. Section 412(b) of the National Parks Omnibus Management Act of 1998, as amended (16 U.S.C. 5961) is amended by striking ''2001'' and inserting ''2002''.

SEC. 123. Notwithstanding other provisions of law, the National Park Service may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 124. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings including those collected in fiscal year 2001, may be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 125. TRIBAL SCHOOL CONSTRUCTION DEMONSTRATION PROGRAM. (a) DEFINITIONS.—In this section:

(1) CONSTRUCTION.—The term ''construction'', with respect to a tribally controlled school, includes the construction or renovation of that school.

(2) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given that term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(4) TRIBALLY CONTROLLED SCHOOL.—The term ''tribally controlled school'' has the meaning given that term in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511).

(5) DEPARTMENT.—The term ''Department'' means the Department of the Interior.

(6) DEMONSTRATION PROGRAM.—The term ''demonstration program'' means the Tribal School Construction Demonstration Program.

(b) IN GENERAL.—The Secretary shall carry out a demonstration program to provide grants to Indian tribes for the construction of tribally controlled schools.

(1) IN GENERAL.—Subject to the availability of appropriations, in carrying out the demonstration program under subsection (b), the Secretary shall award a grant to each Indian tribe that submits an application that is approved by the Secretary under paragraph (2). The Secretary shall ensure that an eligible Indian tribe currently on the Department's priority list for construction of replacement educational facilities receives the highest priority for a grant under this section.

(2) GRANT APPLICATIONS.—An application for a grant under the section shall—

(A) include a proposal for the construction of a tribally controlled school of the Indian tribe that submits the application; and

(B) be in such form as the Secretary determines appropriate.

(3) GRANT AGREEMENT.—As a condition to receiving a grant under this section, the Indian tribe shall enter into an agreement with the Secretary that specifies—

(A) the costs of construction under the grant;

(B) that the Indian tribe shall be required to contribute towards the cost of the construction a tribal share equal to 50 percent of the costs; and

(C) any other term or condition that the Secretary determines to be appropriate.

(4) ELIGIBILITY.—Grants awarded under the demonstration program shall only be for construction of replacement tribally controlled schools.

(c) EFFECT OF GRANT.—A grant received under this section shall be in addition to any other funds received by an Indian tribe under any other provision of law. The receipt of a grant under this section shall not affect the eligibility of an Indian tribe receiving funding, or the amount of funding received by the Indian tribe, under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) or the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

SEC. 126. WHITE RIVER OIL SHALE MINE, UTAH. (a) SALE.—The Administrator of General Services (referred to in this section as the ''Administrator'') shall sell all right, title, and interest of the United States in and to the improvements and equipment described in subsection (b) that are situated on the land described in subsection (c) (referred to in this section as the ''Mine'').

(b) DESCRIPTION OF IMPROVEMENTS AND EQUIPMENT.—The improvements and equipment referred to in subsection (a) are the following improvements and equipment associated with the Mine:

(1) Mine Service Building.

(2) Sewage Treatment Building.

(3) Electrical Switchgear Building.

(4) Water Treatment Building/Plant.

(5) Ventilation/Fan Building.

(6) Water Storage Tanks.

(7) Mine Hoist Cage and Headframe.

(8) Miscellaneous Mine-related equipment.

(c) DESCRIPTION OF LAND.—The land referred to in subsection (a) is the land located in Uintah County, Utah, known as the ''White River Oil Shale Mine'' and described as follows:

(1) T. 10 S., R. 24 E., Salt Lake Meridian, sections 12 through 14, 19 through 30, 33, and 34.

(2) T. 10 S., R. 25 E., Salt Lake Meridian, sections 18 and 19.

(d) USE OF PROCEEDS.—The proceeds of the sale under subsection (a)—

(1) shall be deposited in a special account in the Treasury of the United States; and

(2) shall be available until expended, without further Act of appropriation—

(A) first, to reimburse the Administrator for the direct costs of the sale; and

(B) second, to reimburse the Bureau of Land Management Utah State Office for the costs of closing and rehabilitating the Mine.

(e) MINE CLOSURE AND REHABILITATION.—The closing and rehabilitation of the Mine (including closing of the mine shafts, site grading, and surface revegetation) shall be conducted in accordance with—

(1) the regulatory requirements of the State of Utah, the Mine Safety and Health Administration, and the Occupational Safety and Health Administration; and

(2) other applicable law.

SEC. 127. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (73 Stat. 470; 18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 128. The Lytton Rancheria of California shall not conduct Class III gaming as defined in Public Law 100–497 on land taken into trust for the tribe pursuant to Public Law 106–568 except in compliance with all required compact provisions of section 2710(d) of Public Law 100–497 or any relevant Class III gaming procedures.

SEC. 129. Moore's Landing at the Cape Romain National Wildlife Refuge in South Carolina is hereby named for George Garris and shall hereafter be referred to in any law, document, or records of the United States as ''Garris Landing''.

SEC. 130. From within funds available to the National Park Service, such sums as may be necessary shall be used for expenses necessary to complete and issue, no later than January 1, 2004, an Environmental Impact Statement (EIS) to identify and analyze the possible effects of the 1996 increases in the number of vessel entries issued for Glacier Bay National Park and Preserve: Provided, That such EIS, upon its completion, shall be used by the Secretary to set the

maximum level of vessel entries: Provided further, That until the Secretary sets the level of vessel entries based on the new EIS, the number of vessel entries into the Park shall be the same as that in effect during the 2000 calendar year and the National Park Service approval of modified Alternative 5 and promulgation of the final rule issued on May 30, 1996, relating to vessel entries, including the number of such entries, for Glacier Bay National Park and Preserve are hereby approved and shall be in effect notwithstanding any other provision of law until the Secretary sets the maximum level of vessel entries consistent with this section: Provided further, That nothing in this section shall preclude the Secretary from suspending or revoking any vessel entry if the Secretary determines that it is necessary to protect Park resources.

SEC. 131. No funds contained in this Act shall be used to approve the transfer of lands on South Fox Island, Michigan until Congress has authorized such transfer.

SEC. 132. Funds provided in this Act for Federal land acquisition by the National Park Service for Brandywine Battlefield, Mississippi National River and Recreation Area, Shenandoah Valley Battlefields National Historic District, and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other governmental land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 133. Section 902(b)(5) of Public Law 106–568 is hereby amended by inserting a comma after ''N½''.

SEC. 134. CLARIFICATION OF THE SECRETARY OF THE INTERIOR'S AUTHORITY UNDER SECTIONS 2701–2721 OF TITLE 25, UNITED STATES CODE. The authority to determine whether a specific area of land is a ''reservation'' for purposes of sections 2701–2721 of title 25, United States Code, was delegated to the Secretary of the Interior on October 17, 1988: Provided, That nothing in this section shall be construed to permit gaming under the Indian Gaming Regulatory Act on the lands described in section 123 of Public Law 106–291 or any lands contiguous to such lands that have not been taken into trust by the Secretary of the Interior.

SEC. 135. BLACK ROCK DESERT-HIGH ROCK CANYON EMIGRANT TRAILS NATIONAL CONSERVATION AREA. (a) AREAS INCLUDED.—The Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000 is amended in sections 4(b) (16 U.S.C. 460ppp–2(b)) and 8(a) (16 U.S.C. 460ppp–6(a)) by striking ''July 19, 2000'' each place it appears and inserting ''October 3, 2001''.

(b) ROAD MAINTENANCE.—Section 5 of the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000 (16 U.S.C. 460ppp–3) is amended by adding at the end the following:

''(h) ROAD MAINTENANCE.—Within the conservation area the Secretary may permit the use of gravel pits for the maintenance of roads within the conservation area under the Materials Act of 1947 (30 U.S.C. 601 et seq.) to the extent consistent with this Act and subject to such regulations, policies, and practices as the Secretary considers necessary.''.

(c) HUNTING, TRAPPING, AND FISHING.—Section 8 of the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000 (16 U.S.C. 460ppp–6) is amended by adding at the end the following:

''(e) HUNTING, TRAPPING, AND FISHING.—

''(1) IN GENERAL.—Nothing in this Act diminishes the jurisdiction of the State of Nevada with respect to fish and wildlife management, including regulation of hunting and fishing on public land in the areas designated as wilderness under subsection (a).

''(2) APPLICABLE LAW.—Any action in the areas designated as wilderness under subsection (a) shall be consistent with the Wilderness Act (16 U.S.C. 1131 et seq.).''.

(d) WILDLAND FIRE PROTECTION.—Section 8 of the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000 (16 U.S.C. 460ppp–6) (as amended by subsection (c)) is amended by adding at the end the following:

''(f) WILDLAND FIRE PROTECTION.—Nothing in this Act or the Wilderness Act (16 U.S.C. 1131 et seq.) precludes a Federal, State, or local agency from conducting wildland fire management operations (including prescribed burns) within the areas designated as wilderness under subsection (a), subject to any conditions that the Secretary considers appropriate.''.

(e) WILDERNESS STUDY RELEASE.—Section 8 of the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act of 2000 (16 U.S.C. 460ppp–6) (as amended by subsection (d)) is amended by adding at the end the following:

''(g) WILDERNESS STUDY RELEASE.—Congress—

''(1) finds that the parcels of land in the wilderness study areas referred to in subsection (a) that are not designated as wilderness by subsection (a) have been adequately studied for wilderness designation under section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782); and

''(2) declares that those parcels are no longer subject to the requirement of subsection (c) of that section pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.''.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $241,304,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $291,221,000, to remain available until expended, as authorized by law, of which $65,000,000 is for the Forest Legacy Program, and $36,000,000 is for the Urban and Community Forestry Program, defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the Forest Service notifies the House Committee on Appropriations and the Senate Committee on Appropriations, in writing, of specific acquisition of lands or interests in lands to be undertaken with such funds: Provided further, That notwithstanding any other provision of law, of the funds provided under this heading, $4,500,000 shall be made available to Kake Tribal Corporation as an advanced direct lump sum payment to implement the Kake Tribal Corporation Land Transfer Act (Public Law 106–283).

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,331,439,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided, That unobligated balances available at the start of fiscal year 2002 shall be displayed by budget line item in the fiscal year 2003 budget justification: Provided further, That the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands: Provided further, That of the funds provided under this heading for Forest Products, $5,000,000 shall be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuel reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,214,349,000, to remain available until expended: Provided, That such funds including unobligated balances under this head, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2001 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): Provided further, That notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazard reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service; Provided further, That of the funds provided, $209,010,000 is for hazardous fuel treatment, $3,668,000 is for rehabilitation and restoration, $10,376,000 is for capital improvement and maintenance of fire facilities, $22,265,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $50,383,000 is for state fire assistance, $8,262,000 is for volunteer fire assistance, $11,974,000 is for forest health activities on state, private, and Federal lands, and $12,472,000 is for economic action programs: Provided further, That amounts in this paragraph may be transferred to the ''State and Private Forestry'', ''National Forest System'', ''Forest and Rangeland Research'', and ''Capital Improvement and Maintenance'' accounts to fund state fire assistance, volunteer fire assistance, and forest health management, vegetation and watershed management, heritage site rehabilitation, wildlife and fish habitat management, trails and facilities maintenance

and restoration: Provided further, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in House Report No. 105–163: Provided further, That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged businesses: Provided further, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriation, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: Provided further, That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106–393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: Provided further, That:

(1) In expending the funds provided with respect to this Act for hazardous fuels reduction, the Secretary of the Interior and the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretaries applicable to hazardous fuel reduction activities under the wildland fire management accounts. Notwithstanding Federal government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments on Federal lands using grants and cooperative agreements. Notwithstanding Federal government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to—

(A) local private, nonprofit, or cooperative entities;

(B) Youth Conservation Corps crews or related partnerships, with State, local and nonprofit youth groups;

(C) small or micro-businesses; or

(D) other entities that will hire or train a significant percentage of local people to complete such contracts. The authorities described above relating to contracts, grants, and cooperative agreements are available until all funds provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated.

(2)(A) The Secretary of Agriculture may transfer or reimburse funds to the United States Fish and Wildlife Service of the Department of the Interior, or the National Marine Fisheries Service of the Department of Commerce, for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference as required by section 7 of such Act in connection with wildland fire management activities in fiscal years 2001 and 2002.

(B) Only those funds appropriated for fiscal years 2001 and 2002 to Forest Service (USDA) for wildland fire management are available to the Secretary of Agriculture for such transfer or reimbursement.

(C) The amount of the transfer or reimbursement shall be as mutually agreed by the Secretary of Agriculture and the Secretary of the Interior or Secretary of Commerce, as applicable, or their designees. The amount shall in no case exceed the actual costs of consultation and conferencing in connection with wildland fire management activities affecting National Forest System lands.

For an additional amount to cover necessary expenses for emergency rehabilitation, wildfire suppression and other fire operations of the Forest Service, $346,000,000, to remain available until expended, of which $200,000,000 is for repayment of prior year advances from other appropriations and accounts within the Wildland Fire appropriation previously transferred for fire suppression, $66,000,000 is for wildfire suppression operations, $59,000,000 is for land rehabilitation and restoration, $5,000,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $10,000,000 is for capital improvement and maintenance of fire facilities, $6,000,000 is for state fire assistance: Provided, That the Congress designates the entire amount as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $346,000,000 shall be available only to the extent that an official budget request, that includes designation of the $346,000,000 as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

For an additional amount, to liquidate obligations previously incurred, $274,147,000.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $546,188,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205, of which, $61,000,000 is for conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That fiscal year 2001 balances in the Federal Infrastructure Improvement account for the Forest Service shall be transferred to and merged with this appropriation and shall remain available until expended: Provided further, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That the Forest Service shall transfer $300,000, appropriated in Public Law 106–291 within the Capital Improvement and Maintenance appropriation, to the State and Private Forestry appropriation, and shall provide these funds in an advance direct lump sum payment to Purdue University for planning and construction of a hardwood tree improvement and generation facility: Provided further, That from funds provided to the Forest Service in Public Law 106–291, $500,000 is hereby transferred from the Capital Improvement and Maintenance appropriation to the State and Private Forestry appropriation.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $149,742,000 to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,488,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 132 passenger motor vehicles of which eight will be used primarily for law enforcement purposes and of which 130 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed seven for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price

for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading ''Wildland Fire Management'' have been released by the President and apportioned.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report No. 105–163.

None of the funds available to the Forest Service may be reprogrammed without the advance approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

No funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture that exceed the total amount transferred during fiscal year 2000 for such purposes without the advance approval of the House and Senate Committees on Appropriations.

Funds available to the Forest Service shall be available to conduct a program of not less than $2,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps, defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

Of the funds available to the Forest Service, $2,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to $2,250,000 may be advanced in a lump sum as Federal financial assistance to the National Forest Foundation, without regard to when the Foundation incurs expenses, for administrative expenses or projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than $400,000 shall be available for administrative expenses: Provided further, That section 403(a) of the National Forest Foundation Act (16 U.S.C. 583j–1(a)) is amended by inserting after the first sentence the following new sentence: ''At the discretion of the Secretary of Agriculture, the Secretary may increase the number of Directors to not more than twenty.'': Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds made available by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds: Provided further, That hereafter, the National Forest Foundation may hold Federal funds made available but not immediately disbursed and may use any interest or other investment income earned (before, on, or after the date of the enactment of this Act) on Federal funds to carry out the purposes of Public Law 101–593: Provided further, That such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

Pursuant to section 2(b)(2) of Public Law 98–244, $2,650,000 of the funds available to the Forest Service shall be available for matching funds to the National Fish and Wildlife Foundation, as authorized by 16 U.S.C. 3701–3709, and may be advanced in a lump sum as Federal financial assistance, without regard to when expenses are incurred, for projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match on at least one-for-one basis funds advanced by the Forest Service: Provided further, That the Foundation may transfer Federal funds to a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, 80 percent of the funds appropriated to the Forest Service in the ''National Forest System'' and ''Capital Improvement and Maintenance'' accounts and planned to be allocated to activities under the ''Jobs in the Woods'' program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to sections 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

The Secretary of Agriculture is authorized to enter into grants, contracts, and cooperative agreements as appropriate with the Pinchot Institute for Conservation, as well as with public and other private agencies, organizations, institutions, and individuals, to provide for the development, administration, maintenance, or restoration of land, facilities, or Forest Service programs, at the Grey Towers National Historic Landmark: Provided, That, subject to such terms and conditions as the Secretary of Agriculture may prescribe, any such public or private agency, organization, institution, or individual may solicit, accept, and administer private gifts of money and real or personal property for the benefit of, or in connection with, the activities and services at the Grey Towers National Historic Landmark: Provided further, That such gifts may be accepted notwithstanding the fact that a donor conducts business with the Department of Agriculture in any capacity.

Funds appropriated to the Forest Service shall be available, as determined by the Secretary, for payments to Del Norte County, California, pursuant to sections 13(e) and 14 of the Smith River National Recreation Area Act (Public Law 101–612).

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service not to exceed $500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar non-litigation related matters. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the requested funding transfers.

The Forest Service shall fund indirect expenses, that is expenses not directly related to specific programs or to the accomplishment of specific work on-the-ground, from any funds available to the Forest Service: Provided, That the Forest Service shall implement and adhere to the definitions of indirect expenditures established pursuant to Public Law 105–277 on a nationwide basis without flexibility for modification by any organizational level except the Washington Office, and when changed by the Washington Office, such changes in definition shall be reported in budget requests submitted by the Forest Service: Provided further, That the Forest Service shall provide in all future budget justifications, planned indirect expenditures in accordance with the definitions, summarized and displayed to the Regional, Station, Area, and detached unit office level. The justification shall display the estimated source and amount of indirect expenditures, by expanded budget line item, of funds in the agency's annual budget justification. The display shall include appropriated funds and the Knutson-Vandenberg, Brush Disposal, Cooperative Work-Other, and Salvage Sale funds. Changes between estimated and actual indirect expenditures shall be reported in subsequent budget justifications: Provided, That during fiscal year 2002 the Secretary shall limit total annual indirect obligations from the Brush Disposal, Knutson-Vandenberg, Reforestation, Salvage Sale, and Roads and Trails funds to 20 percent of the total obligations from each fund. Obligations in excess of 20 percent which would otherwise be charged to the above funds may be charged to appropriated funds available to the Forest Service subject to notification of the Committees on Appropriations of the House and Senate.

Any appropriations or funds available to the Forest Service may be used for necessary expenses in the event of law enforcement emergencies as necessary to protect natural resources and public or employee safety: Provided, That such amounts shall not exceed $750,000.

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Green Mountain National Forest, the revenues of which shall be retained by the

Forest Service and available to the Secretary without further appropriation and until expended for maintenance and rehabilitation activities on the Green Mountain National Forest.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $40,000,000 shall not be available until October 1, 2002: Provided, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $616,490,000, to remain available until expended, of which $11,000,000 is to begin a 7-year project for construction, renovation, furnishing, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania; and for acquisition of lands, and interests therein, in proximity to the National Energy Technology Laboratory, and of which $33,700,000 shall be derived by transfer from funds appropriated in prior years under the heading ''Clean Coal Technology'', and of which $150,000,000 and such sums as may be appropriated in fiscal year 2003 are to be made available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded demonstrations of commercial scale technologies to reduce the barriers to continued and expanded coal use: Provided, That the request for proposals shall be issued no later than 120 days following enactment of this Act, proposals shall be submitted no later than 150 days after the issuance of the request for proposals, and the Department of Energy shall make project selections no later than 160 days after the receipt of proposals: Provided further, That no project may be selected for which sufficient funding is not available to provide for the total project: Provided further, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading ''Clean Coal Technology'' in prior appropriations: Provided further, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: Provided further, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: Provided further, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. § 7651n, and Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: Provided further, That funds excess to the needs of the Power Plant Improvement Initiative procurement provided for under this heading in Public Law 106–291 shall be made available for the Clean Coal Power Initiative provided for under this heading in this Act: Provided further, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: Provided further, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

ALTERNATIVE FUELS PRODUCTION

(RESCISSION)

Of the unobligated balances under this heading, $2,000,000 are rescinded.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For expenses necessary to carry out naval petroleum and oil shale reserve activities, $17,371,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

ELK HILLS SCHOOL LANDS FUND

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $36,000,000, to become available on October 1, 2002 for payment to the State of California for the State Teachers' Retirement Fund from the Elk Hills School Lands Fund.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $912,805,000, to remain available until expended: Provided, That $275,000,000 shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): Provided further, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $230,000,000 for weatherization assistance grants and $45,000,000 for State energy conservation grants: Provided further, That 50 percent of the funds provided for the Energy Efficiency Science Initiative for fiscal year 2002 and thereafter shall be made available to the Fossil Energy Research and Development account.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, $1,996,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $179,009,000, to remain available until expended, of which not to exceed $8,000,000 shall be available for maintenance of a Northeast Home Heating Oil Reserve.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $78,499,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

In addition to other authorities set forth in this Act, the Secretary may accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State or private agencies or concerns.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,389,614,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That $15,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That $445,776,000 for contract medical care shall remain available for obligation until September 30, 2003: Provided further, That of the funds provided, up to $22,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That funds provided in this Act may be used for 1-year contracts and grants which are to be performed in 2 fiscal years, so long as the total obligation is recorded in the

year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2003: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $268,234,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2002, of which not to exceed $20,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts or annual funding agreements: Provided further, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $369,487,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: Provided further, That from the funds appropriated herein, $5,000,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to continue a priority project for the acquisition of land, planning, design and construction of 79 staff quarters in the Bethel service area, pursuant to the negotiated project agreement between the YKHC and the Indian Health Service: Provided further, That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: Provided further, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: Provided further, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: Provided further, That $5,000,000 shall remain available until expended for the purpose of funding up to two joint venture health care facility projects authorized under the Indian Health Care Improvement Act, as amended: Provided further, That priority, by rank order, shall be given to tribes with outpatient projects on the existing Indian Health Services priority list that have Service-approved planning documents, and can demonstrate by March 1, 2002, the financial capability necessary to provide an appropriate facility: Provided further, That joint venture funds unallocated after March 1, 2002, shall be made available for joint venture projects on a competitive basis giving priority to tribes that currently have no existing Federally-owned health care facility, have planning documents meeting Indian Health Service requirements prepared for approval by the Service and can demonstrate the financial capability needed to provide an appropriate facility: Provided further, That the Indian Health Service shall request additional staffing, operation and maintenance funds for these facilities in future budget requests: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings: Provided further, That notwithstanding the provisions of title III, section 306, of the Indian Health Care Improvement Act (Public Law 94–437, as amended), construction contracts authorized under title I of the Indian Self-Determination and Education Assistance Act of 1975, as amended, may be used rather than grants to fund small ambulatory facility construction projects: Provided further, That if a contract is used, the IHS is authorized to improve municipal, private, or tribal lands, and that at no time, during construction or after completion of the project will the Federal Government have any rights or title to any real or personal property acquired as a part of the contract: Provided further, That notwithstanding any other provision of law or regulation, for purposes of acquiring sites for a new clinic and staff quarters in St. Paul Island, Alaska, the Secretary of Health and Human Services may accept land donated by the Tanadgusix Corporation.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefore as authorized by 5 U.S.C. 5901–5902; and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

In accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation. Notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended.

Funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation.

Notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title III of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title III of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation.

None of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law.

Funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act.

With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment. The reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding. Such amounts shall remain available until expended.

Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance.

The appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $15,148,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others

certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498, as amended (20 U.S.C. 56 part A), $4,490,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $399,253,000, of which not to exceed $37,508,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: Provided further, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: Provided further, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: Provided further, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

REPAIR, RESTORATION AND ALTERATION OF FACILITIES

For necessary expenses of maintenance, repair, restoration, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $67,900,000, to remain available until expended, of which $10,000,000 is provided for maintenance, repair, rehabilitation and alteration of facilities at the National Zoological Park: Provided, That contracts awarded for environmental systems, protection systems, and repair or restoration of facilities of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, $30,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

None of the funds in this or any other Act may be used to make any changes to the existing Smithsonian science programs including closure of facilities, relocation of staff or redirection of functions and programs without approval by the Board of Regents of recommendations received from the Science Commission.

None of the funds in this or any other Act may be used to initiate the design for any proposed expansion of current space or new facility without consultation with the House and Senate Appropriations Committees.

None of the funds in this or any other Act may be used for the Holt House located at the National Zoological Park in Washington, D.C., unless identified as repairs to minimize water damage, monitor structure movement, or provide interim structural support.

None of the funds available to the Smithsonian may be reprogrammed without the advance written approval of the House and Senate Committees on Appropriations in accordance with the procedures contained in House Report No. 105–163.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $68,967,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $14,220,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $15,000,000.

CONSTRUCTION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $19,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $7,796,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $98,234,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, for program support, and for administering the functions of the Act, to remain available until expended: Provided, That funds previously appropriated to the National Endowment for the Arts ''Matching Grants'' account may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $108,382,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,122,000, to remain available until expended, of which $12,122,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out subtitle C of the Museum and Library Services Act of 1996, as amended, $26,899,000, to remain available until expended.

CHALLENGE AMERICA ARTS FUND

CHALLENGE AMERICA GRANTS

For necessary expenses as authorized by Public Law 89–209, as amended, $17,000,000, for support for arts education and public outreach activities to be administered by the National Endowment for the Arts, to remain available until expended.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,224,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (20 U.S.C. 956(a)), as amended, $7,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $3,400,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $7,253,000: Provided, That all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106–292 (36 U.S.C. 2301–2310), $36,028,000, of which $1,900,000 for the museum's repair and rehabilitation program and $1,264,000 for the museum's exhibitions program shall remain available until expended.

PRESIDIO TRUST

PRESIDIO TRUST FUND

For necessary expenses to carry out title I of the Omnibus Parks and Public Lands Management Act of 1996, $23,125,000 shall be available to the Presidio Trust, to remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. 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, or under existing Executive Order issued pursuant to existing law.

SEC. 302. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 304. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 305. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 306. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2001.

SEC. 307. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 308. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards.

SEC. 309. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2002, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104–208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 310. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, and 106–291 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2001 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 311. Notwithstanding any other provision of law, for fiscal year 2002 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the ''Jobs in the Woods'' Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 312. (a) RECREATIONAL FEE DEMONSTRATION PROGRAM.—Subsection (f) of section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (as contained in section 101(c) of Public Law 104–134; 110 Stat. 1321–200; 16 U.S.C. 460l–6a note), is amended—

(1) by striking ''commence on October 1, 1995, and end on September 30, 2002'' and inserting ''end on September 30, 2004''; and

(2) by striking ''September 30, 2005'' and inserting ''September 30, 2007''.

(b) EXPANSION OF PROGRAM.—Subsection (b) of such section is amended by striking ''no fewer than 10, but as many as 100,''.

(c) REVENUE SHARING.—Subsection (d)(1) of such section is amended by inserting ''the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note),'' before ''and any other provision''.

(d) DISCOUNTED FEES.—Subsection (b)(2) of such section is amended by inserting after ''testing'' the following: '', including the provision of discounted or free admission or use as the Secretary considers appropriate''.

(e) CAPITAL PROJECTS.—Subsection (c)(2) of such section is amended by adding at the end the following new subparagraph:

''(D) None of the funds collected under this section may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate if the estimated total cost of the structure exceeds $500,000.''.

SEC. 313. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 314. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection

shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 315. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 316. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term ''underserved population'' means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term ''poverty line'' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 317. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 318. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 319. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers.

SEC. 320. None of the funds in this Act may be used for planning, design or construction of improvements to Pennsylvania Avenue in front of the White House without the advance approval of the House and Senate Committees on Appropriations.

SEC. 321. Amounts deposited during fiscal year 2001 in the roads and trails fund provided for in the 14th paragraph under the heading ''FOREST SERVICE'' of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

SEC. 322. Other than in emergency situations, none of the funds in this Act may be used to operate telephone answering machines during core business hours unless such answering machines include an option that enables callers to reach promptly an individual on-duty with the agency being contacted.

SEC. 323. No timber sale in Region 10 shall be advertised if the indicated rate is deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar: Provided, That sales which are deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar may be advertised upon receipt of a written request by a prospective, informed bidder, who has the opportunity to review the Forest Service's cruise and harvest cost estimate for that timber. Program accomplishments shall be based on volume sold. Should Region 10 sell, in fiscal year 2002, the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, all of the western red cedar timber from those sales which is surplus to the needs of domestic processors in Alaska, shall be made available to domestic processors in the contiguous 48 United States at prevailing domestic prices. Should Region 10 sell, in fiscal year 2002, less than the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan in sales which are not deficit when appraised under the transaction evidence appraisal system using domestic Alaska values for western red cedar, the volume of western red cedar timber available to domestic processors at prevailing domestic prices in the contiguous 48 United States shall be that volume: (i) which is surplus to the needs of domestic processors in Alaska; and (ii) is that percent of the surplus western red cedar volume determined by calculating the ratio of the total timber volume which has been sold on the Tongass to the annual average portion of the decadal allowable sale quantity called for in the current Tongass Land Management Plan. The percentage shall be calculated by Region 10 on a rolling basis as each sale is sold (for purposes of this amendment, a ''rolling basis'' shall mean that the determination of how much western red cedar is eligible for sale to various markets shall be made at the time each sale is awarded). Western red cedar shall be deemed ''surplus to the needs of domestic processors in Alaska'' when the timber sale holder has presented to the Forest Service documentation of the inability to sell western red cedar logs from a given sale to domestic Alaska processors at price equal to or greater than the log selling value stated in the contract. All additional western red cedar volume not sold to Alaska or contiguous 48 United States domestic processors may be exported to foreign markets at the election of the timber sale holder. All Alaska yellow cedar may be sold at prevailing export prices at the election of the timber sale holder.

SEC. 324. The Forest Service, in consultation with the Department of Labor, shall review Forest Service campground concessions policy to determine if modifications can be made to Forest Service contracts for campgrounds so that such concessions fall within the regulatory exemption of 29 CFR 4.122(b). The Forest Service shall offer in fiscal year 2002 such concession prospectuses under the regulatory exemption, except that, any prospectus that does not meet the requirements of the regulatory exemption shall be offered as a service contract in accordance with the requirements of 41 U.S.C. 351–358.

SEC. 325. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

(1) displacement of the holder of an authorization to provide commercial recreation services on Federal lands. Prior to initiating any project, the Secretary shall consult with potentially affected holders to determine what impacts the project may have on the holders. Any modifications to the authorization shall be made within the terms and conditions of the authorization and authorities of the impacted agency.

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for noncompliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 326. For fiscal years 2002 and 2003, the Secretary of Agriculture is authorized to limit competition for fire and fuel treatment and watershed restoration contracts in the Giant Sequoia National Monument and the Sequoia National Forest. Preference for employment shall be given to dislocated and displaced workers in Tulare, Kern and Fresno Counties, California, for work associated with the establishment of the Giant Sequoia National Monument.

SEC. 327. REVISION OF FOREST PLANS. Prior to October 1, 2002, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law:

Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

SEC. 328. Until September 30, 2003, the authority of the Secretary of Agriculture to enter into a cooperative agreement under the first section of Public Law 94–148 (16 U.S.C. 565a–1) for a purpose described in such section includes the authority to use that legal instrument when the principal purpose of the resulting relationship is to the mutually significant benefit of the Forest Service and the other party or parties to the agreement, including nonprofit entities.

SEC. 329. (a) PILOT PROGRAM AUTHORIZING CONVEYANCE OF EXCESS FOREST SERVICE STRUCTURES.—The Secretary of Agriculture may convey, by sale or exchange, any or all right, title, and interest of the United States in and to excess buildings and other structures located on National Forest System lands and under the jurisdiction of the Forest Service. The conveyance may include the land on which the building or other structure is located and such other land immediately adjacent to the building or structure as the Secretary considers necessary.

(b) LIMITATION.—Conveyances on not more than 10 sites may be made under the authority of this section, and the Secretary of Agriculture shall obtain the concurrence of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate in advance of each conveyance.

(c) USE OF PROCEEDS.—The proceeds derived from the sale of a building or other structure under this section shall be retained by the Secretary of Agriculture and shall be available to the Secretary, without further appropriation until expended, for maintenance and rehabilitation activities within the Forest Service Region in which the building or structure is located.

(d) DURATION OF AUTHORITY.—The authority provided by this section expires on September 30, 2005.

SEC. 330. Section 323(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999, as included in Public Law 105–277, Div. A, section 101(e) is amended by inserting ''and fiscal years 2002 through 2005,'' before ''to the extent funds are otherwise available''.

SEC. 331. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

SEC. 332. Section 347(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999, as included in Public Law 105–277, is amended by striking ''2002'' and inserting ''2004''. The authority to enter into stewardship and end result contracts provided to the Forest Service in accordance with section 347 of title III of section 101(e) of division A of Public Law 105–277 is hereby expanded to authorize the Forest Service to enter into an additional 28 contracts subject to the same terms and conditions as provided in that section: Provided, That of the additional contracts authorized by this section at least 9 shall be allocated to Region 1 and at least 3 to Region 6.

SEC. 333. Any regulations or policies promulgated or adopted by the Departments of Agriculture or the Interior regarding recovery of costs for processing authorizations to occupy and use Federal lands under their control shall adhere to and incorporate the following principle arising from Office of Management and Budget Circular, A–25; no charge should be made for a service when the identification of the specific beneficiary is obscure, and the service can be considered primarily as benefiting broadly the general public.

SEC. 334. The Chief of the Forest Service shall issue a special use permit for the Sioux Charlie Cabin within the boundary of the Custer National Forest, Montana, to Montana State University-Billings, for a term of 20 years for educational purposes compatible with the cabin's location. The permit shall be administered under normal national forest system authorities and regulations, with an additional review after 10 years to ensure the facility is being used for educational purposes.

SEC. 335. Section 551(c) of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460lll–61(c)) is amended by striking ''2002'' and inserting ''2004''.

SEC. 336. MODIFICATION TO STEEL LOAN GUARANTEE PROGRAM. (a) IN GENERAL.—Section 101 of the Emergency Steel Loan Guarantee Act of 1999 (Public Law 106–51; 15 U.S.C. 1841 note) is amended as follows:

(1) TERMS AND CONDITIONS.—Subsection (h) is amended—

(A) in paragraph (1), by striking ''2005'' and inserting ''2015''; and

(B) by amending paragraph (4) to read as follows:

''(4) GUARANTEE LEVEL.—

''(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), any loan guarantee provided under this section shall not exceed 85 percent of the amount of principal of the loan.

''(B) INCREASED LEVEL ONE.—A loan guarantee may be provided under this section in excess of 85 percent, but not more than 90 percent, of the amount of principal of the loan, if—

''(i) the aggregate amount of loans guaranteed at such percentage and outstanding under this section at any one time does not exceed $100,000,000; and

''(ii) the aggregate amount of loans guaranteed at such percentage under this section with respect to a single qualified steel company does not exceed $50,000,000.

''(C) INCREASED LEVEL TWO.—A loan guarantee may be provided under this section in excess of 85 percent, but not more than 95 percent, of the amount of principal of the loan, if—

''(i) the aggregate amount of loans guaranteed at such percentage and outstanding under this section at any one time does not exceed $100,000,000; and

''(ii) the aggregate amount of loans guaranteed at such percentage under this section with respect to a single qualified steel company does not exceed $50,000,000.''.

(2) TERMINATION OF GUARANTEE AUTHORITY.—Subsection (k) is amended by striking ''2001'' and inserting ''2003''.

(b) APPLICABILITY.—The amendments made by this section shall apply only with respect to any guarantee issued on or after the date of the enactment of this Act.

This Act may be cited as the ''Department of the Interior and Related Agencies Appropriations Act, 2002''.

And the Senate agree to the same.

JOE SKEEN,
RALPH REGULA,
JIM KOLBE,
CHARLES H. TAYLOR,
GEORGE R. NETHERCUTT, Jr.,
ZACH WAMP,
JACK KINGSTON,
JOHN E. PETERSON,
BILL YOUNG,
NORMAN D. DICKS,
JOHN P. MURTHA,
JAMES P. MORAN,
MAURICE HINCHEY,
MARTIN OLAV SABO,
DAVID OBEY,
Managers on the Part of the House.

ROBERT BYRD,
PATRICK LEAHY,
ERNEST F. HOLLINGS,
HARRY REID,
BYRON L. DORGAN,
DIANNE FEINSTEIN,
PATTY MURRAY,
DANIEL K. INOUYE,
CONRAD BURNS,
TED STEVENS,
THAD COCHRAN,
PETE V. DOMENICI,
ROBERT F. BENNETT,
JUDD GREGG,
BEN NIGHTHORSE CAMPBELL,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2217), making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 2002, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

The conference agreement on H.R. 2217 incorporates some of the provisions of both the House and the Senate versions of the bill. Report language and allocations set forth in either House Report 107–103 or Senate Report 107–36 that are not changed by the conference are approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not negate the language referenced above unless expressly provided herein.

REPROGRAMMING GUIDELINES

The Interior and Related Agencies Appropriations reprogramming guidelines were last published in the House and Senate reports accompanying the FY 1998 Interior and Related Agencies Appropriations Act (H. Rep. 105–163, S. Rep. 105–56). While the managers have agreed to only one minor change to these guidelines for the National Park Service (addressed under the land acquisition and State assistance account), recent dealings with several agencies suggest that the following clarifications are needed to prevent any future misunderstandings regarding the applicability of reprogramming procedures in certain situations.

Though a reprogramming is in part defined in the guidelines as a reallocation of funds from one budget activity (or other applicable level of detail) to another, the guidelines also state that any significant departure from the program described in the agency's budget justification shall be considered a reprogramming. This latter portion of the definition encompasses the reallocation of funds within a budget activity, if such reallocation represents a ''significant departure'' from the description provided in the relevant budget justification. In this regard, the managers would view as a ''significant departure'' any reallocation of funds within a budget activity for programs or contracts involving out-year mortgages that are not discussed in detail in the budget justification.

Multi-year and no-year funds do not lose their program identities when carried over to subsequent years and a reprogramming is required if such carry-over funds are to be used for purposes other than those originally directed.

CONSERVATION SPENDING CATEGORY

The conservation spending category created in title VIII of the fiscal year 2001 Interior and Related Agencies Appropriations Act, provided that up to $1,320,000,000 could be appropriated for conservation related activities, in addition to ongoing activities funded in this bill. The conference agreement fully funds the conservation spending category at $1,320,000,000. The distribution of funds as agreed to by the managers is shown in the table below.

SUMMARY OF CONSERVATION SPENDING CATEGORY

[In thousands of dollars]

Subcategory/appropriation account	Budget request	House	Senate	Conference
Federal, State and Other LWCF Programs:				
BLM Federal Land Acquisition	47,686	47,686	45,686	49,920
FWS Federal Land Acquisition	104,401	104,401	108,401	99,135
NPS Federal Land Acquisition	107,036	107,036	123,036	130,117
FS Federal Land Acquisition	130,877	130,877	128,877	149,742
Subtotal, Federal Land Acquisition	390,000	390,000	406,000	428,914
Stateside Grants (Recreation and Wildlife)	450,000	0	0	.....
NPS Stateside Grants (and Administration)	0	154,000	164,000	144,000
State Wildlife Grants	0	100,000	100,000	85,000
Competitive Grants for Indian Tribes	0	5,000	0	[1] 0
FWS Incentive Grant Programs	60,000	60,000	60,000	50,000
Subtotal, State and Other Grant Programs	510,000	319,000	324,000	279,000
Total LWCF	900,000	709,000	730,000	707,914
State and Other Conservation Programs:				
FWS Coop. Endangered Species Conserv. Fund	54,694	107,000	91,000	96,235
FWS North American Wetlands Conserv. Fund	14,912	45,000	42,000	43,500
FWS Neotropical Migratory Birds	0	5,000	0	[2] 0
USGS State Planning Partnerships	0	25,000	25,000	25,000
FS, Forest Legacy	30,079	60,000	65,000	65,000
FS, Stewardship Incentives Program	0	8,000	0	[3] 0
Subtotal	99,685	250,000	223,000	229,735
Urban and Historic Preservation Programs:				
NPS Historic Preservation Fund	67,055	77,000	74,000	74,500
NPS Urban Parks and Recreation Recovery Grants	0	30,000	20,000	30,000
FS Urban and Community Forestry	31,804	36,000	36,000	36,000
BLM Youth Conservation Corps	1,000	1,000	1,000	1,000
FWS Youth Conservation Corps	2,000	2,000	2,000	2,000
NPS Youth Conservation Corps	2,000	2,000	2,000	2,000
FS Youth Conservation Corps	2,000	2,000	2,000	2,000
Subtotal	105,859	150,000	137,000	147,500
National Wildlife Refuge Fund—FWS	0	5,000	0	[4] 0
Payments in Lieu of Taxes—BLM	0	50,000	50,000	50,000
Federal Infrastructure Improvement Programs:				
BLM—Management of Lands & Resources	25,000	28,000	28,000	28,000
FWS—Resource Management	25,000	28,000	31,000	29,000
NSP—Construction	50,000	50,000	60,000	66,851
FS—Capital Improvement and Maintenance	50,497	50,000	61,000	61,000
Subtotal	150,497	156,000	180,000	184,851
FS Total	245,257	286,877	292,877	313,742
DOI Total	1,010,784	1,033,123	1,027,123	1,006,258
Total, Conservation Spending Category	1,256,041	1,320,000	1,320,000	1,320,000

[1] $5,000,000 for Tribal grants included in State Wildlife grants category.
[2] $3,000,000 in FWS, but not charged to the conservation spending category (CSC).
[3] $3,000,000 in FS, but no charged to CSC.
[4] $3,000,000 above budget request in FWS, but not charged to CSC.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

The conference agreement provides $775,632,000 for management of lands and resources instead of $768,711,000 as proposed by the House and $775,962,000 as proposed by the Senate. Within this amount, $29,000,000 is from the conservation spending category.

Increases above the House for land resources include $501,000 for noxious weeds for the Montana State University weed program, $500,000 for Idaho weed control, and $400,000 for the Headwaters Forest reserve and a decrease of $1,000,000 for the natural resource challenge program.

Increases above the House for recreation management include $1,000,000 for Missouri River undaunted stewardship.

Increases above the House for energy and minerals include $45,000 for management reforms, $2,000,000 for the National Petroleum Reserve/Alaska, and $1,775,000 for Alaska minerals for the continued development of an interagency geological database that was initiated in fiscal year 2001.

The managers have provided $6,000,000 to address the Bureau's increased operational workload for oil and gas permitting and related activities, with an emphasis on expediting permit applications for coalbed methane development. The managers direct the Bureau to focus all possible efforts towards completion of environmental reviews that are necessary to proceed with further leasing.

The managers did not agree with the $700,000 earmark included in the Senate version of the bill to address the oil and gas permit backlog in the State of Utah. However, the managers did provide a significant increase for oil and gas permitting activities, a portion of which should be used to address the Utah backlog.

Increases above the House for realty and ownership management include $350,000 for the Montana cadastral project, $300,000 for the Utah geographic reference project, and $1,500,000 for Alaska conveyance to establish a public lands database.

The managers note that the increase provided for the Montana cadastral project fully funds the Federal share of this effort, however, the Bureau is encouraged to continue working with the State of Montana to finalize the project and facilitate data sharing.

Decreases below the House for resource protection and maintenance include $200,000 for desert rangers, for a total increase of $400,000 in fiscal year 2002.

There is an increase above the House level for transportation and facilities maintenance of $250,000 for the Iditarod National Historic Trail.

There is a decrease of $500,000 below the House level for workforce organizational support, which reflects a transfer to the Inspector General for Bureau audits.

The managers agree to the following:

1. The managers note that both the House and Senate included the Bureau's request of $3,000,000 to identify and evaluate oil and gas resources and reserves on public lands. In light of recent attacks on the United States that have underscored the potential for disruptions to America's energy supply, the

managers believe this project should be considered a top priority for the Department. Additionally, the managers direct the Bureau to provide the House and Senate Committees on Appropriations biannual reports on the progress of this effort and a final report detailing the findings of this review.

2. The managers wish to clarify the language dealing with the allocation of funds from the conservation spending category. Funding included in the management of lands and resources appropriation for the conservation spending category can be used for infrastructure improvements on all public lands including Oregon and California grant lands.

3. The managers are aware of the significant success the military services have had in utilizing pulse technology in their vehicles and other equipment to reduce costs and increase environmental benefits through the extension of the service life of batteries. The managers urge the Department as a whole, and specifically the Bureau of Land Management, the National Park Service, and the U.S. Fish and Wildlife Service to examine the opportunity for cost savings and associated environmental benefits of using pulse technology for battery management programs. The managers believe that this technology, if adopted by the Department, will directly benefit the Bureaus.

4. The managers urge the Department and the Bureau to place the highest possible priority on completion of the Imperial Sand Dunes Recreation Management Plan.

5. The managers have not provided $300,000 for the Southwest Strategy as proposed by the Senate.

Bill Language:

1. Language is included under the Bureau's administrative provisions reauthorizing the hard rock mining holding fee for 2 years.

2. The managers have earmarked $700,000 for the Rio Puerco watershed project, which is $300,000 above the budget request. The increase above the request shall be used for projects and initiatives developed by the Rio Puerco Management Committee (section 401 of Public Law 104–333).

3. The managers have earmarked $4,000,000 for the assessment of mineral potential in Alaska as proposed by the Senate instead of $2,225,000 as proposed by the House.

4. The conference agreement includes a technical correction to the conservation spending category statutory language as proposed by the Senate.

WILDLAND FIRE MANAGEMENT

The conference agreement provides $678,421,000 for wildland fire management instead of $700,806,000 as proposed by the House and $659,421,000 as proposed by the Senate.

The managers have provided $280,807,000 for preparedness, $161,424,000 for fire suppression of which $34,000,000 is a contingent emergency appropriation, and $236,190,000 for other operations of which $20,000,000 is a contingent emergency appropriation for the rehabilitation and restoration program. The bureau may allocate up to an additional $2,838,000 for the Ecological Restoration Institute, Arizona for fuels reduction work including work at Mt. Trumbull.

The managers have not earmarked funds in bill language for hazardous fuels reduction work in the wildland-urban interface as proposed by the Senate. Instead, the managers direct the Department of the Interior to allocate the funding level proposed in the Administration's budget request of $111,255,000 on projects in the wildland-urban interface. If for any reason the Department is unable to attain the proposed levels, it shall promptly notify the House and Senate Committees on Appropriations explaining why the Department was unable to expend such sums. The managers continue to believe that an emphasis on fuels reduction work in the wildland-urban interface is critical to protecting the safety of rural communities.

Within the funds provided for other operations, $1,000,000 is for the National Center for Landscape Fire Analysis at Montana State University including funding for the purchase of a hyperspectral digital camera.

	Non-emergency	Emergency	Total
Preparedness	$280,807,000		$280,807,000
Suppression	127,424,000	$34,000,000	161,424,000
Other Operations:			
Hazardous Fuels	186,190,000		186,190,000
Rehabilitation	20,000,000	20,000,000	40,000,000
Rural Fire Assistance	10,000,000		10,000,000
Other Operations Subtotal	216,190,000	20,000,000	236,190,000
Total Fire Funding	624,421,000	54,000,000	678,421,000

The managers believe that the full, integrated national fire plan effort needs to be sustained in future years in order to reduce the risks of catastrophic fire in many areas of the Nation. The managers note that the Administration, working along with governors and local communities, have submitted a framework for a ten-year national fire plan. However, after reviewing the plan, the managers are concerned that the plan does not lay out clear funding requirements for various aspects of this important endeavor. Therefore, the managers direct the Secretaries of Agriculture and the Interior to provide to the House and Senate Committees on Appropriations by March 15, 2002, an updated fire plan that includes detailed schedules of activities and funding requirements. The managers understand that funding requirements for wildfire activities include considerable year-to-year uncertainty depending on weather and fire circumstances and therefore the managers view the funding requirements for the national fire plan as being an iterative process, which requires annual updates. The managers direct the Departments of the Interior and Agriculture to continue to work together to formulate complementary budget requests that reflect the same principles and a similar budget organization and submit a cross-cutting budget request to the Committees, which covers all federal wildfire responsibilities. In addition, the managers expect the agencies to seek the advice of governors, and local and tribal government representatives in setting priorities for fuels treatments, burned area rehabilitation, and public outreach and education.

The managers remain concerned about the variation in methods by which the Departments calculate wildfire fighting readiness and how the Departments plan their distribution of firefighting resources to attain efficiency. The managers direct the two Departments to develop and implement a coordinated and common system for calculating readiness which includes provisions for working with the shared fire fighting resources of the States and other cooperators and considers values of various resources on both Federal and other lands.

The managers are also concerned about the fire suppression costs during major incidents and therefore the Forest Service and the Department of the Interior are directed to contract for a thorough, independent review of wildfire suppression costs and strategies. The Departments should equally share the cost of the review and a preliminary report should be issued by May 31, 2002 and the final report should be delivered to the House and Senate Committees on Appropriations by September 30, 2002.

CENTRAL HAZARDOUS MATERIALS FUND

The conference agreement provides $9,978,000 for the central hazardous materials fund as proposed by the House and Senate.

CONSTRUCTION

The conference agreement provides $13,076,000 for construction instead of $11,076,000 as proposed by the House and $12,976,000 as proposed by the Senate. Funds should be distributed as follows:

Program/Area	*Amount*
Pompey's Pillar visitor center, MT	$2,900,000
California Trail Interpretive Center, NV	2,000,000
Fort Benton Visitor Center, MT	2,500,000
Rock Springs admin. Building, WY	2,500,000
Caliente warehouse building, NV	200,000
Hult Pond Dam repair, OR	582,000
Wildwood/Fisherman's Bend Sewer systems, OR	1,214,000
NHOTIC water treatment system, OR	103,000
North Sand Hills road & sanitation, CO	212,000
Blackwell Island recreation site, ID	765,000
Lone Pine visitor center, CA	100,000
Total	13,076,000

PAYMENTS IN LIEU OF TAXES

The conference agreement provides $210,000,000 for payments in lieu of taxes instead of $200,000,000 as proposed by the House and $220,000,000 as proposed by the Senate. Within this amount, $50,000,000 is from the conservation spending category.

LAND ACQUISITION

The conference agreement provides $49,920,000 for land acquisition instead of $47,686,000 as proposed by the House and $45,686,000 as proposed by the Senate. Funds should be distributed as follows:

Area (State)	*Amount*
Beaver Creek NWSR/White Mountains National Recreation Area (AK)	$300,000
Catellus (CA)	3,100,000
Continental Divide National Scenic Trail (WY)	320,000
Cosumnes River Preserve (CA)	650,000
Douglas Point (MD)	2,000,000
El Dorado (rare plants) (CA)	3,000,000
El Malpais National Conservation Area (NM)	700,000
Garnet Ghost Town (MT)	650,000
Grande Ronde National Wild and Scenic River (OR/WA)	500,000
Gunnison Basin ACEC (CO)	2,500,000
King Range National Conservation Area (CA)	1,900,000
Lewis and Clark National Historic Trail (ID)	1,000,000
Lower Salmon River ACEC (ID)	2,000,000
Organ Mtns. (NM)	2,000,000
Otay Mountain/Kuchamaa HCP (CA)	2,000,000
Rio Grande National Wild and Scenic River (NM)	4,500,000
San Pedro Ecosystem (Gap/Borderlands—easements) (AZ)	2,000,000

Area (State)	*Amount*
Sandy River (OR)	3,000,000
Santa Rosa and San Jacinto Mtns. National Monument (CA)	1,000,000
Snake River Birds of Prey National Conservation Area (ID)	2,400,000
Soda Springs Hills (ID)	900,000
St. George (Johnson tract) (UT)	500,000
Upper Arkansas River Basin (CO)	1,500,000
Upper Crab Creek/Rock Creek (WA)	1,000,000
Upper Snake/South Fork Snake River (ID)	2,500,000
West Eugene Wetlands (OR)	1,500,000
Subtotal	43,420,000
Emergency/hardship/inholding	1,000,000
Land Exchange Equalization Payments	500,000
Acquisition Management	5,000,000
Total	49,920,000

Of the $650,000 included for the Garnet Ghost Town, $400,000 shall be used for the Blackfoot Challenge.

Of the $5,000,000 provided for acquisition management, $1,000,000 shall be used for land exchanges in eastern Washington State including, but not limited to, the Moses Coulee, Rock Creek, and Upper Crab Creek projects.

OREGON AND CALIFORNIA GRANT LANDS

The conference agreement provides $105,165,000 for Oregon and California grant lands as proposed by the House instead of $106,061,000 as proposed by the Senate.

RANGE IMPROVEMENTS

The conference agreement provides an indefinite appropriation for range improvements of not less than $10,000,000 as proposed by the House and Senate.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

The conference agreement provides an indefinite appropriation for service charges, deposits, and forfeitures, which is estimated to be $8,000,000 as proposed by the House and Senate.

MISCELLANEOUS TRUST FUNDS

The conference agreement provides an indefinite appropriation of $11,000,000 for miscellaneous trust funds as proposed by the House and Senate.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

The conference agreement provides $850,597,000 for resource management instead of $839,852,000 as proposed by the House and $845,814,000 as proposed by the Senate. The numerical changes described below are to the House recommended level.

In endangered species programs there are increases of $400,000 in candidate conservation for the Idaho sage grouse management plan, $524,000 for the listing program, and $250,000 in consultation for the Central Valley and Southern California habitat conservation plan. There is also a decrease of $1,500,000 for the consultation program backlog.

Changes in the endangered species recovery program include increases of $800,000 for eider recovery at the Alaska Sealife Center, $200,000 for wolf monitoring in Idaho, $500,000 for the Preble's meadow jumping mouse in Colorado, $700,000 for Upper Colorado River endangered fish recovery, $600,000 for Lahonton cutthroat trout in Nevada, and $1,100,000 for Atlantic salmon of which $1,000,000 is for grants through the National Fish and Wildlife Foundation and $100,000 is for Service activities. There is also a decrease of $1,000,000 for the recovery program backlog.

Changes to habitat conservation programs include increases in partners for fish and wildlife of $750,000 for the Hawaii ESA community conservation plan, $1,250,000 for Reno biodiversity research and conservation in Nevada, $400,000 for the Montana Water Center wild fish habitat initiative, and $100,000 for landowner assistance at the Fairfield Marsh Waterfowl Production Area in Wisconsin. For project planning, there is an increase of $250,000 for Middle Rio Grande/Bosque research and a decrease of $500,000 for the CALFED program. In coastal programs, there are increases of $1,000,000 for the Cook Inlet Aquaculture Association king salmon program in Alaska and $200,000 for the Regional Aquaculture Association king salmon program in Alaska. There is also an increase of $9,000 for the environmental contaminants program. Cormorant work at the National Aquaculture Center in Arkansas and alternative habitat and food sources for Idaho terns are addressed in the migratory bird program.

In refuge operations and maintenance, there are decreases of $700,000 for refuge maintenance and $1,000,000 for the natural resource challenge program. There are no refuge-specific earmarks. Ohio River Islands NWR, WV equipment replacement and Canaan Valley NWR, WV maintenance are addressed in the construction account.

In migratory bird management, there are increases of $575,000 to reduce seabird bycatch in Alaska, $1,000,000 for the Canada geese depredation program, $200,000 for the National Aquaculture Center in Arkansas to address cormorant depredation problems, and $250,000 to address alternative habitat and food sources for terns in Idaho. There is also a decrease of $68,000 for joint venture programs, which reflects the elimination of the ''general program activities'' category. The funding level for each joint venture is identical to that shown in the House report.

There are no refuge-specific earmarks for law enforcement. Canaan Valley NWR, WV law enforcement maintenance needs are addressed in the construction account.

Changes to fisheries programs include an increase of $1,500,000 in hatchery operations and maintenance for Leadville NFH, CO trout (alternative 2), and increases in fish and wildlife management of $100,000 for Great Lakes fish and wildlife restoration, $850,000 for wildlife enhancement in Starkville, Mississippi, $100,000 for Yukon River escapement monitoring in Alaska, $200,000 for Yukon River management studies in Alaska, $160,000 for Yukon River public education on the salmon treaty in Alaska, $1,000,000 for Yukon River treaty implementation, $1,270,000 for marine mammal protection in Alaska, $250,000 for whirling disease research in Montana, and $100,000 for salmon and trout recovery work on the Columbia and Snake Rivers by the University of Idaho. Sewer replacement for the White Sulphur Springs NFH, WV is addressed in the construction account. Atlantic salmon recovery is addressed in the Endangered Species Act recovery program.

In general administration, there is an increase of $750,000 for travel and decreases of $1,000,000 for the National Fish and Wildlife Foundation and $825,000 for audits (which are funded under the Office of Inspector General salaries and expenses account). Grants for Atlantic salmon (Gulf of Maine) through the National Fish and Wildlife Foundation are addressed in the Endangered Species Act recovery program.

The managers agree to the following:

1. A total of $29,000,000 for infrastructure improvement is charged against the conservation spending category.

2. $850,000 is allocated to the Service for the Pima County, Arizona, regional multispecies habitat conservation planning effort that will result in Endangered Species Act Section 10 permits and is developed in cooperation with the following entities: the municipalities in Pima County (to include at least the City of Tucson, Town of Marana, and Town of Oro Valley) through a Cooperative Agreement by and among the County and participating municipalities based on the Service's Habitat Conservation Planning Handbook HCP MOU, and with the State of Arizona, Pima County interest groups, and Pima County citizens.

3. The $200,000 increase for wolf monitoring activities in Idaho is to be managed by the Service's Snake River Basin Office in Boise, Idaho.

4. The Service is strongly encouraged to work with the Idaho Office of Species Conservation and Bruneau Hot Springs Snail Conservation Committee in support of the Bruneau Hot Springs snail program, including conservation easement financing and water conservation practices, using appropriate grant programs administered by the Service.

5. The Service should place a high priority on the staffing and planning needs at the Hanford Reach National Monument, WA and on the unmet need for invasive plant control at the Loxahatchee NWR, FL.

6. The additional funds in hatchery operations and maintenance for the Leadville NFH, CO are provided with the expectation that the Department will ensure that the Bureau of Reclamation provides its share of funds for the project, consistent with the Bureau's mitigation responsibility.

7. Work by the Service to mitigate the adverse effects of water resource development projects conducted by other Federal agencies should be performed on a cost reimbursable basis and the Service should receive full and fair compensation for such work.

8. Funding for the wildlife enhancement program in Starkville, Mississippi is provided to assist in the establishment of an educational program to assist private landowners. There is no commitment to future funding.

9. Of the $2,246,000 provided for the continuation of activities begun in fiscal year 1997 to combat whirling disease and related fish health issues, $700,000 is for the National Partnership on the Management of Wild and Native Cold Water Fisheries, $250,000 is for the purpose of resistant trout research to be coordinated through the Whirling Disease Foundation, and $1,296,000 is to continue the National Wild Fish Health Survey, to expand whirling disease investigations, and to recruit and train health professionals.

10. The U.S. Army Corps of Engineers is currently conducting a major review of different approaches to preserving the Meadowlands wetlands area in northern New Jersey. The managers understand that the Service has no plan to establish a new National Wildlife Refuge System unit in this area but believes that the Service can be a helpful partner in this review by adding its unique expertise on the elements of the

study that pertain to conservation of wildlife, particularly migratory birds. The managers have deleted without prejudice the earmark in the Senate bill for a separate U.S. Fish and Wildlife Service Meadowlands study. Instead, the managers direct the Service to provide in-depth advice and consultation to the Corps to ensure that the study reflects the most appropriate recommendations for the support of wildlife in any future Meadowlands plans. The managers believe this will involve a substantial commitment of Fish and Wildlife Service resources to the Corps' effort, approximately equal to the $140,000 specified in the Senate bill.

11. The Service is encouraged to work with Marion County, Oregon and other stakeholders to address the long-term preservation of critical wetlands and wildlife habitat in the Lake Labish Basin.

The managers have agreed to a technical change to the conservation spending category bill language as proposed by the Senate, and a technical change as proposed by the House on merging prior year funds for infrastructure improvement under the conservation spending category.

The House proposed bill language designating specific amounts for the endangered species listing program and for critical habitat designations has been modified to adopt the Senate funding level for the listing program and to specify that the critical habitat designation limitation is exclusive of funds needed for litigation support.

Senate proposed earmarks for a study of the Hackensack Meadowlands in New Jersey, for Atlantic salmon grants in Maine, and for University of Idaho research on salmon and trout recovery are not retained in statutory language. Each of these items is addressed above.

CONSTRUCTION

The conference agreement provides $55,543,000 for construction instead of $48,849,000 as proposed by the House and $55,526,000 as proposed by the Senate. Funds are to be distributed as follows:

Project	Description	Amount
Anahuac NWR, TX	Bridge Rehabilitation/Replacement-Phase II (c)	330,000
Bear River NWR, UT	Dikes and related facilities	500,000
Bear River NWR, UT	Maintenance facility	500,000
Big Branch NWR, LA	Facilities renovation	400,000
Big Muddy NWR, MO	Headquarters design (p)	250,000
Blackwater NWR, MD	Renovation of existing facility	899,000
Bozeman Fish Technology Center, MT	Construction of Laboratory/Administration Building	2,556,000
Bridge Safety Inspections		545,000
Canaan Valley NWR, WV	Maintenance	875,000
Chincoteague NWR, VA	Herbert H. Bateman Education & Admin. Center-Phase III (c)	3,400,000
Condor Facilities, CA & ID	Recovery facility construction and renovation	1,750,000
Creston NFH, MT	Jessup Mill Dam-Phase III (c)	1,900,000
Crystal River NWR, FL	Office renovation (p/d)	125,000
Dam Safety Program and Inspections		650,000
Eufala NWR, AL	Environmental learning center (p)	100,000
Hagerman NWR, TX	Bridge Rehabilitation-Phase II (c)	1,800,000
Humboldt Bay NWR, CA	Seismic Safety Rehabilitation-Phase I (p/d)	190,000
Iron River NFH, WI	Replace Domes at Schacte Creek with Building	740,000
John Hay NWR, NH	Barn rehabilitation	150,000
John Heinz NWR, PA	Complete/equipment furnish admin. Wing	600,000
Jordan River NFH, MI	Replace Great Lakes Fish Stocking Vessel	200,000
Kealia Pond NWR, HI	Mitigation (c)	750,000
Klamath Basin Complex, OR	Water Supply and Management-Phase III	1,700,000
Kodiak NWR, AK	Visitor Center (p)	500,000
Leavenworth NFH, WA	Seismic Safety Rehabilitation-Phase I (p/d)	170,000
Mammoth Springs NFH, AR	Water supply & management-Phase II	60,000
Mattamuskeet NWR, NC	Lodge renovation	3,500,000
Midway Atoll NWR	Hangar roof replacement	650,000
Montezuma NWR, NY	Crusoe Conservation Center (c)	400,000
National Black-Footed Ferret Conservation Center, CO	New Endangered Species Facility-Phase III (c)	2,260,000
Necedah NWR, WI	Rynearson #1 Dam-Phase II (c)	2,725,000
Northwest Power Planning Area	Fish screens, etc.	4,000,000
Ohio River Islands NWR, WV	Equipment replacement	50,000
Quinault NFH, WA	Replace Quarters	290,000
Red Rock Lakes NWR, MT	Seismic Safety Rehabilitation-Phase I (p/d)	135,000
San Pablo Bay NWR, CA	Renovate Office-Phase II (c)	2,500,000
Silvio O. Conte NWR, VT	Education center (completes construction)	750,000
Six NFHs in New England	Water Treatment Improvements-Phase III (c)	2,630,000
Ted Stevens Anchorage Int'l Airport, AK	Hangar-Phase I (p/d)	536,000
Waccamaw NWR, SC	Visitor and Education Center (p)	400,000
White Sulphur Springs NFH, WV	Sewer replacement and maintenance needs	185,000
Wolf Creek NFH, KY	Visitor and Education Center (p/d)	400,000
Subtotal: Line Item Construction		43,051,000
Nationwide Engineering Services:		
Demolition Fund		1,000,000
Environmental Compliance		1,856,000
Seismic Safety Program		180,000
Waste Prevention and Recycling		150,000
Other Engineering Services		9,306,000
Total		55,543,000

The managers are concerned that the Service's construction program is not based on a sound strategic plan that clearly identifies priorities for the construction of headquarters, maintenance, visitor, and education facilities. For the past few years, construction budget requests have been inadequate and limited, almost exclusively, to health and safety-related projects. As a result, construction priorities outside that narrow scope have been set by the Congress. Management personnel within the Service have taken advantage of Congressional earmarks by attempting to convert a large number of Congressionally earmarked projects, including basic repair projects, into proposals for large, expensive visitor and education centers. The managers believe that the Service needs to take control of the priority setting process for construction and to set fair and reasonable priorities for construction outside the health and safety arena. Further, funding for the highest priority refuge and hatchery headquarters, visitor/education center construction projects, and visitor contact stations should be justified and requested in annual budget submissions.

The managers expect the Service to focus on providing on-the-ground refuge experiences for visitors and modest visitor/education centers and visitor contact stations. The Service should develop standardized designs for education and visitor centers and for visitor contact stations. The managers suggest that the maximum cost for any visitor center should not exceed $3 million unless there are extreme, extenuating circumstances, such as the high cost of materials transport and construction in Alaska. The managers expect the Service to treat the maximum amount as a true ceiling and not as the amount that every visitor center will receive. Also, visitor contact stations should have a much lower maximum funding level.

The managers expect the Service to pursue cost sharing, including in-kind services and contributions, in establishing priorities for construction. Further, the size of visitor centers and headquarters buildings should be related to current visitation and currently established ''minimum staffing levels'' and not based on comprehensive conservation plan or other projections. The guidelines and specifications developed by the Service should address size and function, sustainability, energy efficiency, people flow, and operating costs. The managers also expect the Service to develop unified outreach materials for visitor facilities.

The Service should report to the House and Senate Committees on Appropriations no later than February 1, 2002, on its priority setting and evaluation process for construction projects. Supervisory and management

personnel within the Service should be held accountable for implementing Service construction priorities and should be clearly directed to refrain from operating as ''free agents'' in support of specific construction proposals outside that process.

Finally, the managers caution the Service that its refuge-specific comprehensive conservation plans are raising unrealistic expectations, both within and outside the Service, with respect to construction, land acquisition, and operations and maintenance funding availability. The managers expect the Service to place a clear and realistic statement in the front of each comprehensive conservation plan stating that such plans detail program planning levels that are substantially above current budget allocations and, as such, are for Service strategic planning and program prioritization purposes only. Such plans do not constitute a commitment for refuge boundary expansions, staffing increases, or funding for future refuge-specific land acquisitions, construction projects or operational and maintenance increases.

The managers agree to the following:

1. The funds provided for the Northwest Power Planning Area are for construction of fish screens, fish passage devices, and related features, pursuant to Public Law 106–502.

2. No funds are provided for an administrative center and visitor facility at Pelican Island NWR, FL. The Service should identify a site for, and justify the cost of, such a facility in future budget requests.

3. The Crusoe Conservation Center at the Montezuma NWR, NY is being funded largely with State and local funding from the State of New York, the local school district, Ducks Unlimited, and the Audubon Society. The managers encourage the Service to pursue such cost sharing for construction projects on other refuges.

4. The Service should pursue potential cost-sharing arrangements for construction of the Waccamaw NWR, SC visitor and education center.

5. No funds are included for planning and design of a research facility at the Sevilleta NWR, NM. The Service should consider such a facility in the context of its construction priorities for fiscal year 2003.

6. Further funding for barn rehabilitation at John Hay NWR, NH, if needed, should be provided from other sources such as historic preservation groups.

LAND ACQUISITION

The conference agreement provides $99,135,000 for land acquisition instead of $104,401,000 as proposed by the House and $108,401,000 as proposed by the Senate. Funds should be distributed as follows:

Area (State)	*Amount*
Back Bay NWR (VA)	$3,900,000
Big Muddy NFWR (MO)	2,000,000
Bon Secour NWR (AL)	1,000,000
Cahaba NWR (AL)	2,500,000
Canaan Valley NWR (WV)	7,800,000
Cape May NWR (NJ)	1,100,000
Cat Island NWR (LA)	4,000,000
Charles M. Russell NWR (MT)	1,000,000
Clarks River NWR (KY)	1,500,000
Dakota Tallgrass Prairie WMA (ND/SD)	2,500,000
Edwin B. Forsythe NWR (NJ)	2,500,000
Fairfield Marsh Waterfowl Production Area (WI)	1,000,000
Florida Panther NWR (FL)	500,000
Great Bay NWR (NH)	1,200,000
Great Meadows NWR (MA)	1,000,000
Great Salt Pond NWR (RI)	500,000
Great Swamp NWR (NJ)	1,000,000
Iron River Fish Hatchery (Glacial Springs) (WI)	285,000
J.N. Ding Darling NWR Complex (FL)	3,000,000
James Campbell NWR (HI)	2,000,000
Kenai NWR (Point Possession) (AK)	3,300,000
Laguna Atascosa NWR (TX)	5,000,000
Louisiana Black Bear Complex—Black Bayou NWR (LA)	500,000
Neal Smith NWR (IA)	1,000,000
Nisqually NWR Complex (WA)	1,000,000
Northern Tallgrass Prairie NWR (MN/IA)	550,000
Pelican Island NWR (Completes Lear and Michael tracts) (FL)	5,000,000
Petit Manan NWR (ME)	750,000
Rachel Carson NWR (ME)	1,000,000
Rappahannock River Valley NWR (VA)	2,000,000
Red River NWR (LA)	1,000,000
Red Rocks Lakes NWR (MT)	500,000
Reelfoot NWR Complex (TN)	1,000,000
Rhode Island NWR Complex (RI)	1,000,000
San Diego NWR (CA)	5,000,000
Silvio O. Conte NFWR	1,100,000
Southeast Louisiana NWR Complex (LA)	500,000
Stewart B. McKinney NWR (CT)	2,000,000
Waccamaw NWR (SC)	2,000,000
Wallkill River NWR (NJ)	2,000,000
Western Montana Project (MT)	3,000,000
White Sulphur Springs NFH (WV)	150,000
Whittlesey Creek NWR (WI)	500,000
Subtotal	80,135,000
Emergency & Hardship	1,500,000
Inholdings	1,500,000
Exchanges	1,000,000
Acquisition Management	15,000,000
Total	99,135,000

The funds included for the Great Salt Pond NWR, RI are subject to authorization.

The managers direct the Service to make land acquisition requests for individual refuge units, rather than the current practice of making requests at the refuge complex level.

None of the funding provided for land acquisition shall be used to acquire land for the placement of a visitor/interpretive center, without specifically identifying this purpose in the budget justification for both the land acquisition and construction accounts.

The managers have included bill language authorizing the purchase of common stock of Yauhannah Properties, Inc. The managers understand that the Yauhannah Properties, Inc. sole holding is property within the boundary of the Waccamaw National Wildlife Refuge, and they are only making the property available through the sale of common stock. Therefore, the managers are aware that it may be necessary for the Service to acquire this parcel by purchasing the common stock. The managers note that this purchase presents a number of complexities outside the Service's expertise, including potential tax implications. The managers expect that the Service should not assume any Federal, State, or other jurisdiction tax liability by acquiring this property through the purchase of common stock. The managers also expect that the purchase of common stock should only occur if the United States does not assume any material unanticipated liabilities or assume any additional liability or expense than it would otherwise assume if the underlying property were acquired.

The managers continue to be concerned about the Service's land acquisition budgeting and its land acquisition policy. In response to continuing oversight by the Appropriations Committees, the Service has developed a proposal to streamline staffing and to reform its approach to land acquisition budgeting and program implementation. The managers expect the Service to implement its proposal to reduce staffing from the current FTE level of 198 to 156 FTEs by October 1, 2003. The Service should make much greater use of contract resources for appraisals, cartography and surveying associated with land acquisition. The practice of refuge personnel and endangered species personnel charging costs to land acquisition should be terminated unless there are reimbursable agreements in place.

The managers have agreed to bill language to permit the limited use of project funding for overhead cost allocation consistent with the Service's cost allocation methodology during fiscal year 2002 only. The maximum amount that can be assessed against all land acquisition projects in fiscal year 2002 is $2,500,000 and the managers urge the Service to use savings from staffing attrition and other streamlining efforts to reduce, to the greatest extent possible, the amount assessed to a number well below the maximum allowable level.

The managers expect the Service to identify clearly its land acquisition planning requirements in the fiscal year 2003 and future budget requests and to justify fully those requirements as a separate line item in the land acquisition or resource management account. Likewise, any overhead cost allocation should be minimized and justified fully as a separate ''cost allocation methodology'' line item in the land acquisition account.

The managers expect the Service to report semi-annually on progress in implementing its land acquisition streamlining proposal and to achieve the October 1, 2003 staffing goals sooner than that date to the maximum extent practicable. The first progress report is due no later than February 1, 2002. Also, the managers strongly support the policy requiring Director approval of any refuge boundary expansion and expect the Service to justify any such approvals in the semi-annual report.

Land acquisition reform should be incorporated as a critical performance element in the Service's supervisory performance standards at the highest levels in headquarters, regional offices and the field. This performance element should be taken very seriously within the Service and the semi-annual reports to the House and Senate Committees on Appropriations should address specifically management performance on this element. The managers remind the Service that land acquisition reform should not be limited to implementing the Service's streamlining proposal. It should also apply to the individual manager's responsibility to adhere to the Service's land acquisition prioritization process and not operate as a ''free agent'' in support of specific land acquisition proposals outside that process.

Finally, the managers caution the Service that its refuge-specific comprehensive conservation plans are raising unrealistic expectations, both within and outside the Service,

with respect to future land acquisition, construction, and operations and maintenance funding availability. The managers expect the Service to place a clear and realistic statement in the front of each comprehensive conservation plan stating that such plans detail program planning levels that are substantially above current budget allocations and, as such, are for Service strategic planning and program prioritization purposes only. Such plans do not constitute a commitment for refuge boundary expansions, staffing increases, or funding for future refuge-specific land acquisitions, construction projects or operational and maintenance increases.

LANDOWNER INCENTIVE PROGRAM

The conference agreement provides $40,000,000 for the landowner incentive program instead of $50,000,000 as proposed by both the House and the Senate.

STEWARDSHIP GRANTS

The conference agreement provides $10,000,000 for stewardship grants as proposed by both the House and the Senate.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

The conference agreement provides $96,235,000 for the cooperative endangered species conservation fund instead of $107,000,000 as proposed by the House and $91,000,000 as proposed by the Senate. Changes to the House level include a decrease of $12,000,000 for habitat conservation plan land acquisition and an increase of $1,235,000 for program administration.

NATIONAL WILDLIFE REFUGE FUND

The conference agreement provides $14,414,000 for the national wildlife refuge fund as proposed by the Senate instead of $16,414,000 as proposed by the House. None of these funds are charged against the conservation spending category.

NORTH AMERICAN WETLANDS CONSERVATION FUND

The conference agreement provides $43,500,000 for the North American wetlands conservation fund instead of $45,000,000 as proposed by the House and $42,000,000 as proposed by the Senate. Decreases to the House level include $1,440,000 for wetlands conservation grants and $60,000 for program administration.

The managers understand that the Caddo Lake Institute in partnership with the Division of International Conservation and the National Wetlands Research Center in Lafayette, Louisiana are interested in pursuing a RAMSAR-based wetlands science, site management and education program. The managers strongly encourage the Service to work with these groups to explore the possibility of funding such an activity through a North American Wetlands Conservation Act grant or another Service program.

The managers have agreed to bill language, as proposed by the House, limiting increased grant funding above the fiscal year 2001 level to projects in the United States. The Senate had no similar provision.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

The conference agreement provides $3,000,000 for the neotropical migratory bird conservation program instead of $5,000,000 as proposed by the House and no funding as proposed by the Senate. None of these funds are charged against the conservation spending category.

The managers expect the program to be administered by the division of bird habitat conservation but the Service should incorporate international program staff expertise into the oversight and administration of the program.

MULTINATIONAL SPECIES CONSERVATION FUND

The conference agreement provides $4,000,000 for the multinational species conservation fund as proposed by both the House and the Senate.

The managers have agreed to bill language, as proposed by the House, specifying the public law citations for the Asian elephant and the rhino and tiger funds.

STATE WILDLIFE GRANTS

(INCLUDING RESCISSION OF FUNDS)

The conference agreement provides $85,000,000 for State wildlife grants in fiscal year 2002 instead of $100,000,000 as proposed by both the House and the Senate. Within this amount, $5,000,000 is for a competitive grant program for Indian tribes. The agreement also provides for the rescission of $25,000,000 from the fiscal year 2001 appropriation rather than a rescission of $49,890,000 as proposed by the Senate and no rescission as proposed by the House.

The managers agree to the clarification of the ''full array'' of wildlife requirement for planning contained in the House report.

The managers have agreed to the distribution formula in bill language proposed by the Senate rather than the formula proposed by the House. The managers have also agreed to a technical change to the conservation spending category bill language proposed by the Senate.

TRIBAL WILDLIFE GRANTS

The conference agreement provides no funding under this heading for tribal wildlife grants; however, $5,000,000 is earmarked under the State wildlife grant program for this purpose.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

The conference agreement provides $1,476,977,000 for the operation of the National park system instead of $1,480,336,000 as proposed by the House and $1,473,128,000 as proposed by the Senate. Of this amount, $2,000,000 for the Youth Conservation Corps program is derived from the conservation spending category.

The agreement provides $318,827,000 for resource stewardship as proposed by the House instead of $317,996,000 as proposed by the Senate. The agreement provides $297,543,000 for visitor services as proposed by the House instead of $298,343,000 as proposed by the Senate.

The agreement provides $481,088,000 for maintenance instead of $483,197,000 as proposed by the House and $478,701,000 as proposed by the Senate. Changes to the House level include increases totaling $600,000 for the New River Gorge National River to hire local crews to improve visitor access and facilities, remove structures posing hazards to visitors, and provide technical support and maintenance for the parkway. There is a reduction of $2,709,000 for the repair and rehabilitation program. Within the total for repair and rehabilitation the following projects should be funded: $675,000 for the Great Smoky Mountains National Park including $375,000 to repair the historic log cabins and a $300,000 general increase for maintenance needs, $400,000 for the George Washington Memorial Parkway, $175,000 for the Klondike Goldrush National Historic Park, and $400,000 for the Indiana Dunes National Lakeshore.

The conference agreement provides $272,921,000 for park support instead of $271,371,000 as proposed by the House and $271,490,000 as proposed by the Senate. Changes to the House level include increases of $200,000 for Wild and Scenic Partnership Rivers, $2,000,000 for Lewis and Clark Challenge Cost Share program grants and a decrease of $650,000 for financial audits, which have been funded under the Inspector General account. The entire $200,000 increase for Wild and Scenic Partnerships Rivers should be allocated directly to the eight partnership rivers through the Northeast Regional Office. The funds should be equally divided among the areas. The managers direct that no overhead costs may be charged to this money including the hiring of new staff. Any technical assistance should be provided by the existing rivers, trails and conservation assistance regional staff.

The agreement provides $104,598,000 for external administrative costs as proposed by the Senate instead of $107,398,000 as proposed by the House. The change to the House level is a reduction of $2,800,000 for bandwidth needs.

Following enactment of this Act, the National Park Service should make the necessary adjustments to align the additional operation funds for the purposes approved by the House and Senate Committees on Appropriations with the proper budget subactivities.

The managers remain supportive of the parks and programs of the Service. Each year, efforts are made to provide additional operational increases, over and above the request, to keep pace with the growing demands on the system and the Service. While some additional hiring may be necessary, the managers strongly encourage the Service to consider carefully the outyear implications of hiring decisions being made with available funds. Inflationary adjustments, pay cost requirements, and other dollars necessary to support employees grow over time. At a time of budget uncertainty, NPS managers should be cautious in committing to the hiring of additional personnel that may not be sustainable over time if budget increases are not forthcoming in future years.

The managers reinforce the direction in the House report regarding the cost and size of visitor centers, heritage centers and environmental education centers. Nearly five years ago, the Service was cautioned to be more realistic about the development of General Management Plans, which, in many cases, have become unrealistic documents which tend to include expensive, oversized buildings and other projects that are not essential or central to the mission of the park. In many instances, superintendents, working outside the National Park Service's budget process, put forward proposals for visitor centers that are oversized and do not take into account the location, current visitation and staffing levels of the specific unit. These projects often compete directly against backlog maintenance projects and other construction priority needs of the Service.

The managers direct the Director to take these repeated concerns seriously and prepare a response by February 1, 2002, which proposes a new National policy regarding the preparation of General Management Plans, addresses the issue of oversized structures, establishes appropriate scope for new proposed facilities, and establishes cost and planning parameters to be followed by all parks.

The managers expect the Director and the Regional Directors to be familiar with the scope of projects proposed, and to withhold approval of plans and projects that are not

consistent with the policy to be articulated. This applies to proposals that are being officially considered through the budget process and proposals that are being considered independently. The managers understand that lines of authority flow from the Director through the Regional Directors to the parks, and greater discipline must be imposed in complying with established policy.

The managers also suggest that there should be a priority process for proposing new visitor facilities, when needed, and that the Service consider seriously the inclusion of this type of facility in the budget process when it meets a priority need of the Park System. The managers are concerned that priority systems for line-item construction which rely solely on backlog maintenance as a determining factor for funding will exacerbate the trend towards bypassing the established budget process for visitor services facilities. The National Park Service and the Department of the Interior are encouraged to agree on one common priority system that reflects the breadth of the Service's mission, with a strong emphasis on addressing backlog issues while responding to the emerging challenges facing the Service.

The managers have agreed to the Senate bill language providing two-year availability for maintenance, repair or rehabilitation projects, an automated facility management software system, and comprehensive facility condition assessments.

The managers have retained language, proposed by the House, which precludes the Service from establishing a new associate director position for business practices and partnerships. The managers agree that the Service needs to enhance its capacities in these areas, particularly with regard to strategic direction in the areas of concessions and fee management. Rather than reorganizing and creating more positions, at a time when the Administration is requiring agencies to review their workforces and streamline their organizations, the managers expect the Service to focus on increasing the technical and financial expertise needed to improve and protect the financial interests of parks on behalf of the taxpayers. Not all of these skills need to be hired on a permanent basis. Contracts and consultants should be used as appropriate. In filling positions in the concessions and fee areas, the managers expect the Service to abandon the traditional position descriptions and job screening criteria, and recruit for new employees who possess the necessary financial and strategic backgrounds. The managers have supported most of the business plans developed to date, and recommend that the types of skills used in that project be put to greater use within the National Park Service.

The managers have agreed to modify the Senate language regarding the Lewis and Clark Challenge Cost Share program to limit single awards to no more than $250,000 instead of $100,000 as proposed by the Senate. The managers also want to make clear that the competitive funds may be used for signature events, planning, visitor services and safety information.

The managers are aware of work that has been done at Glacier National Park to make several boat docks and trails accessible to park visitors with disabilities. The managers applaud these efforts, and urge the Service to allocate the funds necessary to complete similar work at the heavily used dock at Lake McDonald Lodge.

The managers commend the Service for beginning to include the role of slavery in its interpretations at Civil War Battlefields and Monuments along with other factors such as State sovereignty rights, economics including trade and tariffs, and broader cultural differences. The managers encourage the Service to continue to diversify and expand its interpretations so that all of these complex factors can be better understood.

The managers are supportive of efforts by the Service to expand diversity, not only in the workforce but also in the types of parks that comprise the system and in the outreach that is done to attract a broader spectrum of visitors to the resources of the Service. The managers are supportive of the cultural resources diversity initiative and encourage the Service to build on the successes of this effort in support of greater progress across all programs. The managers direct the Service to have an interdisciplinary team representing headquarters and the field prepare a comprehensive report on its various diversity initiatives, especially as they affect visitation and employment, and report back to the Committees on these findings by March 31, 2002. The report should incorporate those aspects of the Service's diversity action plan, which are targeted at improving performance, as well as the Director's plan for communicating internally and externally to the Service on the importance of these issues. The report should then be updated annually. The Service is encouraged to pursue opportunities to extend its outreach efforts in ways that do not require increased funding.

The managers are aware of efforts by the Department of the Interior to work with State and local authorities to prepare land use plans for the former Bureau of Mines property near Fort Snelling, Minnesota. The managers have deferred consideration of funding for this project pending conclusion of these discussions and presentation to the Committee of a land use plan which clarifies the total cost of the project, the Federal share of such costs, and more precise details regarding the role to be played by the Federal government. The managers are hopeful that a formal proposal can be considered prior to conference on the fiscal year 2003 bill.

UNITED STATES PARK POLICE

The conference agreement provides $65,260,000 for the United States Park Police as proposed by the House, instead of $66,106,000 as proposed by the Senate.

The managers have been concerned for several years about fiscal management and accountability of the U.S. Park Police. As a result, the Committees directed the National Academy of Public Administration (NAPA) to conduct a review of the USPP's goals, mission, financial management and accountability as well as its staffing, equipment, and other needs. The Academy completed its review in August and made extensive recommendations on needed improvements.

The managers direct the Department, in cooperation with the National Park Service and the United States Park Police, to develop a detailed plan to implement the comprehensive recommendations of NAPA described in the August 2001 report. The Department should forward its implementation plan to the House and Senate Committees on Appropriations no later than December 15, 2001.

NATIONAL RECREATION AND PRESERVATION

The conference agreement provides $66,159,000 for National recreation and preservation instead of $51,804,000 as proposed by the House and $66,287,000 as proposed by the Senate. The agreement provides $549,000 for recreation programs as proposed by the House instead of $555,000 as proposed by the Senate.

The agreement provides $10,930,000 for natural programs as proposed by the House instead of $11,595,000 as proposed by the Senate. Within the amount provided for the Rivers and Trails Conservation Assistance program, $250,000 is earmarked for work establishing a 740-mile Northern Forest Canoe Trail through the States of Vermont, New York, Maine, and New Hampshire. The managers urge the program to give priority consideration to the Eightmile River, the Washington-Rochambeau National Historic Trail and Clark County, Nevada. The managers are concerned with National Park Service decisions to continue Rivers and Trails Conservation Assistance earmarks as permanent increases to base funding. If the National Park Service wishes to continue an earmark it should be identified as a continuing project in the budget justification.

The agreement provides $20,769,000 for cultural programs instead of $20,019,000 as proposed by the House and $20,451,000 as proposed by the Senate. Changes to the House level include an increase of $250,000 for the Heritage Education Model and $500,000 for the newly authorized Underground Railroad grant program, of which $250,000 is for a grant to the Underground Railroad Coalition of Delaware. This program should be managed by the same grants staff as the Underground Railroad technical assistance program. This entire amount should be used for grants. The $250,000 earmarked in the House report to continue development of a model Heritage Education Initiative is in cooperation with Northwestern State University of Louisiana. Within available funds, the managers direct that $300,000 be available for Heritage Preservation, Inc.

The conference agreement provides $1,718,000 for international park affairs as proposed by the House instead of $1,732,000 as proposed by the Senate.

The agreement provides $397,000 for environmental compliance and review as proposed by the House instead of $401,000 as proposed by the Senate. Also provided is $1,582,000 for grant administration as proposed by the House instead of $1,605,000 as proposed by the Senate.

The conference agreement provides $13,209,000 for heritage partnership programs instead of $12,458,000 as proposed by the House and $13,368,000 as proposed by the Senate. This total includes $13,092,000 for individual heritage areas and $117,000 for administrative support. Funds are to be distributed as follows:

America's Agricultural Heritage Partnership	$700,000
Augusta Canal National Heritage Area	492,000
Automobile National Heritage Area	500,000
Cache La Poudre River Corridor	50,000
Cane River National Heritage Area	650,000
Delaware and Lehigh National Heritage Corridor	700,000
Erie Canalway National Heritage Corridor	210,000
Essex National Heritage Area	1,000,000
Hudson River Valley National Heritage Area	900,000
Illinois and Michigan Canal National Heritage Corridor	500,000
John H. Chafee Blackstone River Valley National Heritage Corridor	800,000

Lackawanna Valley National Heritage Area	500,000
National Coal Heritage Area	210,000
Ohio and Erie Canal National Heritage Corridor	1,000,000
Quinebaug and Shetucket Rivers Valley National Heritage Corridor	750,000
Rivers of Steel National Heritage Area	1,000,000
Schuykill National Heritage Area	210,000
Shenandoah River Valley Battlefields National Historic District	500,000
South Carolina National Heritage Corridor	1,000,000
Tennessee Civil War Heritage Area	210,000
Wheeling National Heritage Area	1,000,000
Yuma Crossing National Heritage Area	210,000
Project total	13,092,000
Administrative	117,000
Total	13,209,000

The managers reiterate that previously appropriated technical assistance money for heritage areas is to be used to assist local governments and partner organizations implement locally supported projects consistent with the overall plans for these congressionally designated areas.

The conference agreement provides $17,005,000 for statutory or contractual aid instead of $4,151,000 as proposed by the House and $16,580,000 as proposed by the Senate. The funds are to be distributed as follows:

Anchorage Museum	$2,500,000
Barnanoff Museum/Erksin House	250,000
Bishop Museum's Falls of Clyde	300,000
Brown Foundation	101,000
Chesapeake Bay Gateways	1,200,000
Dayton Aviation Heritage Commission	299,000
Denver Natural History and Science Museum	750,000
Ice Age National Scientific Reserve	806,000
Independence Mine	1,500,000
Jamestown 2007	200,000
Johnstown Area Heritage Association	49,000
Lake Roosevelt Forum	50,000
Lamprey River	500,000
Mandan On-a-Slant Village	750,000
Martin Luther King, Jr. Center	528,000
Morris Thomson Cultural and Visitor Center	750,000
National Constitution Center	500,000
Native Hawaiian Culture and Arts Program	740,000
New Orleans Jazz Commission	66,000
Penn Center National Landmark	1,000,000
Roosevelt Campobello International Park Commission	766,000
Sewall-Belmont House	500,000
St. Charles Interpretive Center	500,000
Vancouver National Historic Reserve	400,000
Vulcan Monument	2,000,000
Total	$17,005,000

The managers have included $750,000 for the Denver Natural History and Science Museum, $500,000 for the St. Charles Interpretive Center, and $750,000 for Mandan-on-a-Slant Village. This completes the Federal commitment to these projects.

URBAN PARK AND RECREATION FUND

The conference agreement provides $30,000,000 for the urban park and recreation fund as proposed by the House instead of $20,000,000 as proposed by the Senate. This program is funded under the conservation spending initiative.

HISTORIC PRESERVATION FUND

The conference agreement provides $74,500,000 for the historic preservation fund instead of $77,000,000 as proposed by the House and $74,000,000 as proposed by the Senate. The change to the House is a reduction of $2,500,000 for a grant to the National Trust for Historic Preservation for its historic sites program.

Included in the total is $30,000,000 to continue the Save America's Treasures program. Save America's Treasures funds are subject to a fifty percent cost share, and no single project may receive more than one grant from this program. A total of $15,000,000 is provided for competitive grants and the remaining $15,000,000 is to be distributed as follows:

Project/State	*Amount*
1901 Pan Am Building, NY	$100,000
Academy of Music, Philadelphia Orchestra, PA	200,000
Akron Civic Theatre, OH	500,000
Alaska Moving Image Preservation Association, AK	500,000
Amer. Air Power Museum (hangar restoration & Tuskegee Airmen exhibits), NY	200,000
Arthurdale Historic Community (restoration), WV	300,000
B&O Railroad/Vanadalia Corridor Restoration, WV	200,000
Bailly Chapel House, IN	200,000
Belknap Mill, NH	250,000
Biltmore School, NC	300,000
Bishop Museum Moving Image Collection, HI	50,000
Camp Ouachita, AR	365,000
Charles Washington Hall, WV	200,000
City Hall, Taunton, MA	250,000
Documentation of the Immigrant Experience, MN	250,000
Eagle Block rehabilitation, NH	250,000
Englert Theatre, Iowa City, IA	365,000
Florence Griswold Museum, Old Lyme, CT	100,000
Fort Mitchell, AL	300,000
Fort Nisqually, WA	250,000
Fort Pike, LA	200,000
Franklin House, NY	100,000
Frederick Douglass Junior and Senior High School, Huntington, WV	270,000
George Ohr Museum and Cultural Center, MS	425,000
Harborview (Great Lakes Historical Society), OH	100,000
Harrison Brothers Hardware, AL	100,000
Hegeler-Carus Mansion, IL	200,000
Hill Stead Museum, CT	115,000
Lewis and Clark College (artifact preservation), OR	400,000
Lincoln Courthouse, WI	280,000
Lincoln Historic Building, NM	1,000,000
Lion House at the Bronx Zoo, NY	200,000
Lloyd House, VA	125,000
Mahaiwe Theater, MA	250,000
Masonic Temple, PA	200,000
McDowell House, KY	150,000
Moss Mansion, MT	70,000
Orpheum Theatre, KS	200,000
Paducah-McCracken County River Heritage Museum, KY	250,000
Paul Robeson House, PA	200,000
Pawtucket Armory, RI	250,000
Peter Augustus Jay House, NY	100,000
Pickens County Courthouse, AL	100,000
Prairie Churches, ND	100,000
Quarry Pond Farm Barn, OH	200,000
Quindaro Archaelogical Site Preservation, KS	200,000
Robert Mills Courthouse, Camden, SC	330,000
Rose Hill Farm, VA	100,000
Scarsdale National Historic Railroad Station, NY	100,000
Scranton Cultural Center, PA	250,000
Shreveport Oakland Cemetery, LA	365,000
Sotterly Plantation (Manor House), MD	220,000
Squire Earick House, KY	150,000
State Theatre, NY	150,000
Tinner Hill, VA	125,000
U.S. Air Force Museum (restoration of XC–99 aircraft), OH	200,000
University of Missouri (Audubon's "Birds of America"), MO	155,000
University of South Dakota Old Women's Gym/Original Armory, SD	365,000
University of Vermont Morgan Horse Farm, VT	365,000
USS Alabama, AL	250,000
Vermont Historical Society, Spaulding Grade School, Barre, VT	365,000
West Virginia State Museum—Civil War Regimental Flag Collection, WV	95,000
Wooster City Schools Administrative Building, OH	500,000
Total	15,000,000

CONSTRUCTION

The conference agreement provides $366,044,000 for construction instead of $349,249,000 as proposed by the House and $338,585,000 as proposed by the Senate. Of this total, $66,851,000 is funded under the conservation spending category. The funds are to be distributed as follows:

[In thousands of dollars]

Project	Planning	Construction
Abraham Lincoln Library, IL		8,000
Apostle Islands NL, WI (utility systems)		436
Arches NP, UT (visitor center planning)	680	
Assateague Island NS, MD (upgrade water treatment plant)		550
Assateague Island NS, MD (Coastal Barrier Island Education Center environmental assessment)	500	
Big Bend NP, TX (sewer planning)	400	
Big Cypress NPres, FL (rehabilitate trails)		3,000

[In thousands of dollars]

Project	Planning	Construction
Blue Ridge Parkway, NC (rehabilitate/replace guardrails)		3,796
Blue Ridge Parkway, Fisher Peak, VA		1,000
Boston NHP, MA (rehabilitate Bunker Hill monument)		3,751
Brown v. Board of Education NHS, KS (rehabilitate Monroe School)		2,475
Cane River Creole NHP, LA (Oakland Plantation stabilization and preservation)		1,983
Cape Cod NS, MA (complete Salt Pond visitor center)		710
Cape Cod NS, MA (Highlands Center water, fire, and septic systems)		775
Cape Hatteras NS, NC (complete lighthouse relocation project)		1,173
Chesapeake and Ohio Canal NHP, MD (stabilize Monocacy Aqueduct)		6,415
Chesapeake and Ohio Canal NHP, DC (preserve Georgetown waterfront masonry walls)		1,838
Colonial NHP, VA (preserve Poor Potter archaeological site)		718
Cumberland Island NS, GA (restore chimneys)		450
Cuyahoga Valley NP, OH (rehabilitation and restoration)		3,000
Dayton Aviation Heritage NHP, OH (Huffman & west exhibits)		3,100
Delaware Water Gap NRA, PA (planning)	67	
Denali NP&P, AK (entrance visitor facilities)		7,000
Downeast Heritage Center, ME (completion)		2,000
Everglades NP, FL (modified water delivery system)		19,199
Everglades NP, FL (Flamingo wastewater system)		4,192
Fort McHenry NM & HS, MD (repair historic seawall)		1,480
Fort Washington Park, MD (repair masonry wall)		700
Franklin D. Roosevelt NHS, NY (construct FDR Library visitor center)		5,630
Gateway NRA, NJ (Sandy Hook access)		2,346
Gateway NRA, NY (complete Jacob Riis Park rehabilitation)		4,130
Gateway NRA, NY (Jacob Riis Park natatorium study)	200	
George Washington Memorial Parkway, MD (complete rehabilitation of Glen Echo facilities)		2,400
George Washington Memorial Parkway, VA (rehab. Arlington House, outbuildings and grounds)		1,562
Gettysburg NMP, PA (restore Cyclorama)		2,500
Glacier NP, MT (Many Glacier Hotel emergency stabilization)		4,500
Glacier NP, MT (Lake McDonald wastewater treatment)		1,500
Glacier NP, MT (reconstruct Apgar District and Headquarters water system)		5,485
Glacier Bay NP&P, AK (construct maintenance support facility)		4,233
Glen Canyon NRA, UT (Wahweap sewage system)		5,138
Golden Gate NRA, CA (Immigration Museum studies)	450	
Golden Gate NRA, CA (Pier 2 seismic)		13,000
Grand Canyon NP, AZ (rehabilitate South Rim comfort stations)		987
Great Basin NP, NV (visitor learning center planning and design)	500	
Great Smoky Mountains NP, TN (replace science facilities)		4,703
Harpers Ferry NHP, WV (restoration and rehabilitation of train station)		1,890
Hispanic Cultural Center, NM (construction)		1,800
Hot Springs NP, AR (rehabilitation)		2,000
Independence NHP, PA (replace walkways)		966
Independence NHP, PA (utilities and exhibits at 2nd Bank)		6,583
Jamestown NHS, VA (DCP/EIS, storage for collections)	795	
Jean Lafitte NHP&P, LA (rehabilitate Decatur House & Chalmette Battlefield)		500
John Adams Presidential Memorial, DC (planning)	1,000	
John Day Fossil Beds NM, OR (construct paleontological center and rehabilitate headquarters)		8,421
John H. Chafee Blackstone River Valley NHC, RI & MA		1,000
Keweenaw NHP, MI (restore historic Union Building)		2,500
Lava Beds NM, CA (replace visitor center)		4,131
Little Bighorn Battlefield National Indian Memorial, MT		2,300
Mesa Verde NP, CO (water systems)		4,037
Mojave NPres, CA (Kelso exhibits)		750
Morris Thomson Visitor and Native Cultural Center, AK		1,500
Morristown NHP, NJ (rehabilitation)		600
Mt. Rainier NP, WA (Guide House)	56	1,590
National Capital Parks-Central, DC (complete Jefferson Memorial rehabilitation)		2,600
National Capital Parks-Central, DC (upgrade Ford's Theater and Petersen's House)		1,562
National Capital Parks-Central, DC (capitol concert canopy)		950
National Center for the American Revolution, PA (development concept planning)	350	

[In thousands of dollars]

Project	Planning	Construction
National Underground Railroad Freedom Center, OH		3,000
New River Gorge NR, WV (upgrade water system)		556
Niagara River & Gorge, NY (special resource study)	300	
Olympic NP, WA (Elwha River restoration)		25,847
Palace of the Governors, NM (complete federal contribution to annex)		5,000
Petrified Forest NP, AZ (replace water line)		5,929
Point Reyes NS, CA (lighthouse access, utilities)		1,285
Puukohola Heiau NHS, HI (relocate maintenance facilities)		837
Redwood NP, CA (remove failing roads)		2,552
Saint Croix Island IHS, ME (provide basic facilities)		713
Saint Croix NSR, WI (visitor center planning)	360	
San Francisco Maritime NHP, CA (rehabilitate C.A. Thayer)		4,639
Sequoia NP, CA (complete restoration of Giant Forest)		1,480
Shiloh NMP Corinth Civil War Interpretive Center, MS (complete construction)		3,062
Southwestern Pennsylvania IHR, PA (rehabilitation)		3,000
Statue of Liberty NM, (Ellis Island, NJ seawall repair planning)	600	
Stones River NB, TN (rehabilitation)		2,900
Timucuan Ecological and Historic Reserve, FL (visitor access, signs and exhibits)		500
Tumacacori NHP, AZ (relocate maintenance and administrative facilities)		944
Tuskegee Airmen NHS, AL (Moton Field rehabilitation and restoration)	1,000	
Ulysses S. Grant NHS, (restore historic structures)		5,200
Vancouver NHR, WA (Barracks repairs)		1,500
Vicksburg NMP, MS (Mint Spring stabilization)		920
White House, DC (structural and utility rehabilitation)		6,500
Wilson's Creek NB, MO (rehabilitation)		250
Wrangell St. Elias NP&P, AK (exhibits)		700
Yellowstone NP, WY (replace Norris water and wastewater treatment facilities)		2,008
Yellowstone NP, WY (replace deficient collections storage & build collections management facility)		7,224
Subtotal	7,258	268,081
Grand Subtotal, planning and construction		275,339
Emergency and Unscheduled Projects		3,500
Housing Replacement		12,500
Dam Safety		2,700
Equipment Replacement		17,960
Construction Planning, Pre-design and Supplementary Services		25,400
Construction Program Management and Operations		17,405
General Management Planning		11,240
Subtotal		90,705
Total, NPS Construction		366,044

The managers have not included the $4,972,000 for utilities and campground replacement at Acadia National Park because the funds cannot be obligated until 2003. However, the managers are strongly supportive of this project and intend to provide these funds in fiscal year 2003. The managers have included $680,000 to initiate planning for a visitor center at Arches National Park in Utah. The Service is directed to complete this project for $6,800,000 including all design, construction and exhibits. The funds provided for a memorial commemorating President John Adams are for planning and design, in cooperation with non-Federal partners.

The managers have included $500,000 in planning to complete an environmental assessment for proposed visitor education centers at Assateague Island National Seashore. The managers are aware of proposals for two separate facilities that would be constructed in close proximity to one another at this location. The park has advocated for a new 7,000 square foot Barrier Island Education Center; and the State of Maryland, in partnership with the park, has proposed an 11,000 square foot Coastal Ecology Learning Center. The managers are concerned about the potential duplication of efforts in these proposed facilities, as well as both the construction and operational costs. The preliminary cost estimate for the proposed park facility alone is $9,500,000. The managers strongly encourage the park and its partners to develop a comprehensive program that addresses and prioritizes the proposed program requirements and reduces the overall scope and cost of the consolidated project. Combining these two efforts into one facility will save both Federal and State resources. The managers expect the Service to report to the House and Senate Committees on Appropriations prior to the obligation of any funds for construction of this project. This is not a commitment to fund this project in the future.

Although the conference agreement contains no specific funding for the Stiltsville project in Biscayne National Park, as soon as the Service assumes direct responsibility for the structures the managers expect the Service to allocate such repair and rehabilitation funds as are necessary to maintain properly the structures in a manner consistent with the management policy that is adopted.

The managers have included $775,000 for the Highlands Center in the Cape Cod National Seashore to accomplish core utility system replacement at the closed North Truro Air Force Station. The potable water and fire suppression systems will be repaired and the septic facilities will be replaced to prepare for the conversion of the station into the Highlands Center. The Center is a cooperative effort between the National Park Service and other public and private groups and will serve as the focal point for environmental sciences, traditional Cape Cod culture, and the arts for the public on Cape Cod. The total Federal investment for infrastructure improvements will be $2,500,000; the balance will be raised through private sources.

The managers have agreed to provide $1,000,000 towards the construction of a music center at Fisher Peak in the Blue Ridge Parkway. The managers direct that the $500,000 in unobligated balances from the Fisher Peak amphitheater funding, appropriated by the Committees in fiscal year 1998, be reprogrammed to this project. These funds complete the National Park Service commitment to this project.

Both the House and Senate bills included $6,000,000 for stabilization of the Many Glacier Hotel at Glacier National Park. The managers have agreed to reallocate $1,500,000 of these funds to complete the wastewater treatment system at Lake McDonald, the cost of which is higher than original estimates due to design modifications required to comply with State and Federal treatment requirements. The remaining $4,500,000 provided for Many Glacier stabilization are sufficient to complete the most urgently needed repairs. The managers note that this reallocation of funds will have no impact on the expected ability of the Hotel to open for the 2002 season, and will in no way enhance the concessionaire's possessory interest in the Hotel. The managers encourage the Service to continue working with interested parties to resolve the question of possessory interest, and to address other issues that require resolution in order to ensure the restoration and continued operation of the Hotel.

The managers have included $2,000,000 for the Downeast Heritage Center in Maine. This completes the Federal commitment to this project. The managers have provided $700,000 for restoration work at Fort Washington Park in Maryland. The managers direct that

the balance of the funds to complete this project be provided from unobligated 2001 funds available to the park.

Included in the conference report is $4,130,000 to complete the Jacob Riis Park bathhouse facilities at Gateway NRA in New York. The conference report includes $200,000 for a feasibility study at Gateway NRA that should: (1) evaluate the demand for a year-round swimming pool at Jacob Riis Park; (2) determine the costs of constructing and operating such a facility; (3) identify viable funding options for the project (including concessions, third party contributions, partnerships, leasing opportunities etc.); and (4) assess the economic impact of alternative development sites at Riis Park. The managers remind the Service that funding for the feasibility study is not a commitment for future construction.

The managers have included $795,000 in planning for improvements associated with the upcoming 400th anniversary of the settlement at Jamestown, VA. These funds are to be used to complete the development concept plan and environmental impact statement initiated with funding provided in fiscal year 2001, and to conduct planning for the proposed collections storage building for the NPS collection and the associated access road. None of the funds are to be used to initiate planning associated with demolition or rehabilitation of the existing visitor center nor with planning for any other new facilities, which might be envisioned for Jamestown. The Service should report to the House and Senate Committees on Appropriations by April 1, 2002 on the private fundraising effort.

The managers have included $500,000 for the planning and design of a visitor learning center at Great Basin National Park, NV. The total Federal share for the center is not to exceed $4,200,000, including the planning and design funds.

The conference report includes $1,500,000 for the construction of the Morris Thomson Visitor and Native Cultural Center in Alaska. It is the intent of the managers that the National Park Service commitment to this project will not exceed $10,000,000 including planning, construction, furnishings and exhibits.

The managers have included $600,000 to complete planning at Morristown NHP in New Jersey. A total of $3,200,000 will be required in fiscal year 2003 to complete the Federal share of this project.

Also included is $350,000 to develop a concept plan for the National Center for the American Revolution. This funding is not a guarantee of a future Federal commitment, and it is the intent of the managers that the Center be mostly funded through private sources.

The $300,000 included for a Niagara River and Gorge special resource study is subject to authorization. The managers have included $5,000,000 for the Palace of the Governors. This completes the Federal commitment to this project. The conference agreement provides $3,062,000 to complete the Shiloh NMP visitor facility.

The conference agreement provides $1,000,000 for planning the rehabilitation of Moton Field at the Tuskegee Airmen National Historic Site. Before making these funds available for obligation, the managers direct the Service to consult with the House and Senate Committees on Appropriations in order to define better the overall scope, cost and timing of the project.

The managers note that the $1,500,000 appropriation for preservation of the barracks at the Vancouver National Historic Reserve exceeds the currently authorized amount. Further appropriations for this project will not be considered unless the authorization is increased.

The managers have included $250,000 to complete the Wilson's Creek National Battlefield. This completes federal funding for this project.

The managers direct the National Park Service to contract with the National Academy of Public Administration to conduct a review of how effectively the Service has implemented the recommendations of the Academy's 1998 report on reforms to the Service's construction program, including the Denver Service Center operations.

The managers have consolidated the predesign, supplementary services, and planning activities into one activity. The managers understand that the National Park Service will still track spending in each of these categories separately to ensure that the NAPA guidelines are followed. This consolidation will not affect the planning requirements of projects that will be worked on, but rather, contribute to the appropriate accounting of funds in support of projects appropriated or scheduled in the five year construction plan, while allowing sufficient flexibility to direct funds to the appropriate planning category.

The managers urge the NPS to include sufficient funds in the fiscal year 2003 budget request for necessary repairs and improvement of facilities at the Wright Brothers National Memorial in North Carolina in preparation for the First Flight Centennial Celebration.

Within the amount provided for Cuyahoga National Park, the managers have provided $200,000 for a platform and station at the south terminus of the Cuyahoga Valley Scenic Railroad. Twenty-four miles of the railroad run through the national park and addition of the platform and station will enhance the experience of park visitors.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The conference agreement rescinds the contract authority provided for fiscal year 2002 by 16 U.S.C. 4601–10a as proposed by both the House and the Senate.

LAND ACQUISITION AND STATE ASSISTANCE

The conference agreement provides $274,117,000 for land acquisition and State assistance instead of $261,036,000 as proposed by the House and $287,036,000 as proposed by the Senate. Funds should be distributed as follows:

Area (State)	*Amount*
Adams National Historic Park (MA)	2,000,000
Blue Ridge Parkway (NC/VA)	1,000,000
Brandywine Battlefield (PA)	1,500,000
Civil War Battlefields	11,000,000
Cumberland Gap NHP (Fern Lake) (KY/VA)	500,000
Cumberland Gap NHP (KY/VA)	100,000
Cuyahoga Valley NP (OH)	1,000,000
Dayton Aviation Heritage NHP (OH)	750,000
Delaware Water Gap NRA (PA/NJ)	700,000
Denali NP & P (AK)	1,200,000
Ebey's Landing NHR (WA)	1,000,000
Everglades—Grant to the State of Florida	15,000,000
Everglades—Modified Water Delivery Project	16,000,000
Fort Smith NHS (AR/OK)	850,000
Fort Sumter NM (SC)	1,750,000
Fort Union Trading Post NHS (ND)	100,000
Fredericksburg & Spotsylvania County Battlefields Memorial NMP (VA)	2,000,000
Golden Gate NRA (Mori Point) (CA)	2,500,000
Grand Teton NP (Resor Ranch) (WY)	3,500,000
Great Sand Dunes NM&P (CO)	2,000,000
Greenbelt Park (Jaeger Tract) (MD)	1,000,000
Guilford Courthouse NMP (NC)	800,000
Gulf Islands NS (Cat Island) (MS)	9,000,000
Hawaii Volcanoes NP (HI)	6,000,000
Ice Age NST (WI)	3,000,000
Indiana Dunes NL (IN)	2,000,000
Keweenaw NHP (MI)	800,000
Lowell NHP (MA)	857,000
Mississippi NRRA (Riverview) (MN)	850,000
Moccasin Bend (Rock-Tenn and Serodino tracts) (TN)	1,000,000
Morristown NHS (NJ)	750,000
New River Gorge NR (WV)	6,800,000
Nez Perce NHP (Canoe Camp and Weippe Prairie) (ID)	1,500,000
Olympic NP (WA)	1,210,000
Puuhonua O Honaunau NHP (HI)	500,000
Saguaro NP (AZ)	4,000,000
Sand Creek Massacre NHS (CO)	800,000
Santa Monica Mtns. NRA (Upper Ramirez Canyon) (CA)	1,000,000
Shenandoah Valley Battlefields NHD (VA)	1,200,000
Sleeping Bear Dunes NL (MI)	1,100,000
Timucuan Ecological and Historic Preserve (FL)	1,000,000
Vicksburg NMP (Pemberton HQ) (MS)	500,000
Subtotal	110,117,000
Emergency & Hardship	4,000,000
Inholdings & Exchanges	4,000,000
Acquisition Management	12,000,000
Stateside Grants	140,000,000
Administrative Assistance to States	4,000,000
Total	274,117,000

The managers agree to the following revision to the reprogramming guidelines for the National Park Service only. Lands shall not be acquired for more than the approved appraised value (as addressed in section 301(3) of Public Law 91–646) except for condemnations and declarations of taking and tracts with an appraised value of $500,000 or less, unless such acquisitions are submitted to the Committees on Appropriations for approval in compliance with established procedures.

The managers have not provided funding for Fuez conservation easements at the Grand Teton NP, as proposed by the Senate. Instead, the managers have provided funding for the Fuez conservation easements in the Forest Service land acquisition account under the Bridger-Teton NF.

The managers have provided $1,200,000 for the acquisition of the Weiler property at Denali NP. The National Park Service is directed to use the Bureau of Land Management as the appraiser of the property. The appraisal shall take into consideration the

value of surface and subsurface rights, mineral rights, and any other development rights attendant with the property in accordance with applicable appraisal standards.

The funds included for Cumberland Gap NHP (Fern Lake), Moccasion Bend NHS, Puuhonua o Honaunau NHP and Vicksburg NMP are subject to authorization.

The conference agreement provides $1,000,000 for the Ebey's Landing National Historical Reserve. The managers direct that this sum, together with any unexpended funds from the fiscal year 2001 appropriation for Ebey's Landing, shall first be used to complete the purchase of the Pratt Estate properties. If any funds remain after the Pratt Estate properties have been acquired by the National Park Service, they may be used for acquisition of such other properties as the Service finds desirable.

The funds included for Greenbelt Park are subject to a non-Federal match.

The managers direct that $400,000 of the unobligated $2,400,000 currently available at the Petroglyph NM be used to conduct a boundary survey of that monument. The managers understand that this may ultimately mean that additional funds are required to complete acquisitions at Petroglyph NM.

ADMINISTRATIVE PROVISIONS

The managers have agreed to language contained in the House bill, which allows the Service to convey a leasehold or freehold interest in Cuyahoga NP, OH to allow for the development of utilities and parking needed by Everett Church within the national park.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

The conference agreement provides $914,002,000 for surveys, investigations, and research instead of $900,489,000 as proposed by the House and $892,474,000 as proposed by the Senate. Within this amount, $25,000,000 is from the conservation spending category.

Changes to the House for the national mapping programs include increases of $3,000,000 for Landsat 5 operations, $300,000 for the civil applications program, and $300,000 for urban dynamics, and a decrease of $996,000 for internet access.

Changes to the House for geology programs include increases of $1,000,000 for volcanic hazard equipment in Shemya, Alaska, $1,500,000 for the minerals at risk program, $500,000 for coastal erosion in North Carolina, $500,000 for land subsidence in Louisiana, $299,000 for Lake Mead studies, $450,000 for geologic mapping for Lake Mojave, and $474,000 for Yukon Flats geology surveys, and a decrease of $100,000 for the advanced seismic network.

Changes to the House for water resources include increases of $200,000 for a Berkley Pit study in Montana, $299,000 for the Lake Champlain toxic study, $499,000 for Hawaiian water monitoring, $5,000 for the Southern Maryland aquifer study, and $195,000 for the Noyes Slough study in Alaska, and decreases of $596,000 for the National Water Quality Assessment program, and $296,000 for water information and delivery.

The managers concur with the House direction to contract with the National Academy of Sciences to examine water resources research funded by all Federal agencies and by significant non-Federal organizations. Based on information that the managers have received, it appears that water resources research is not well coordinated. The managers therefore direct that the Academy primarily consider the level and allocation of resources that are currently deployed in water research programs, both Federal and non-Federal, and provide recommendations for a national research program that maximizes the efficiency and effectiveness of existing programs. While the primary focus of this study deals with the existing research agenda, the managers would like an answer to the question of whether the Nation is making an adequate level of investment in water resources research.

Increases above the House for biological research include $400,000 for the Leetown science center, $300,000 for the Columbia environmental research center for pallid sturgeon studies, $250,000 for Chesapeake Bay terrapin research, $500,000 for a NBII Hawaii node, $180,000 for a Yukon River chum salmon study, $500,000 for biological information management and delivery, $50,000 for an Atlantic Salmon restoration study at the Tunison laboratory, and $748,000 for the continuation of the Mark Twain National Forest mining study to be accomplished in cooperation with the water resources division and the Forest Service.

Changes to the House for facilities include increases of $2,000,000 for phase one of the Leetown research center expansion, and $2,250,000 for the Center for Coastal Geology in Florida, and decreases of $300,000 for Leetown research center design and $898,000 for uncontrollable costs.

The funding provided for the construction of the Center for Coastal Geology in St. Petersburg, Florida is for a cooperative effort between the Survey and the St. Petersburg Downtown Partnership. The Partnership is providing a two-to-one match for the costs of constructing this science facility.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

The conference agreement provides $150,667,000 for royalty and offshore minerals management instead of $149,867,000 as proposed by the House and $151,933,000 as proposed by the Senate.

Changes to the House for royalty and offshore minerals management include increases of $800,000 for the Center for Marine Resources, and $800,000 for the Marine Mineral Technology Center in Alaska, and a decrease of $800,000 as a transfer to the Inspector General for Bureau audits.

The managers have again provided $1,400,000 to the Offshore Technology Research Center to perform research for MMS through the cooperative agreement dated June 18, 1999.

The managers have agreed to the Senate proposed language for the royalty-in-kind program instead of the House language. The House language requiring that revenues be equal to or greater than royalty-in-value as determined by the regulations of March 15, 2000 has been dropped.

OIL SPILL RESEARCH

The conference agreement provides $6,105,000 for oil spill research as proposed by the House instead of $6,118,000 as proposed by the Senate.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

The conference agreement provides $102,800,000 for regulation and technology instead of $102,900,000 as proposed by the House and $102,144,000 as proposed by the Senate. Funding for the activities should follow the House recommendation except that the conference agreement reduces executive direction funding by $100,000 as proposed by the Senate; this transfers funds for external audits to the Inspector General's office. The Senate proposal to include $98,000 for fixed costs is not included. An additional $275,000 is estimated to be available for use from performance bond forfeitures.

ABANDONED MINE RECLAMATION FUND

The conference agreement provides $203,455,000 for the abandoned mine reclamation fund instead of $203,554,000 as proposed by the House and $203,171,000 as proposed by the Senate. Funding for the activities should follow the House recommendation except that the conference agreement reduces executive direction funding by $99,000 as proposed by the Senate; this transfers funds for external audits to the Inspector General's office. The Senate proposal to include $57,000 for fixed costs is not included. The managers have also included the House proposed bill language for minimum program States and the Senate proposed bill language continuing language carried in previous years dealing with certain aspects of the State of Maryland program.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

The conference agreement provides $1,799,809,000 for the operation of Indian programs instead of $1,790,781,000 as proposed by the House and $1,804,322,000 as proposed by the Senate.

There is a decrease below the House for tribal priority allocations of $1,675,000 for self-governance compacts.

Changes to the House level for other recurring programs include increases of $2,000,000 for tribally controlled community colleges, $500,000 for Washington shellfish, and $150,000 for the Nez Perce rare species program, and a decrease of $45,000 for tribal management and development programs. None of the funds for Washington shellfish can be used to support access onto private lands by tribal fishers for their harvest purposes.

Increases above the House for non-recurring programs include $1,700,000 for the distance learning program in Montana, $500,000 for the Cheiron Foundation physician training program for rural and underserved education and outreach, $500,000 for a rural Alaska fire program, $350,000 for oil and gas permitting for the Uintah and Ouray agency, $400,000 for the tribal guiding program in Alaska, $326,000 for Cheyenne River Sioux prairie management, and $146,000 for Alaska legal services.

The managers believe that the aim of the Cheiron Foundation to utilize distance learning technology to train physicians' assistants and nurses to serve Native American communities is extremely promising. The managers expect the Foundation to focus the funding provided from this account on the aspects of the project that will bring the most benefit to Native American students and tribal communities, while pursuing other sources of funding to enhance the overall project.

There is an increase above the House for central office operations of $1,000 for general administration/policy.

Increases above the House for special programs and pooled overhead include $250,000 for enhancements to the Pomo Indian exhibits at the Grace Hudson Museum in Ukiah, California, $250,000 for the Alaska market access program, $509,000 for the United Tribes Technical College, $250,000 for the United Sioux Tribe Development Corporation, $100,000 for the Ponca Tribe development plan, $1,200,000 for the Crownpoint Institute,

$1,000,000 for the Yuut Elitnauviate, and $1,000,000 for an Alaska native aviation training program. The Bureau is directed to report to the Committees regularly regarding the expenditure of the funds provided for the native aviation training program and development of the program, including the partners involved, the number of pilots to be trained, out-year financing alternatives and other pertinent information.

The managers are concerned that the Bureau has shown little progress in addressing the land issues of the Canoncito Band of Navajos. The managers direct the Bureau to accelerate its efforts to open, at least, a part time office at Canoncito, New Mexico.

CONSTRUCTION

The conference agreement provides $357,132,000 for construction as proposed by the House instead of $360,132,000 as proposed by the Senate. The managers have not provided $3,000,000 for the tribal school construction demonstration program as proposed by the Senate. The managers support the goal of this demonstration program and have been approached by a number of tribes regarding additional funding following the demonstration's success in removing schools from the BIA priority list. While budgetary constraints have forced the managers to adopt the House proposal, the managers recommend that the Bureau of Indian Affairs continue the demonstration project as part of the President's fiscal year 2003 budget request.

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

The conference agreement provides $60,949,000 for Indian land and water claim settlements and miscellaneous payments to Indians as proposed by the House and the Senate.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

The conference agreement provides $4,986,000 for the Indian guaranteed loan program as proposed by the House and the Senate.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

The conference agreement provides $78,950,000 for assistance to territories instead of $72,289,000 as proposed by the House and $76,450,000 as proposed by the Senate. The managers have agreed to Compact impact assistance funding increases above the levels proposed by the House of $4,000,000 for Hawaii and $1,000,000 each for Guam and the Commonwealth of the Northern Mariana Islands. The managers acknowledge the May 30, 2001, letter and report by the Secretary of the Interior concerning compact impact and therefore the Administration is encouraged to see that negotiations on the continuation of the Compacts are concluded in a timely fashion and to provide for future compact impact payments out of the available mandatory compact payments. The managers agree that the Secretary should ensure that representatives of Hawaii are consulted during the upcoming Compact renegotiations process so the impact to Hawaii of mitigating citizens from the freely associated states is appropriately considered. The conference agreement also includes the $200,000 for a utility privatization study in the U.S. Virgin Islands as proposed by the House, and the full funding level and bill language proposed by the Senate for the U.S. Virgin Islands FEMA loan repayment. The conference agreement retains the House proposed bill language concerning compensation for American Samoa High Court Justices and the House proposed report language concerning potential withholding of American Samoa operations funding.

COMPACT OF FREE ASSOCIATION

The conference agreement provides $23,245,000 for the Compact of Free Association as proposed by both the House and the Senate.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement provides $67,741,000 for salaries and expenses for departmental management, instead of $55,177,000 as proposed by the House and $67,541,000 as proposed by the Senate. Funds should be distributed as follows:

Departmental direction	$12,964,000
Management and coordination	24,905,000
Hearings and appeals	8,559,000
Central services	20,425,000
Bureau of Mines workers compensation/unemployment	888,000
Total	67,741,000

The managers concur with the concerns expressed in the Senate report regarding the capability, capacity, accuracy and security of departmental information systems. The managers are particularly concerned about information security weaknesses that have been identified by both the Inspector General and the General Accounting Office, and believe the Department should take immediate steps to address these weaknesses. The most efficient and effective means of improving information security will likely be through department-wide solutions, but individual program managers should also work in conjunction with the Department's Chief Information Officer to develop short and long term plans to address vulnerabilities that have been identified. Program managers must also be held accountable for ensuring that computer security is adequately implemented within their areas of responsibility. Methods to establish this accountability should include performance reviews, administrative sanctions for non-compliance, or adjustments in program funding if necessary.

The managers direct the Department of the Interior to study the viability of establishing an Enterprise Management Center to facilitate the Department's objective for budget and performance integration using financial information technology within the bureaus. As part of the review, the Department should consider which bureaus might benefit from being part of an initial pilot project. The managers expect this report to be forwarded to the House and Senate Committees on Appropriations by March 1, 2002.

The managers note that they have received numerous budget requests and reprogramming requests from the Federal land management agencies to purchase updated wireless communication infrastructure. In light of the Federal Communication Commission's ongoing review of spectrum allocations for wireless technologies, and the Government Accounting Office's current compilation of information for reports to Congress on this subject, the managers are concerned that substantial investments in wireless technologies may become obsolete due to imminent policy decisions regarding spectrum reallocation. The managers urge the agencies, whenever possible, to purchase equipment that can be reprogrammed to meet future spectrum allocations, and to purchase equipment that does not interfere with current emergency radio and GPS based systems.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

The conference agreement provides $45,000,000 for salaries and expenses of the Office of the Solicitor as proposed by the House instead of $44,074,000 as proposed by the Senate. Funds should be distributed as follows:

Legal services	$37,276,000
General administration	7,724,000
Total	45,000,000

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

The conference agreement provides $34,302,000 as proposed by the Senate instead of $30,490,000 as proposed by the House. Funds should be distributed as follows:

Audit	$18,680,000
Investigations	6,763,000
Policy & Management	7,402,000
Program Integrity	1,457,000
Total	34,302,000

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

The conference agreement provides $99,224,000 for Federal trust programs as proposed by the House and Senate.

The managers wish to clarify the language included in the House report with respect to funding for an historical accounting. The managers note that both the House and Senate have provided the funds requested by the Administration for an historical accounting. However, the managers remain very concerned about the costs associated with such an accounting. Therefore, these funds may not be allocated prior to the report requested by the Committees detailing the methods and costs associated with an historical accounting.

The managers reiterate the position that they will not appropriate hundreds of millions of dollars for an historical accounting that provides funds for a protracted reconciliation process whose outcome is unlikely to be successful. If the Department, working with the plaintiffs and the Court, cannot find a cost effective method for an historical accounting, the Congress may have to consider a legislative remedy to resolve this and other litigation related issues.

INDIAN LAND CONSOLIDATION

The conference agreement provides $10,980,000 for Indian land consolidation programs as proposed by the House and the Senate.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

The conference agreement provides $5,497,000 for the natural resource damage assessment fund as proposed by the House instead of $5,872,000 as proposed by the Senate. The managers agree that, to the extent a national data management system is needed, funding for such a system should be addressed within the context of the fiscal year 2003 budget.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

The conference agreement includes sections 101, 103 through 106, and 108 through 111, which were identical in both the House and the Senate bills.

The conference agreement includes sections 113, 115, 116, 118, 121, 122, 123, 124, 125,

and 126, which contained identical text in both the House and Senate bills, but the section numbers were different in the Senate bill.

Section 102 retains the text of section 102 as proposed by the Senate. Section 102 as proposed by the House had identical language as the Senate except for a grammatical difference of not spelling out ''thirty days''.

Section 107 retains the text of Senate section 107, which prohibits the Department of the Interior from using funds to conduct offshore preleasing, leasing and related activities in those areas under the June 12, 1998, moratorium. House section 107 had identical language except for omitting the term ''preleasing''.

Section 112 retains the language of House section 112 that prohibits the National Park Service from developing a reduced entrance fee program to accommodate non-local travel through a unit of the Park system. The Senate had no similar provision.

Section 114 modifies language proposed by the House and by the Senate (in section 113 of the Senate bill) dealing with grazing on BLM lands. The modification extends traditional grazing use on Federal lands managed by the National Park Service at Lake Roosevelt National Recreation Area in eastern Washington.

Section 117 retains the language of House section 117 continuing a provision carried in previous years placing a limitation on establishment of a Kankakee NWR in Indiana and Illinois that is inconsistent with the U.S. Army Corp of Engineers' efforts to control flooding and siltation. The Senate had no similar provision. The managers understand that this issue will be resolved shortly and this provision will not be carried in future years.

Section 119 retains the text of House section 119, which provides for the protection of lands at Huron Cemetery, KS. Section 117 as proposed by the Senate has identical text, with the exception of a difference in the use of punctuation.

Section 120 retains the text of section 120 as proposed by the House which continues a provision carried last year prohibiting the study or implementation of a plan to drain Lake Powell, or to reduce the water below that required to operate Glen Canyon Dam. The Senate had no similar provision.

Section 127 retains the text of section 124 as proposed by the Senate, which authorizes the Secretary of the Interior to use helicopters or motor vehicles to capture and transport horses and burros at the Sheldon and Hart NWRs. The House had no similar provision.

Section 128 modifies the text of section 126 as proposed by the Senate clarifying that the lands taken into trust for the Lytton Rancheria of California are still subject to all of the provisions of Public Law 100–497 and, in particular with respect to Class III gaming, the compact provisions of section 2710(d) or any relevant Class III gaming procedures. The managers further recognize that nothing in section 819 of Public Law 106–568 should be construed as permitting off reservation gaming by Indian tribes except in compliance with all relevant provisions of Public Law 100–497.

Section 129 retains the text of section 127 as proposed by the Senate, which renames Moore's Landing at the Cape Romain NWR in South Carolina as ''Garris Landing.'' The House had no similar provision.

Section 130 makes technical modifications to language proposed by the Senate in section 130 regarding cruise ship entries at Glacier Bay National Park and Preserve.

Section 131 retains the text of Senate section 131, which prevents the use of funds for the transfer of land on South Fox Island, Michigan without Congressional approval. The House had no similar provision. This section allows the Department of the Interior to continue working on processes pursuant to NEPA, including preparation of an EIS on the proposed land exchange, analysis of the State's proposal and a range of alternatives, and consideration of public input. Absent a showing that the agencies have not complied with NEPA, the managers, at this time, do not intend to include this or similar restrictions next year. This language affects current regulatory and legal processes, which are sufficient to protect the environment and the public's interests, by unnecessarily preventing the U.S. Fish and Wildlife Service and the National Park Service from releasing a record of decision on the proposed land exchange until Congress passes a law authorizing the exchange.

Section 132 includes language, agreed to in previous years, authorizing the transfer of Federal land acquisition funds for Brandywine Battlefield, Mississippi National River and Recreational Area, Shenandoah Valley National Historic District, and Ice Age National Scenic Trail.

Section 133 makes a technical change to Public Law 106–568 regarding land transfer boundaries.

Section 134 clarifies that the Secretary of the Interior has the authority to determine whether Indian lands constitute a reservation. Nothing in this section shall be construed to permit gaming on the lands described in section 123 of Public Law 106–291.

Section 135 makes a technical correction to the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area Act, Public Law 106–554.

The conference agreement does not include language proposed by the Senate in section 125 permitting the transfer of funds between State grant programs managed by the U.S. Fish and Wildlife Service and the National Park Service.

The conference agreement does not include the text of Senate section 128, which prevents the use of funds for mineral leasing and related activities in national monuments. This issue is addressed in Title III where the House language addressing this issue is retained.

The conference agreement does not include language proposed by the Senate in section 129 that would have expanded the special resource study area for Loess Hills in Iowa, or in section 132 dealing with the Pechanga Band of Indians, or in section 133 regarding Coastal Impact Assistance.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

The conference agreement provides $241,304,000 for forest and rangeland research instead of $236,979,000 as proposed by the House and $242,822,000 as proposed by the Senate. Changes from the House bill include $475,000 for the Forest Products Lab lumber salvage research, WI, $500,000 for the Center for Bottomlands research, MS, $175,000 for applied research in the hardwood region of Pennsylvania and nearby areas, and $4,000,000 for Forest Inventory and Analysis (FIA). The conference agreement does not include the House proposed increase of $1,250,000 above the request for FIA and the managers agree that the Forest Service should not follow the House report instructions concerning the FIA program under this heading or under the national forest system heading. The conference agreement does not include the Senate proposal to add funds for fixed costs but it does include the Senate proposed general reduction below the House of $175,000. The conference agreement includes the House proposed increases for Bent Creek, NC, urban forestry research at Syracuse, NY, and Davis, CA, and Coweeta watershed research, NC. The conference agreement provides that the Northeastern States Research Cooperative, as authorized in Public Law 105–185, receive $2,000,000, $600,000 above the request. Of this amount, $1,000,000 should go to ecosystem research at the Hubbard Brook Project of the Forest Service Northeastern research station, NH, and $1,000,000 should go to the Vermont George Aiken School of Natural Resources for collaborative research with Forest Service scientists and other cooperators on economic development, forest management, and forest product research. The managers direct the Forest Service to maintain the research related presence at the former Intermountain Research Station at, or above, the current level, including the position of Assistant Station Director.

STATE AND PRIVATE FORESTRY

The conference agreement provides $291,221,000 for State and private forestry instead of $277,771,000 as proposed by the House and $287,331,000 as proposed by the Senate. These funds include $101,000,000 within the conservation spending category for forest legacy, and urban and community forestry as proposed by the Senate instead of $104,000,000 as proposed by the House.

The conference agreement provides $43,304,000 for Federal lands forest health management as proposed by the House, $25,000,000 for cooperative lands forest health management as proposed by the Senate, $25,310,000 for State fire assistance as proposed by the House, and $5,053,000 for volunteer fire assistance as proposed by both the House and the Senate. The conference agreement also includes additional funds for State fire and volunteer fire assistance as part of the national fire plan funding within the wildland fire management account.

The conference agreement includes $33,171,000 for forest stewardship instead of $32,941,000 as proposed by the House and $33,268,000 as proposed by the Senate. The only change from the House proposal for forest stewardship is the addition of $230,000 for the Chesapeake Bay program as proposed by the Senate. The conference agreement also includes $3,000,000 for the stewardship incentives program instead of $8,000,000 as proposed by the House. This allocation is not derived from the conservation spending category as proposed by the House. The managers direct the Forest Service to target the stewardship incentives program funds for non-Federal forestlands impacted by, or at immediate risk from, major forest pests such as gypsy moth and the southern pine beetle. The managers intend the stewardship incentives program to be administered by the Forest Service with cost-share payments to landowners to be provided by the State foresters or an equivalent State official.

The conference agreement includes $65,000,000 for the forest legacy program as proposed by the Senate instead of $60,000,000 as proposed by the House. This allocation is derived from the conservation spending category. The conference agreement provides specific funding levels for high priority projects and also provides $22,135,000 for the

Forest Service to allocate to other projects and to cover the costs of Forest Service technical assistance, program administration, and State needs assessments and planning. The conference agreement has modified bill language proposed by the House and the Senate concerning approval of the Forest Service project selection. The conference agreement now requires the Forest Service to notify the House and Senate Committees on Appropriations in advance of undertaking specific forest legacy projects. The managers note the recent revision to the Puerto Rico forest legacy program standards and accordingly direct the Forest Service not to follow the House direction concerning this program in Puerto Rico. The conference agreement includes the following distribution of funds for the forest legacy program:

Project/State	*Conference*
Adirondack Lakes, NY	$2,000,000
Anderson-Tully, TN	3,500,000
Bar-J tract, phase III, UT	780,000
Castle Rock, UT	1,000,000
Catawba-Wateree Forest, SC	2,950,000
Chateaugay, VT	500,000
Coastal Forest ecosystem restoration, SC	650,000
Connecticut Lakes, NH	3,600,000
Howe Creek Ranch, CA	500,000
Kimball Pond, NH	700,000
McCandless Ranch, HI	1,000,000
Melvin Valley, NH	500,000
Mt. Washington, Hi-Rock Camp, MA	500,000
Nanejoy, MD	450,000
NJ Highlands, Newark watershed, NJ	5,000,000
North Chickamauga, TN	500,000
NY City watershed, NY	500,000
Range Creek Headwaters, UT	500,000
Thompson-Fisher phase II, MT	7,000,000
TN River Gorge, Cummings Cove, TN	1,000,000
TN small projects, TN	135,000
Tomahawk Northwoods phase II, WI	4,000,000
Treetops, CT	1,000,000
Tumbledown/Mt. Blue, ME	600,000
West Branch phase II, ME	4,000,000
Project subtotal	42,865,000
Unallocated projects & administration	22,135,000
Total Forest Legacy	65,000,000

The conference agreement includes $36,000,000 for the urban and community forestry program as proposed by both the House and the Senate. This allocation is derived from the conservation spending category. The managers agree to the House proposal for this activity plus $50,000 for the West Virginia partnership coordinator, $350,000 for the Chicago, IL wilderness program, and $200,000 for the Cook County forest preserve, IL. The managers agree to the Senate proposed $600,000 general decrease. The managers are aware of Treepeople's proposed Center for Community Forestry in Los Angeles, CA, and its value as a national resource. The managers encourage the Forest Service to consider supporting this important urban forestry program. The managers encourage the Forest Service to participate in developing living memorials using trees that will recognize the tragic losses that occurred on September 11, 2001 in New York City, the Pentagon area, and southwest Pennsylvania.

The conference agreement includes the following distribution of funds for the economic action programs:

Program or project	*Conference*
Economic Recovery program:	
Economic recovery base program	$3,685,000
Overhill regional economic development, TN	200,000
Graham & Swain Counties, NC	75,000
Total economic recovery	3,960,000
Rural development program:	
Rural development base program	2,400,000
NE & Midwest allocation	2,500,000
N Rockies Heritage Center, MT	350,000
Four Corners Sustainable Forestry	1,000,000
Hawaii forestry initiative	200,000
NY City watershed rural development	300,000
NY City watershed enhancement	500,000
Kiski Basin economic development, PA	200,000
Total rural development	7,450,000
Forest products conservation & recycling program	1,300,000
Small diameter initiative	2,000,000
Wood in transportation program	1,920,000
Programs total	16,630,000
Special projects:	
Wood Education & Resource Center, WV	2,700,000
Lake Tahoe erosion control grants, CA NV	3,500,000
Cradle of forestry conservation education, NC	250,000
KY mine waste reforestation	1,000,000
Envir. Sci. & Public Policy Research Inst., ID	250,000
Kake Land Exchange, AK	4,500,000
Ketchikan Public Utilities, right-of-way clear, AK	2,500,000
Kilns in SE and SC Alaska	2,000,000
Navaho County, AZ biomass energy	350,000
Tillamook State Forest Interpretive Center, OR	500,000
South Lake Tahoe MTBE study	500,000
Cordova visitor center, AK	300,000
Allegheny NF area tourism, PA	200,000
State of Alaska expedited envir. studies	500,000
Total special projects	18,850,000
Total Economic Action Programs	35,680,000

The conference agreement includes the bill language proposed by the Senate concerning a direct lump sum payment to the Kake Tribal Corporation, AK, but the funding total is $4,500,000. The managers understand that this is the final year of funding for kilns in Alaska. The Forest Service shall follow Senate instructions concerning the distribution of funds for the Ketchikan public utilities right-of-way clearing project. The managers have provided $500,000 for the Tahoe Regional Planning Authority and the South Lake Tahoe public utility to conduct the study of MTBE contamination authorized in the Lake Tahoe Restoration Act. The managers stress that subsequent funding to remedy this MTBE problem is not authorized by that Act and must come from sources other than Interior and related agencies appropriations acts, such as within the Environmental Protection Agency funding. The Cradle of Forestry conservation education funds include $100,000 for activities at the Cradle of Forestry in America in the Pisgah National Forest and $150,000 for the Education and Research Consortium of North Carolina to continue its cooperative environmental education activities with the Cradle of Forestry in the Pisgah National Forest.

The conference agreement includes $9,425,000 for Pacific Northwest Assistance instead of $9,200,000 as proposed by the House and $9,625,000 as proposed by the Senate. This funding includes House-proposed allocations plus an additional $225,000 for the base program. The conference agreement includes $5,015,000 for forest resource information and analysis as proposed by the Senate; the Forest Service should follow Senate directions concerning this program. The conference agreement also includes $5,263,000 for the international forestry program.

NATIONAL FOREST SYSTEM

The conference agreement provides $1,331,439,000 for the National forest system instead of $1,320,445,000 as proposed by the House and $1,324,491,000 as proposed by the Senate. Funds should be distributed as follows:

Land management planning	$70,358,000
Inventory and monitoring	173,266,000
Recreation, heritage & wilderness	245,500,000
Wildlife & fish habitat management	131,847,000
Grazing management	34,775,000
Forest products	266,340,000
Vegetation & watershed management	190,113,000
Minerals and geology management	48,956,000
Landownership management	88,434,000
Law enforcement operations	79,000,000
Valles Caldera National Preserve, NM	2,800,000
Total	1,331,439,000

The following discussion describes funding changes from the House passed bill. The inventory and monitoring activity does not include the funding for the Lake Tahoe basin watershed assessment. The wildlife and fish habitat management activity does not include any funds, as proposed by the Senate, for the State of Alaska to conduct monitoring on the Tongass National Forest. The recreation, heritage and wilderness activity has a general program increase of $3,500,000 and it does not include a special allocation for the fee demo program revolving account, although this could be pursued at agency discretion. Funds for national scenic trails operations and Pacific Crest Trail maintenance are not included in the recreation activity but have been transferred to the capital improvement and maintenance appropriation

account. Wildlife and fish habitat management includes $200,000 for work on the Batten Kill River, VT as proposed by the Senate and a general program reduction of $400,000. The grazing management activity is funded at the Senate proposed level. Changes from the House in the vegetation and watershed management activity include, for the Lake Tahoe basin, increases of $150,000 for watershed improvement activities, $400,000 for adaptive management, and $450,000 for the management of urban lots. The managers allow the Forest Service, upon notification of the House and Senate Committees on Appropriations, to reprogram national forest system funds within the Lake Tahoe basin.

The conference agreement also includes $200,000 for Dakota Prairie grasslands weed control. The Forest Service should maintain the noxious weed program at the Okanogan National Forest, WA, at $300,000 as in fiscal year 2001. The managers revise the House direction concerning the full time lands team working on the Pacific Crest Trail to direct the full time team to continue its functions but allow work on other high priority land projects as well as the Pacific Crest Trail. Funding for the law enforcement activity includes a general increase of $2,000,000. The managers have not agreed to the Senate proposal to provide $200,000 for the Southwest strategy. The managers direct the report required by both the House and the Senate concerning the budget formulation and execution system be due March 15, 2002.

The managers direct the Forest Service, in their completion of the Chugach National Forest and land resource management plan, to analyze the impact that restrictions proposed within the plan regarding mechanical fuel treatments and forest access will have on the level of prescribed burning and the implementation of the national fire plan on the Chugach National Forest. The managers direct that this analysis be completed before the release of the Chugach forest plan and that it shall be included in the plan.

The managers understand that the budget request for land management planning included $2,500,000 for the Chippewa and Superior National Forests, MN, to continue work on forest plans. The managers expect such funds shall be used to continue work in an expeditious manner.

Funding for the newly established Valles Caldera National Preserve, NM, is increased by $1,789,000 above the House level; much of this increase is for one-time infrastructure improvements to facilitate public access to this unique part of the national forest system. The managers expect the Valles Caldera directors to use these funds efficiently; they should begin the revenue generating activities authorized for this area and submit to the House and Senate Committees on Appropriations a plan and schedule, including cost estimates, for its management that is consistent with National funding priorities. The conference agreement does not include the general reduction to the national forest system account adopted in House floor action.

The managers have revised House report language concerning the management of urban lots in the Lake Tahoe basin. The managers note that the Forest Service faces significant challenges in order to manage and care for urban properties. The intensive effort required for management of these properties must be evaluated in light of the need for the agency to manage the large portions of the basin under its jurisdiction. The managers request that the Forest Service report to the House and Senate Committees on Appropriations no later than October 1, 2003 on the adaptive management practices that are suitable for urban lots acquired under the Santini-Burton program in the Lake Tahoe basin, and make recommendations as to those practices that are most effective in meeting the goals of the Lake Tahoe Restoration Act (P.L. 106–506). The managers expect that this analysis will consider the role and function of urban lots relative to water quality and watershed protection, biological diversity, recreation, public access, and forest vegetation management for wildfire control. The managers expect the Forest Service and partners in the basin to evaluate alternatives to continued urban lot purchases and to develop alternative methods of managing Federal urban lots, and to implement monitoring and research regarding the function that the lots play in supporting ecological integrity in the basin.

WILDLAND FIRE MANAGEMENT

The conference agreement provides $1,560,349,000 for wildland fire management instead of $1,402,305,000 as proposed by the House and $1,280,594,000 as proposed by the Senate. The managers note that this funding total includes $346,000,000 in contingent emergency appropriations instead of $165,000,000 as proposed by the Senate and no emergency funding proposed by the House, and that $200,000,000 is to pay back emergency wildfire expenditures of fiscal year 2001. This emergency funding should be used to repay sums previously advanced for fiscal year 2001 wildfire emergencies as well as to fund various components of the national fire plan as discussed below.

The managers believe that the full, integrated national fire plan effort needs to be sustained in future years in order to reduce the risks of catastrophic fire in many areas of the Nation. The managers note that the Administration, working along with governors and local communities, have submitted a framework for a ten-year national fire plan. However, after reviewing the plan, the managers are concerned that the plan does not lay-out clear funding requirements for various aspects of this important endeavor. Therefore, the managers direct the Secretaries of Agriculture and the Interior to provide to the House and Senate Committees on Appropriations by March 15, 2002, an updated fire plan that includes detailed schedules of activities and funding requirements. The managers understand that funding requirements for wildfire activities include considerable year-to-year uncertainty depending on weather and fire circumstances and therefore the managers view the funding requirements for the national fire plan as being an iterative process, which requires annual updates. The managers direct the Departments of the Interior and Agriculture to continue to work together to formulate complementary budget requests that reflect the same principles and a similar budget organization and submit a cross-cutting budget request to the Committees, which covers all federal wildfire responsibilities. The managers expect the Forest Service to emphasize the use of cooperative agreements and grants to a wide-range of interests to help meet the national fire plan goals and objectives on all lands, including information compilation and analysis, public education, and applied research. In addition, the managers expect the agencies to seek the advice of governors, and local and tribal government representatives in setting priorities for fuels treatments, burned area rehabilitation, and public outreach and education.

Wildfire preparedness

The conference agreement includes $622,618,000 for preparedness as proposed by the Senate instead of $616,618,000 as proposed by the House. The $6,000,000 in fire technology development included within the Senate proposal for preparedness has been transferred to the other fire operations activity and base funding for preparedness has been increased accordingly. The managers reiterate the House direction concerning the need for completed fire plans for all forest service units and the managers direct that a schedule for this implementation be included in the next budget request. The managers also remain concerned about the variation in methods by which the departments calculate wildfire fighting readiness and how the departments plan their distribution of firefighting resources to attain efficiency. The managers direct the Secretaries of Agriculture and the Interior to develop and implement a coordinated and common system for calculating readiness which includes provisions for working with the shared fire fighting resources of the States and other cooperators and considers values of various resources on both Federal and other lands.

Wildfire suppression operations

The conference agreement includes $521,321,000 for wildfire suppression activities instead of $321,321,000 proposed by both the House and Senate. This includes $255,321,000 for non-emergency wildfire suppression activities instead of $321,321,000 proposed by the House and $221,321,000 as proposed by the Senate. The agreement also includes $266,000,000 in emergency wildfire suppression funding instead of no emergency funding proposed by the House and $100,000,000 as proposed by the Senate. The managers direct the Forest Service to use $200,000,000 in emergency contingency funding to repay funds advanced for emergency wildfire suppression activities in fiscal year 2001 from other activities, trust funds, and other appropriation accounts.

The managers are very concerned about fire fighter safety issues in light of the tragic Thirty Mile fire in northern Washington. The managers direct the Forest Service to continue development and testing of a new fire shelter for the protection and safety of fire fighters. The testing shall include products being advanced by private industry. The Forest Service should submit a report to the House and Senate Committees on Appropriations on the results of these tests by September 30, 2002.

The managers are concerned about fire suppression costs during major incidents and therefore the Forest Service and the Department of the Interior are directed to contract for a thorough, independent review of wildfire suppression costs and strategies. The Departments should equally share the cost of the review and a preliminary report should be issued by May 31, 2002, and the final report be delivered to the House and Senate Committees on Appropriations by September 30, 2002.

The managers note that even after enactment of this bill the KV reforestation trust fund will lack $320,000,000, which has not been repaid but which was advanced for emergency wildfires during previous years. The Administration should strive to repay these funds.

Other wildfire operations

The conference agreement includes $416,410,000 for other fire operation activities instead of $464,366,000 as proposed by the House and $336,655,000 as proposed by the Senate. Of this allocation, $80,000,000 is designated as emergency funds instead of $65,000,000 as proposed by the Senate. The allocation of this funding is as follows:

	Non-emergency	Emergency	Total
Hazardous Fuels	$209,010,000		$209,010,000
Fire Facilities	10,376,000	$10,000,000	20,376,000
Rehabilitation	3,668,000	59,000,000	62,668,000
Research & Development	22,265,000	5,000,000	27,265,000
Joint Fire Science	8,000,000		8,000,000
Forest Health Management	11,974,000		11,974,000
Economic Action	12,472,000		12,472,000
State fire assistance	50,383,000	6,000,000	56,383,000
Volunteer fire assistance	8,262,000		8,262,000
Total other wildfire operations	336,410,000	80,000,000	416,410,000

The conference agreement includes $209,010,000 for hazardous fuels treatments as proposed by the Senate instead of $227,010,000 as proposed by the House. The managers expect the Forest Service to ensure that fuels treatments are accomplished quickly and in an environmentally sound manner. In conducting treatments, local contract personnel are to be used wherever practical and efficient. The managers expect the agency to show planned and actual funding and accomplishments for fuels management activities in future budget requests to the Congress. The managers understand that actual amounts may differ from planned levels. The managers expect the agencies to work closely with States and local communities in implementing this program in an effective and efficient manner.

The managers have not included bill language proposed by the Senate, which required that the Forest Service spend no less than $125,000,000 on hazardous fuels reduction projects in the wildland-urban interface. Instead, the managers expect that the Forest Service will expend this amount, as stated in the budget request, on projects in the wildland-urban interface. If the agency does not attain such levels, it shall promptly notify the House and Senate Committees on Appropriations and provide a report explaining why the Forest Service was unable to expend such sums. The managers continue to believe that an emphasis on fuels reduction work in the wildland-urban interface is critical to protecting the safety of rural communities.

The managers have included bill language proposed by the Senate providing that up to $15,000,000 in available funds may be used on adjacent, non-Federal lands to reduce hazardous fuels. The managers have not included bill language proposed by the Senate concerning resource management and access issues on the Chugach National Forest, AK. Instead, the managers have included direction under the national forest system heading regarding the upcoming Chugach National Forest plan. The conference agreement includes the Senate proposal to provide $5,000,000 for authorized Community Forest Restoration Act activities. The managers have not provided Forest Service funds for the Ecological Research Institute and its activities at Mt. Trumbull. This issue is addressed under the Bureau of Land Management. The conference agreement also includes hazardous fuels funding of $16,000,000 for the Quincy Library group activities, CA and $2,000,000 for the Lake Tahoe Basin as indicated by the House, which is $500,000 above the request.

The managers direct the Forest Service to provide technical assistance to the Tule River Tribal Reservation with its ground fuels mitigation program, the acquisition of appropriate fire suppression equipment, and the training of a tribal hot-shot crew.

The conference agreement includes $20,376,000 for wildfire management facilities as proposed by the Senate instead of $38,000,000 as proposed by the House. Of these funds, $10,000,000 are available as emergency funds.

The conference agreement includes $62,668,000 for rehabilitation and restoration activities, including $59,000,000 as emergency funds, instead of $81,000,000 as proposed by the House and $3,913,000 as proposed by the Senate. The managers have provided this funding to continue work on the many areas impacted by the year 2000 fires as well as more recent events. The managers direct the departments to continue to implement the long-term program to manage and supply native plant materials for use in various Federal land management restoration and rehabilitation needs directed for fiscal year 2001.

The conference agreement includes $27,265,000 for research and development activities as proposed by the House; $5,000,000 of these funds are designated for emergency needs. The research and development allocation consolidates funds, which were requested within both the preparedness and fire operations activities. It is vital that activities related to wildfire management and natural resource management have a firm scientific basis. To this end, the managers have also included $8,000,000 for the joint fire science program as proposed by the House instead of $4,000,000 as proposed by the Senate. The joint fire program is matched with similar funding within the Department of the Interior and this program should continue the direction it has taken in fiscal year 2001. The managers have designated $1,000,000 within the available, non-emergency research and development funds for cooperative research and technology development for the University of Montana National Center for Landscape Fire Analysis. This replaces designations for this project in the House and Senate recommended bills.

The managers note that devastating windstorms have caused great damage on the Superior and Chippewa National Forests, MN. The budget request for wildland fire management included $8,000,000 to continue efforts to reduce the fuels accumulation, continue reforestation, and rehabilitate the wilderness and non-wilderness areas of these forests. The managers expect the scheduled work to be completed expeditiously with these funds.

The managers have included $56,383,000 for State fire assistance instead of $50,383,000 as proposed by both the House and the Senate. Of this total, $6,000,000 is designated as emergency funds and this total includes $5,000,000 for hazardous fuels work in Anchorage, AK instead of $6,000,000 as proposed by the Senate, and $1,000,000 to continue hazardous fuels work in the Kenai Borough, AK, as proposed by the Senate. The Forest Service should follow Senate direction concerning the distribution of these funds. State fire assistance includes support for the FIREWISE program and the use of cost share incentives. The conference agreement includes $12,472,000 for economic action activities associated with the national fire plan as proposed by both the House and the Senate. The managers note that the State and private forestry appropriation includes funds for the small diameter initiative so the House instructions concerning this project need not be followed.

CAPITAL IMPROVEMENT AND MAINTENANCE

The conference agreement provides $546,188,000 for capital improvement and maintenance instead of $535,513,000 as proposed by the House and $541,286,000 as proposed by the Senate. This funding includes $61,000,000 as recommended by the Senate for priority deferred maintenance and infrastructure improvement within the conservation spending category. The conference agreement provides for the following distribution of funds:

Activity or project	*Conference*
Facilities:	
Maintenance	$93,926,000
Capital improvement	70,678,000
Congressional priorities:	
Allegheny NF campgrounds, PA	900,000
Allegheny NF Marienville RS, PA	975,000
Big Bear center, CA	1,000,000
Cherokee NF recreation projects, TN	1,000,000
Cradle of Forestry volunteer facilities, NC	1,165,000
Franklin County Lake, MS	1,400,000
Francis Marion NF, SC	100,000
Gladie Creek center, KY	718,000
Grey Towers NHS, PA	500,000
Hardwood Tree Improvement & Regeneration Center at Purdue, IN	500,000
Inst. of Pacific Islands Forestry, HI	2,000,000
Lake Tahoe, restrooms & Tallic rehab	115,000
Midewin Nat. Tallgrass Prairie horticulture building, IL	450,000
Mitchell Mill, Ozark NF AR	350,000
Monongahela NF sanitation, WV	440,000
Mt. Tabor work center, VT	650,000
Nantahala NF recreation projects, NC	850,000
Rapid City research lab, SD	2,558,000
Timberline Lodge ADA rehab, OR	1,240,000
Tuckerman Ravine, NH	330,000
Waldo Lake rehab, OR	500,000
Wayne NF SO, OH	1,000,000
Wayne NF facilities improvements, OH	1,000,000
Winding Stair Mtn. NRA, OK	1,102,000
Total Congressional priorities	20,843,000
Total Facilities	185,447,000
Roads:	
Maintenance	159,291,000
Capital improvement	67,600,000
Congressional priorities:	
Franklin County Lake, MS	600,000
Lake Tahoe, Eagle Falls rehab	455,000
Lake Tahoe roads	800,000
Monongahela NF, WV	920,000
Total Congressional priorities	2,775,000
Total Roads	229,666,000
Trails:	
Maintenance	40,434,000
Capital improvement	26,955,000
Congressional priorities:	
Continental Divide Trail	1,000,000
FL National Scenic Trail	500,000

Activity or project	Conference
Pinhoti Trail, GA	186,000
National Scenic trails maintenance add-on	800,000
Pacific Crest Trail maintenance	200,000
Total Congressional priorities	2,686,000
Total Trails	70,075,000
TOTAL Capital Improvement and Maintenance	485,188,000
Infrastructure improvement, conservation category	61,000,000
TOTAL with conservation category	546,188,000

The conference agreement includes bill language proposed by the Senate concerning a fiscal year 2001 appropriation for improvements at the Hardwood Tree Improvement and Regeneration Center at Purdue University, IN, and language transferring a fiscal year 2001 appropriation for certain recreational facilities near the Allegheny National Forest, PA.

The managers concur with the Senate in providing $2,558,000 for the design, planning, and acquisition of property to support the efficient collocation of the Mystic Ranger District and the Rapid City Research Laboratory in South Dakota. The managers have also included $500,000 for the Hardwood Tree Improvement and Regeneration Center (HTIRC) at Purdue University, IN. The managers emphasize that construction of other facilities on the Black Hills National Forest and further Federal funding for the Hardwood Tree Improvement and Regeneration Center, IN, be proposed in the agency budget justification using the normal process for ranking and prioritizing facility needs. The Forest Service should submit reports detailing all future funding needs for these two projects no later than April 15, 2002. The conference agreement does not provide $2,000,000 for the Pike's Peak Highway as proposed by the Senate due to ongoing litigation directly related to the project.

The managers encourage the Forest Service to establish a suitable memorial for the four brave firefighters who lost their lives July 10, 2001, at the Thirtymile fire near Winthrop, WA.

LAND ACQUISITION

The conference agreement provides $149,742,000 for land acquisition instead of $130,877,000 as proposed by the House and $128,877,000 as proposed by the Senate. Funds should be distributed as follows:

Area (State)	Amount
Allegheny NF (Allegheny Wild & Scenic Rivers) (PA)	$220,000
Arapaho NF (Beaver Brook) (CO)	6,600,000
Beaverhead-Deerlodge NF (Watershed, RY Timber) (MT)	7,000,000
Bonneville Shoreline Trail (UT)	1,000,000
Bridger-Teton NF (Feuz conservation easements) (WY)	3,500,000
Chattahoochee NF (Mt. Yonah and Jacks River) (GA)	1,200,000
Chattooga W&SR/Watershed (NC/GA)	3,600,000
Cheq-Nicolet NF (Wisconsin Wild Waterways) (WI)	2,500,000
Chippewa and Superior NF (MN Wilderness) (MN)	1,400,000
Cibola NF (La Madera) (NM)	3,000,000
Coconino NF (Hancock Ranch) (AZ)	4,000,000
Columbia River Gorge NSA (OR/WA)	6,000,000
Dakota Prairie Grasslands (Griffin Ranch) (ND)	1,450,000
Daniel Boone NF (Red River Gorge) (KY)	2,037,000
Florida National Scenic Trail (FL)	4,000,000
Francis Marion NF (SC)	7,000,000
Gallatin NF (Greater Yellowstone Ecosystem) (MT)	3,500,000
Green Mtn. NF (including Prickly Hill, Blueberry Lake, and Gomez tracts) (VT)	1,250,000
Hoosier NF (Unique Areas) (IN)	1,500,000
I–90 Corridor/Plum Creek (WA)	4,000,000
Idaho Wilderness/W&S Rivers—Sulphur Creek Ranch (ID/MT)	2,200,000
Lake Tahoe Basin MU (High Meadows) (CA)	4,000,000
Lake Tahoe NF (Urban lots) (CA)	2,600,000
Lewis and Clark Historic Trail (ID/MT)	1,500,000
Los Padres NF (Big Sur Ecosystem) (CA)	7,660,000
Mark Twain NF (Ozark Mtn. Streams & Rivers) (MO)	1,500,000
Midewin NTGP (IL)	500,000
Ouchita NF (Lake Winona) (AR)	1,500,000
Pacific Crest Trail (CA/WA/OR)	2,000,000
Pacific Northwest Streams (Drift Creek and Davidson) (OR)	4,250,000
Payette NF (Thunder Mtn.)	1,000,000
Pisgah NF (Lake James) (NC)	2,500,000
San Bernardino NF (CA)	1,500,000
Santa Fe NF (Santa Fe Watershed) (NM)	1,750,000
Sawtooth NF (easements—Sawtooth NRA) (ID)	5,000,000
St. Francis NF (Stumpy Point, Anderson Tulley) (AR)	1,500,000
Sumter NF (Broad River Corridor) (SC)	1,500,000
Swan Valley Conservation Project (MT)	7,000,000
Tahoe NF (North Fork Am. River) (CA)	1,700,000
Tongass NF, Admiralty NM (Favorite Bay, Mental Health Lands) (AK)	5,225,000
Uncompahgre NF (Red Mountain) (CO)	4,600,000
Wayne NF (OH)	1,000,000
White Mtn. NF (Jericho Lake) (NH)	2,000,000
White Mtn. NF (NH)	1,500,000
Wild and Scenic Rivers PNW (Skagit River) (WA)	2,000,000
Subtotal	132,242,000
Wilderness Protection	1,000,000
Critical Inholdings, Opportunities	2,000,000
Cash Equalization	1,500,000
Acquisition Management	13,000,000
Total	149,742,000

The managers direct the Forest Service to continue its ongoing work to implement an acquisition program for the Pacific Crest Trail as rapidly as possible, utilizing assistance from the National Park Service, if desirable. Acquisition efforts should focus on properties where access and public service needs are the greatest. A progress report should be submitted to the House and Senate Committees on Appropriations no later than March 1, 2002.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

The conference agreement provides $1,069,000 for the acquisition of lands for national forests special acts as recommended by both the House and the Senate.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

The conference agreement provides an indefinite appropriation estimated to be $234,000 for the acquisition of lands to complete land exchanges as proposed by both the House and the Senate.

RANGE BETTERMENT FUND

The conference agreement provides an indefinite appropriation estimated to be $3,290,000 for the range betterment fund as proposed by both the House and the Senate.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

The conference agreement provides $92,000 for gifts, donations and bequests for forest and rangeland research as proposed by both the House and the Senate.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

The conference agreement provides $5,488,000 for management of national forest system lands for subsistence uses in Alaska as proposed by both the House and the Senate.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

The managers have modified bill language proposed by the Senate concerning the use of funds for land exchanges and have included language recommended by the Senate allowing the Forest Service to transfer any funds available to the Forest Service to the wildland fire management account during wildfire emergencies. The conference agreement also includes the House language prohibiting transfers to the USDA working capital funds in excess of the fiscal year 2000 level without advance approval from the House and Senate Committees on Appropriations. The managers have included the Senate proposed funding level for the administrative funds of the National Forest Foundation and the managers have included language expanding the National Forest Foundation board of directors. The conference agreement includes the House proposed bill language concerning the National Fish and Wildlife Foundation. The managers have not included the House proposed bill language concerning the use and reimbursement of detailees who are used for more than 30 days. Instead, the managers direct the Secretary to provide written notification to the House and Senate Committees on Appropriations of any employee to be detailed or assigned from an agency or office funded by this Act to any other agency or office of the Department for more than 60 days if the receiving office is not going to reimburse the donor office for

detailee time in excess of 60 days. Such notification should include the name of the employee to be detailed, the location of the detail, the estimated length of the detail, and a justification for the work to be performed during the detail.

The managers have agreed to revise instructions proposed by the House regarding the management of trust funds. In place of items numbered two and three in the House report, the managers agree to the following: (1) the Forest Service is directed to submit a detailed display in all future budget justifications of the anticipated program of work for these funds; (2) the plan shall provide sufficient detail to explain and justify the program of work and expected accomplishments in each region; and (3) the plan shall contain a full explanation of how planned improvement activities contribute to an integrated approach to forest management in conjunction with activities planned to be accomplished with discretionary funds.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

The conference agreement provides for the deferral of $40,000,000 in previously appropriated funds for the clean coal technology program. These funds will become available on October 1, 2002, to complete the remaining projects in this program.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides $616,490,000 for fossil energy research and development instead of $579,000,000 as proposed by the House and $604,090,000 as proposed by the Senate. Of the amount provided, $33,700,000 is derived by transfer from previous clean coal technology appropriations as proposed by the Senate. The numerical changes described below are to the House recommended level.

There is a decrease of $33,700,000 for the clean coal power initiative, which reflects the transfer of previously appropriated funds in that amount from the clean coal technology account. This transfer should not interfere with the timely completion of the remaining, unfinished clean coal technology projects. The funding provided for the clean coal power initiative in fiscal year 2002 is $150,000,000.

In the innovations for existing plants activity, there is an increase of $1,000,000 for materials research as part of the vision 21 program. This increase originally was proposed by the Senate under the advanced research account. Guidance on its use is provided below.

In advanced systems, increases include $3,000,000 for ITM oxygen research as part of the integrated gasification combined cycle program, $3,000,000 for vision 21 advanced combustion systems as part of the pressurized fluidized bed program, and $3,000,000 for syngas applications in the advanced turbine systems program. There is also a decrease of $3,000,000 in general program activities in the turbine program.

In distributed generation, increases include $2,000,000 for electro-chemical engineering in the advanced research program, $2,000,000 for systems development in the molten carbonate fuel cells program, and $6,000,000 for the solid-state energy conversion alliance in the innovative concepts program.

In transportation fuels and chemicals, there is an increase of $2,000,000 for the La Porte facility in Texas. The managers expect the Department to continue existing projects in the ultra clean fuels program. There is also an increase of $1,000,000 in the ultra clean fuels program for a clean diesel fuel program at the University of Alaska.

In solid fuels and feedstocks, there is an increase of $3,000,000 for advanced separation technology.

In advanced fuels research, there are increases of $500,000 for C–1 chemistry and $1,700,000 in advanced concepts for advanced products from coal, and a decrease of $1,000,000 for advanced separation technology (which is addressed above under solid fuels and feedstocks).

In advanced research, there is an increase of $2,000,000 in the technology crosscut program for the Computational Center of Excellence at the National Energy Technology Laboratory.

For natural gas technologies, there is an increase of $950,000 in exploration and production for coalbed methane water filtration research and increases in infrastructure programs of $1,000,000 for infrastructure technology and $1,000,000 for storage technology. There is also an increase of $2,000,000 in emerging processing technology for the coal mine methane program.

For oil technology, there is an increase of $3,000,000 in exploration and production for arctic research by the Office of Arctic Energy in Alaska and a decrease of $1,000,000 for the Oil Prime program in advanced research. There is also a decrease of $1,000,000 in the reservoir life extension program for reservoir field demonstrations.

In cooperative research and development, there is an increase of $2,240,000 for existing programs. Arctic technology research is addressed in the oil technology program above.

In general plant projects, there is a decrease of $900,000 in general plant projects for the National Energy Technology Laboratory and an increase of $11,000,000 for the first year of a 7-year program to upgrade the infrastructure at the National Energy Technology Laboratory. This upgrade is discussed in more detail below.

Finally, there is a decrease of $6,000,000, which reflects the one-time use of unobligated prior year funds that are available from a coal project that has been substantially reworked, with resultant cost savings. This amount should be restored to the base program in fiscal year 2003.

The managers are very supportive of the clean coal power initiative and expect the Department to ensure that the program is based on competitively awarded government-industry partnerships that demonstrate technologies that can strengthen electricity reliability for the Nation in an environmentally clean manner. The managers agree that industry will be required to provide at least 50 percent of each project's cost and that all projects must use U.S. coals, which must constitute at least 75 percent of the fuel. Further, all co-production projects must provide at least half of their output in the form of electricity.

The managers expect the Department to ensure that the solicitation for proposals is open to technologies that will: (1) reduce emissions of criteria pollutants (including mercury) from both existing and new plants, including management of plant byproducts; (2) improve the generation efficiencies of existing and new plants through such technologies as coal gasification; and/or (3) cost-effectively manage carbon emissions.

The managers agree to the following:

1. The $1,000,000 in the innovations for existing plants program for vision 21/materials is to accelerate the development of advanced alloys and materials for high efficiency, ultra-supercritical steam plants, allowing ultra-supercritical steam conditions to be used in a variety of fuel flexible, highly efficient, zero emission plants.

2. Available funding balances from contract closeouts may be used without reprogramming to minimize disruptions to ongoing research and development projects. Follow-on research areas consistent with plans and schedules developed in cooperation with industry partners, include ultra-supercritical materials, computational and fuels focus areas at the National Energy Technology Laboratory, gas-to-liquids, advanced research on coal-based fuels, solid-state energy conversion alliance (planar solid oxide fuel cells), vision 21/oxygen-based combustion, Wilsonville testing, power plant sensors and controls, carbon dioxide capture and geologic sequestration testing, and oil and gas offshore technology.

3. There is no earmark in the syngas ceramic membrane funding for any specific program. The available funds should be used to continue all existing projects as equitably as possible.

4. The distribution of the increase above the budget request for effective environmental protection programs in the oil technology activity should be consistent with the House recommendation.

5. The funding for risk assessment programs under the oil technology activity assumes that the risk based data management system will continue to be funded at the fiscal year 2001 level.

6. Within the funds provided in oil technology for the Office of Arctic Energy $1,000,000 is to support oxygen transport ceramic membrane research.

7. The Department should review the fuel flexibility for industrial boilers program developed by Pennsylvania State University and consider incorporating follow-on work in this area into the fiscal year 2003 budget priorities.

8. The $2,000,000 increase above the budget request for distributed generation/vision 21 hybrids, included in both the House and Senate recommendations, is for the tubular solid oxide fuel cell program.

9. The increase above the budget request for the solid-state energy conversion alliance under distributed generation/innovative concepts is to be added to the base funding for planar solid oxide fuel cell programs and is to be used to continue existing projects, consistent with program plans developed in cooperation with industry partners. The managers understand that base funding for this program will need to be increased substantially in fiscal year 2003 to keep this program on schedule to meet critical program goals.

10. Of the funds provided for turbine systems, $3,000,000 is for the industry/university consortium.

11. The Department should develop a five-year plan reorienting the turbine program to support vision 21 and focusing on the development of a technology base to increase fuel flexibility (including coal) and efficiency as well as reliability, availability, and maintainability, with low emissions and low life cycle costs. The plan should be submitted to the House and Senate Committees on Appropriations no later than January 15, 2002.

12. In the carbon sequestration program, the Department should continue and expand International Utility Efficiency Partnerships as part of the U.S. Initiative on Joint Implementation.

The conference agreement modifies bill language proposed by the Senate earmarking

$11,000,000 for planning and design of an infrastructure upgrade at the National Energy Technology Laboratory. The modification provides land acquisition authority, which the managers understand will be used on a limited basis. This funding represents the first year of a 7-year improvement plan for the Laboratory and the managers expect the Department to keep this amount in the base budget for each of the next 6 years.

The conference agreement includes bill language proposed by the Senate deriving $33,700,000 by transfer from the clean coal technology program to offset new budget authority in fiscal year 2002. The managers note that this is a one-time transfer and this amount will need to be restored to the Fossil Energy Research and Development base budget in fiscal year 2003.

The conference agreement also modifies language to extend the proposal submission period for the Clean Coal Power Initiative from 90 days to 150 days and to permit the combining of fiscal year 2002 and fiscal year 2003 funds for contract awards made in fiscal year 2003.

ALTERNATIVE FUELS PRODUCTION

(RESCISSION)

The conference agreement provides for the rescission of $2,000,000 in unobligated balances from the alternative fuels production account as proposed by the Senate instead of no rescission as proposed by the House.

NAVAL PETROLEUM AND OIL SHALE RESERVES

The conference agreement provides $17,371,000 for the naval petroleum and oil shale reserves as proposed by both the House and the Senate.

ELK HILLS SCHOOL LANDS FUND

The conference agreement provides $36,000,000 to become available on October 1, 2002, for the Elk Hills school lands fund as proposed by the Senate instead of $36,000,000 to be derived by transfer from unobligated balances in the clean coal technology account as proposed by the House.

ENERGY CONSERVATION

The conference agreement provides $912,805,000 for energy conservation instead of $940,805,000 as proposed by the House and $870,805,000 as proposed by the Senate. The numerical changes described below are to the House recommended level.

In building technology assistance, there are decreases of $19,000,000 for the weatherization assistance program and $17,000,000 for State energy conservation grants. There is also an increase of $1,000,000 for the energy star program.

In industries of the future/crosscutting, there is an increase of $2,000,000 for the innovations and inventions program.

In transportation programs, there is a general increase of $2,000,000 in technology deployment for the clean cities program.

In policy and management, there is an increase of $3,000,000 for the regional support offices.

The managers agree to the following:

1. The increase in funding for the regional support offices is to restore base funding for these important entities. The Department should do a better job of using these offices to manage programs and projects and should not short-fund these offices in future budget requests while protecting funding for headquarters offices in Washington, DC. Funding comparisons (prior year, current year, budget year) and activity descriptions for each regional support office should be included in the annual budget request beginning in fiscal year 2003. The managers encourage the Department to consider shifting resources from headquarters to the regional support offices.

2. Consistent with the policy of fuel neutrality, no funds are earmarked in the Clean Cities program for increasing E–85 fueling capacity. The managers encourage the Department to give careful consideration to proposals that would help increase such capacity, consistent with the goals of the Clean Cities program.

3. Within the funds provided, the managers understand that the Northwest Alliance for Transportation Technologies will be funded at a higher level than in fiscal year 2001.

4. Within the transportation sector hybrid program, the Department should continue 3 contracts through completion of phase I of the advanced power electronics program and should down select to 2 contracts, as planned, prior to funding the next phase of the program.

5. Within the increase provided above the budget request for lightweight materials technology in transportation programs, the Department should foster research aimed at developing lightweight composites for heavy vehicles in conjunction with MSE, Inc.'s High Performance Materials Group.

6. The Department should report to the House and Senate Committees on Appropriations, within twelve months of the date of enactment of this Act, on the technical and economic barriers to the use of fuel cells in transportation, portable power, stationary, and distributed generation applications. The report should include recommendations on program adjustments based on an assessment of the technical, economic, and infrastructure requirements needed for the commercial use of fuel cells for stationary and transportation applications by 2012. Within six months of the date of enactment of this Act, the Department should also provide an interim assessment that describes preliminary findings about the need for public and private cooperative programs to demonstrate the use of fuel cells in commercial scale applications.

The conference agreement earmarks $275,000,000 for energy conservation grant programs instead of $311,000,000 as proposed by the House and $251,000,000 as proposed by the Senate. Within the funds provided, $230,000,000 is further earmarked for weatherization assistance grants instead of $249,000,000 as proposed by the House and $213,000,000 as proposed by the Senate, and $45,000,000 is earmarked for State energy conservation grants instead of $62,000,000 as proposed by the House and $38,000,000 as proposed by the Senate.

No statutory language on cost sharing for weatherization grants is included in the conference agreement but the managers strongly urge the Department to pursue actively such cost sharing from State and local governments and other entities. Detailed cost-sharing information (and the amount of Federal funds provided) should be included for each State or eligible entity in the budget submission for fiscal year 2003 and in future submissions.

The conference agreement includes statutory language requiring that one-half of the funding made available in fiscal year 2002 and thereafter for the energy efficiency science initiative be managed by the fossil energy research and development program. The managers expect the Department to issue a single solicitation for this program that covers both energy conservation and fossil energy programs.

ECONOMIC REGULATION

The conference agreement provides $1,996,000 for economic regulation as proposed by both the House and the Senate.

STRATEGIC PETROLEUM RESERVE

The conference agreement provides $179,009,000 for the strategic petroleum reserve as proposed by the House instead of $169,009,000 as proposed by the Senate.

The conference agreement modifies statutory language contained in both the House and Senate bills, specifying that ''not to exceed'' $8,000,000 is for the Northeast Heating Oil Reserve. If the full $8,000,000 is not needed, the managers encourage the Department to apply any excess funds to the Strategic Petroleum Reserve vapor pressure project to remove excess heat and gas from the oil in the reserve. Funds for this critical project should be continued in the base for each of the next 3 years (at least at the $12 million level provided in fiscal year 2002) so that it can be completed no later than fiscal year 2005.

ENERGY INFORMATION ADMINISTRATION

The conference agreement provides $78,499,000 for the energy information administration as proposed by the House instead of $75,499,000 as proposed by the Senate.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

The conference agreement provides $2,389,614,000 for Indian health services instead of $2,390,014,000 as proposed by the House and $2,388,614,000 as proposed by the Senate. The numerical changes described below are to the House recommended level.

For hospital and health clinic programs there are decreases of $500,000 for Joslin diabetes programs and $500,000 for technology upgrades. For Indian health professions there are increases of $50,000 for the InPsych program at the University of North Dakota, $50,000 for the InPsych program at the University of Montana, and $500,000 for the InMed program at the University of North Dakota.

The managers agree to the following:

1. The additional contract health services funding provided for fiscal year 2002 should be distributed following a methodology developed in consultation with the tribes. The managers have received expressions of concern from many different tribes on this issue and ask that the Service base the funding distribution on a methodology that considers the needs of all eligible tribes at the same time as addressing disparities in funding.

2. The Service should continue to follow last year's direction on the level of need funded methodology and the distribution of the Indian health care improvement fund.

The conference agreement provides the House proposed statutory earmarks for contract health services and contract support costs. As in past years, there is no specific earmark for any individual tribe for contract support costs.

The managers have not agreed to statutory language proposed by the House dealing with certain limitations on contract support costs. The managers believe the disparities between BIA and IHS in the funding of contract support costs should be resolved. While there has been some discussion of this issue by the two agencies over the past few years, no resolution to these differences has resulted. The managers urge the Office of Management and Budget to serve as a coordinator for further discussion of the issue with the two agencies, with the goal of resolving existing discrepancies. The Office of Management and Budget should address this issue as part of the fiscal year 2003 budget request.

INDIAN HEALTH FACILITIES

The conference agreement provides $369,487,000 for Indian health facilities instead of $369,795,000 as proposed by the House and $362,854,000 as proposed by the Senate. The changes to the House level are all in the hospital and clinic construction category. The managers agree to the following distribution of facilities construction funds (excluding sanitation facilities):

Project	*Conference agreement*
Fort Defiance, AZ (hospital and staff quarters)	$27,827,000
Pinon, AZ (clinic infrastructure)	2,600,000
Winnebago, NE (hospital)	15,000,000
Red Mesa, AZ (clinic infrastructure)	5,000,000
Pawnee, OK (clinic infrastructure)	5,000,000
Sisseton, SD (clinic infrastructure)	2,333,000
St. Paul and Metlakatla, AK (clinics infrastructure)	5,500,000
Bethel, AK quarters	5,000,000
Zuni, NM quarters	2,000,000
Dental units	1,000,000
Small ambulatory care facilities	10,000,000
Joint ventures	5,000,000
Total	$86,260,000

The managers agree to the following:

1. The funds provided for the Portland Area AMEX program should remain in the base in fiscal year 2003 for addressing the nationwide need for maintenance funds, and the Service should request an increase to the base maintenance funding in fiscal year 2003 to enable the Service to keep pace with the expanding facilities infrastructure for Federal and tribal facilities, including Alaska village-built clinics.

2. Given the tremendous unmet need for new and replacement hospitals and clinics in Indian country, the managers urge that, beginning in fiscal year 2003, the Department and the Office of Management and Budget establish a recurring base budget for hospital and clinic facilities construction rather than building from a zero-based budget each year. The managers suggest that the base amount for fiscal year 2003 should be at least $90,000,000 (the fiscal year 2002 level plus inflation) and projects should be identified based on the established priority list (including hospitals, clinics, staff quarters, dental units, small ambulatory care facilities, and joint ventures) to total the base funding level.

3. The Service should use balances available from completed construction projects to fund the additional site work and infrastructure needs of the Pinon, AZ clinic and, to the extent available, to fund additional site work and infrastructure at the Red Mesa, AZ clinic.

4. The Service should continue funding for a new drinking water system for the Shoshone-Bannock Tribes of the Fort Hall reservation in Idaho to the extent such project is ranked within the established sanitation facility priority ranking system.

5. Rather than issuing a new solicitation for the small ambulatory grant program in fiscal year 2002, the Service should fund high priority, unfunded projects from the ranked order list generated from the fiscal year 2001 application process.

6. The Service should establish a reasonably low maximum funding threshold for the small ambulatory grant program so that several projects can be funded under that program each fiscal year. The maximum amount should not be construed as the amount available for each project, and the managers expect that most projects will be funded well below the maximum funding threshold.

7. The Service should ensure, in evaluating joint venture proposals, that any needed staff quarters are included in tribal construction proposals and that the cost of staff quarters construction and all related costs are funded by the tribe. Once constructed, staff quarters should be self-supporting from revenues generated from rental fees. The Service should not be responsible for any construction or subsequent operating costs for staff quarters that are associated with a joint venture.

The conference agreement includes statutory language that modifies the Senate proposed language on the Bethel, AK hospital staff quarters construction project. The modification permits the use of funds for staff quarters construction for sub-regional clinics in the Bethel area. The managers expect that this authority will be used on a limited basis only to the extent that such sub-regional staff quarters fit within the agreed upon overall cost for the Bethel staff quarters project and that there is no impact on the effort now underway to provide an adequate number of staff quarters at the Bethel hospital.

The conference agreement also includes statutory language permitting the Service to accept donated land for the St. Paul, AK clinic.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

The conference agreement provides $15,148,000 for salaries and expenses of the Office of Navajo and Hopi Indian Relocation as proposed by the House and the Senate.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

The conference agreement provides $4,490,000 for payment to the institute as proposed by the House and the Senate.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

The conference agreement provides $399,253,000 for salaries and expenses at the Smithsonian Institution instead of $396,200,000 as proposed by the House and $401,192,000 as proposed by the Senate. Changes to the House proposed funding levels for fiscal year 2002 are described below.

An increase of $1,497,000 is provided for the Smithsonian Center for Materials Research and Education. Within this amount, program funding for the Center is restored to the fiscal year 2001 enacted level and an additional $128,000 is included to meet anticipated annual pay costs. The managers expect that no decision will be made on an earlier proposal by Smithsonian management to eliminate this Center, as well as the Conservation Research Center, until the Science Commission has conducted a full evaluation of all science programs at the Institution and reported their findings to the Committees.

An increase of $26,000 is provided to the National Zoo for the hiring of a curator and preliminary operations and maintenance of the permanent Farm Exhibit, which is scheduled to open to the public in the spring of 2003.

An increase of $200,000 is provided for the Smithsonian Institution Libraries. This amount was proposed for reduction in the fiscal year 2002 budget estimate, but has been included by the managers in order to maintain the library at the Museum Support Center that supports the Center for Materials Research and Education.

An amount of $7,200,000 is provided within the Administration line item to continue the Institution's technology initiative. The Senate included $6,000,000 for this work. The House included $7,645,000 for this effort, but within the line item for Institution-wide Programs. The managers expect that the House and Senate Committees on Appropriations will be provided with quarterly reports that detail the Institution's progress with this initiative.

An increase of $58,000 is included to maintain existing health clinics as proposed by the Senate.

An increase of $1,743,000 is included for the Office of Protection Services. The budget estimate called for a reduction of the guard force in this amount. In light of recent events, the managers agree that it would not be appropriate to implement this proposal.

A decrease of $7,645,000 has been taken to the Institution-wide Programs line item. This amount was proposed by the House to fund costs associated with the technology initiative. As stated above, the managers recommend an amount of $7,200,000, the budget estimate, for this activity and have provided the funds within the Administration line item, which includes the Office of Technology.

A general reduction of $26,000 to the House proposed level has been taken to the Administration line item.

The conference report designates an amount of $37,508,000 to remain available until expended for the following activities: the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of the American Indian and the repatriation of skeletal remains program. The House proposal included no such designation for these activities. The Senate proposal provided $43,713,000 to remain available until expended for the activities listed above, as well as security funding and institution-wide programs.

The conference report includes bill language proposed by both the House and Senate instructing the Smithsonian to adhere to the reprogramming procedures described in House Report 105–163. In addition, the managers direct the Smithsonian to submit a quarterly report to the House and Senate Committees on Appropriations that displays all redirections of Federal funds, both above and below the reprogramming threshold, for each quarter. By implementing this reporting process, the Committees expect to gain a better and more timely understanding of the Institution's spending priorities throughout the fiscal year. Each of the Bureaus within the Department of the Interior currently submits a similar report.

REPAIR, RESTORATION AND ALTERATION OF FACILITIES

The conference agreement provides $67,900,000 for repair, restoration and alteration of facilities as proposed by the House and the Senate.

The managers direct the Smithsonian to assess its facility maintenance program as a result of the National Academy of Public Administration's recommendations. The Institution should identify the current program, describe the desired state, and provide an implementation plan with resource and organizational requirements needed to achieve the necessary maintenance level. The plan

should be reliability based with preventive, predictive, proactive and reactive components utilizing a computer-based maintenance management system. This plan should be submitted to the House and Senate Committees on Appropriations no later than December 15, 2001.

CONSTRUCTION

The conference agreement provides $30,000,000 for construction of the National Museum of the American Indian as proposed by the House, instead of $25,000,000 as proposed by the Senate.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

The conference agreement provides $68,967,000 for salaries and expenses of the National Gallery of Art as proposed by both the House and the Senate.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

The conference agreement provides $14,220,000 for repair, restoration and renovation of buildings as proposed by both the House and the Senate.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

The conference agreement provides $15,000,000 for operations and maintenance of the Kennedy Center as proposed by the House and the Senate.

CONSTRUCTION

The conference agreement provides $19,000,000 for construction as proposed by the House and the Senate.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

The conference agreement provides $7,796,000 for salaries and expenses of the Woodrow Wilson International Center for Scholars as proposed by the House and the Senate. Funds should be distributed as follows:

Fellowship program	$1,218,000
Scholar support	615,000
Public service	2,164,000
General administration	1,656,000
Smithsonian fee	208,000
Conference planning	1,770,000
Space	165,000
Total	7,796,000

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

The conference agreement includes $98,234,000 for grants and administration of the National Endowment for the Arts as proposed by both the House and the Senate. The Challenge America Arts Fund, a separate appropriation administered by the NEA, is funded at $17,000,000, as indicated later in the statement of the managers.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

The conference agreement provides $108,382,000 for grants and administration of the National Endowment for the Humanities instead of $107,882,000 as proposed by the House and $109,882,000 as proposed by the Senate. Increases above the House funding level include $361,000 for Federal/State partnerships, $217,000 for preservation and access, $155,000 for public programs, $145,000 for research programs, and $150,000 for education programs. In agreement with the budget estimate and the Senate proposal, the administration activity is funded at $18,450,000, a reduction of $528,000 from the House level. In addition to funds provided in this account, further appropriations for the NEH are included in the matching grants category below.

MATCHING GRANTS

The conference agreement provides $16,122,000 for matching grants instead of $15,622,000 as proposed by the House and the Senate. The agreement includes an increase of $500,000 for regional centers.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

The conference agreement provides $26,899,000 for grants and administration of the Office of Museum Services as proposed by both the House and the Senate.

CHALLENGE AMERICA ARTS FUND

CHALLENGE AMERICA GRANTS

The conference agreement includes $17,000,000 for Challenge America grants as proposed by both the House and the Senate. This account is administered by the National Endowment for the Arts according to all previously authorized requirements and serves to provide additional funding for arts education and outreach activities in rural and underserved areas.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

The conference agreement provides $1,224,000 for salaries and expenses of the Commission of Fine Arts instead of $1,274,000 as proposed by the House and $1,174,000 as proposed by the Senate. The conference agreement does not include $100,000 for the management of a competitive grants program as proposed in the budget estimate and proposed by the House. The $50,000 increase above the Senate proposed funding level is intended to meet the cost of technological improvements, such as equipment and the development of a web page, that will enable the Commission to have direct communication with the public. Given the significant public projects that come before the Commission, such as the World War II Memorial, the managers believe it is in the public interest to provide better access to the Commission's activities and decisions.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

The conference agreement provides $7,000,000 for National Capital Arts and Cultural Affairs as proposed by both the House and the Senate.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

The conference agreement provides $3,400,000 for salaries and expenses of the Advisory Council on Historic Preservation as proposed by the House instead of $3,310,000 as proposed by the Senate.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

The conference agreement provides $7,253,000 for salaries and expenses of the National Capital Planning Commission as proposed by both the House and the Senate.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

The conference agreement provides $36,028,000 for the Holocaust Memorial Museum as proposed by the House and the Senate.

PRESIDIO TRUST

PRESIDIO TRUST FUND

The conference agreement provides $23,125,000 for the Presidio Trust Fund as proposed by the Senate instead of $22,427,000 as proposed by the House.

TITLE III—GENERAL PROVISIONS

The conference agreement includes sections 301, and the text of sections 314 through 317, and 320 through 322, which were identical in both the House and the Senate bills, although section numbers have been changed in some cases in the conference agreement.

The conference agreement includes House sections 302 through 307, 309, 311, 318, 324, 325, and 330. Identical language was proposed by the Senate in sections 303 through 308, 310, 312, 319, 325, 326, and 332.

Section 308 retains the text of section 309 as proposed by the Senate concerning a pedestrian bridge between New Jersey and Ellis Island. The House had similar language in section 308, but included text carried in last year's law.

Section 310 retains the text of section 311 as proposed by the Senate, which limits payments for contract support costs for the Bureau of Indian Affairs and the Indian Health Service. The text of section 310 as proposed by the House is identical except for the use of capitalization.

Section 312 modifies language in section 312 as proposed by the House concerning an extension of the recreational fee demonstration program. The managers have agreed to a two year extension of this program through fiscal year 2004 rather than the four year extension recommended by the House. The managers have provided this extension to allow the authorizing committees with jurisdiction to continue their assessment of this program and to provide for a permanent solution to this issue. The managers strongly encourage the authorizing committees to address this matter forthwith so short-term extensions via the appropriations process are no longer germane. The managers have also modified the House language by deleting subsection (e), which extended the program to certain Forest Service special use permits. The managers recommend that the authorizing committees examine various options in this regard. The managers have retained language proposed by the House and contained in Senate recommended section 313 concerning the use of receipts from this program to construct permanent structures when the total cost of the facility exceeds $500,000. The managers note that the recreational fee demonstration program has generated substantial revenue, which has made a major impact on many parks, forests, refuges and public land units. By the end of fiscal year 2002, the program will have generated $937 million for the four participating agencies. The managers continue to believe that a user fee program, which focuses the fees directly to local, on-the-ground improvements, is an essential tool to help fund major Federal recreational assets. The managers expect the agencies implementing this program to focus on public service, to work closely with local communities and the recreational industry, and to use the receipts to enhance visitor services and reduce the backlog in deferred maintenance.

Section 317 retains the text of section 318 as proposed by the Senate prohibiting the Forest Service from expending or obligating appropriations in the Act to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act. The House had no similar provision.

Section 319 retains the text of section 319 as proposed by the House prohibiting the use of funds in the Act for GSA Telecommunication Centers. The Senate had no similar provision.

Section 323 retains the text of section 323 as proposed by the Senate. The language as proposed by the House in section 323 differed only in reference to fiscal years.

Section 326 retains the text of section 326 as proposed by the House which gives preference to dislocated workers for certain restoration contracts in the Giant Sequoia National Monument and the Sequoia National Forest. Section 329 as proposed by the Senate consisted of virtually identical text, except for language extending the length of authorization.

Section 327 modifies the text of section 327 as proposed by the House which provides that the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 solely because more than fifteen years have passed without revision of the plan, including its accompanying documents, for a unit of the National Forest System. It is the managers' intent that the passage of more than 15 years without revision of a plan for a unit of the National Forest System shall not, in and of itself, cause a violation of the National Environmental Policy Act (NEPA) (43 U.S.C. 4332). Instead, the standards at 40 C.F.R. 1502.9(c) and project-level NEPA requirements shall govern when a supplemental or additional environmental impact statement is required. It is the responsibility of the court to determine whether the good faith requirement of this section has been met and, if not, to order an accelerated schedule for plan revision. The managers understand that all plans for units of the National Forest System that will be revised during fiscal year 2002 will be revised pursuant to current rules (36 C.F.R. Part 219 and Part 217). Given the intense interest in the Administration's ongoing revision of forest planning rules, the managers intend that this section will be in effect for only one year. It is the managers' understanding that the authorizing Committees must consider legislation regarding this issue in the near future. The managers direct the Forest Service to provide a detailed report to the House and Senate Committees on Appropriations by January 31, 2002, describing the status and activities regarding each National forest unit land management plan. The report shall also include a plan and schedule, along with funding needs, to complete the forest plan revision process. The Senate had no similar provision.

Section 328 retains the text of section 328 as proposed by the House, which clarifies the requirement for mutually significant benefits when the Forest Service conducts cooperative agreements. The Senate had no similar provision.

Section 329 includes a minor technical modification of section 329 as proposed by the House concerning the conveyance of excess properties by the Forest Service. The Senate had no similar provision.

Section 330 retains the text of section 331 as proposed by the House which amends section 323 of the fiscal year 1999 Interior and Related Agencies Appropriations Act by extending for four years the cooperative agreements authority, thereby allowing the Forest Service to enter into cooperative agreements with willing Federal, tribal, State, and local governments, private and non-profit entities and landowners to implement watershed restoration agreements both on and near National forest system lands. Section 331 as proposed by the Senate was composed of similar language, but differed in length of authorization.

Section 331 retains the text of section 333 as proposed by the House that prohibits oil, natural gas and mining related activities within current National Monument boundaries. The Senate proposed similar language in section 128 under General Provisions, Department of the Interior.

Section 332 modifies the text of section 327 as proposed by the Senate expanding the number of stewardship end result contracts available to the Forest Service. The modified language extends the duration of the contracts by two years. The House had no similar provision.

Section 333 retains the text of section 328 as proposed by the Senate requiring that regulations and policies issued by the Departments of the Interior or Agriculture regarding cost recovery for processing authorizations adhere and incorporate a specific principle arising from Office of Management and Budget Circular, A–25. The House had no similar provision.

Section 334 modifies section 330 as proposed by the Senate regarding a cabin within the boundary of the Custer National Forest. After considering the special and unique circumstances surrounding the use of this facility, the managers agree to a provision that requires issuance of a special use permit to Montana State University—Billings for use of this cabin for a 20-year term, with a proviso for a review of the cabin's use after 10 years. The managers expect the agency to administer the permit in a manner that allows the University to utilize the cabin's location for suitable educational programs while recognizing the ecological and cultural values associated with the cabin's location and historical significance. The permit shall restrict use of the cabin to educational and scientific activities overseen by the University and necessary maintenance related to these activities consistent with the cabin's location. The managers expect the Forest Service to oversee the special use permit under current standards to ensure the cabin's use is consistent with this provision. The managers note that the issuance of this special use permit to bolster educational programs, while providing an opportunity to further enhance resource management in the area, shall not be deemed to set precedent for other structures within the national forest system.

Section 336 retains the text of section 334 as proposed by the Senate, which modifies the Steel Loan Guarantee program. The House had no similar provision.

The conference agreement does not include language as proposed by the Senate in section 302 concerning the leasing of oil and natural gas on public lands within the Shawnee National Forest, Illinois, or in section 324 prohibiting the use of funds for the Kyoto Protocol, or in section 333 which exempted residents within the boundaries of the White Mountain National Forest from the recreation fee program. The House had no similar provisions.

The conference agreement does not include language proposed by the House in section 313 making a provision permanent that exempts properties administered by the Presidio Trust from certain taxes and assessments, since this provision was made permanent in the fiscal year 2001 Interior Appropriations Act, or in section 332 that prohibits funding for anyone convicted of violating the ''Buy American Act,'' or in section 334 that would have prohibited the use of funds to execute a final lease agreement for oil and gas development in the area of the Gulf of Mexico known as Lease Sale 181, or in section 335 dealing with a limitation of funds for revising hardrock mining regulation. The Senate had no similar provisions.

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted	
TITLE I - DEPARTMENT OF THE INTERIOR					
BUREAU OF LAND MANAGEMENT					
Management of Lands and Resources					
Land Resources					
Soil, water and air management	34,037	33,469	34,469	+432	
Range management	77,298	69,197	70,697	-6,601	
Forestry management	9,532	7,229	7,629	-1,903	
Riparian management	22,490	22,806	22,806	+316	
Cultural resources management	13,898	14,181	14,181	+283	
Wild horse and burro management	34,471	29,665	29,665	-4,806	
Subtotal, Land Resources	191,726	176,547	179,447	-12,279	
Wildlife and Fisheries					
Wildlife management	25,049	25,318	25,318	+269	
Fisheries management	12,853	12,110	12,110	-743	
Subtotal, Wildlife and Fisheries	37,902	37,428	37,428	-474	
Threatened and endangered species	21,334	21,618	21,618	+284	
Recreation Management					
Wilderness management	16,642	16,932	17,232	+590	
Recreation resources management	44,763	44,762	45,762	+999	
Recreation operations (fees)	1,303	1,295	1,295	-8	
Subtotal, Recreation Management	62,708	62,989	64,289	+1,581	
Energy and Minerals					
Oil and gas	59,749	72,564	76,609	+16,860	
Coal management	7,540	8,828	8,828	+1,288	
Other mineral resources	9,430	10,096	10,096	+666	
Subtotal, Energy and Minerals	76,719	91,488	95,533	+18,814	
Alaska minerals	3,889	2,225	4,000	+111	
Realty and Ownership Management					
Alaska conveyance	34,411	34,838	36,338	+1,927	
Cadastral survey	14,592	13,896	14,546	-46	
Land and realty management	31,764	33,813	33,813	+2,049	
Subtotal, Realty and Ownership Management	80,767	82,547	84,697	+3,930	
Resource Protection and Maintenance					
Resource management planning	25,844	33,035	33,035	+7,191	
Resource protection and law enforcement	11,346	11,547	11,947	+601	
Hazardous materials management	16,494	16,709	16,709	+215	
Subtotal, Resource Protection and Maintenance	53,684	61,291	61,691	+8,007	
Transportation and Facilities Maintenance					
Operations	6,283	6,390	6,640	+357	
Annual maintenance	29,672	30,310	30,310	+638	
Deferred maintenance	37,920	12,917	12,917	-25,003	
Conservation (infrastructure improvement)	---	25,000	28,000	+28,000	C
Subtotal, Transportation/Facilities Maintenance	73,875	74,617	77,867	+3,992	
Grasshopper and Mormon crickets	1,482	---	---	-1,482	
Land and resources information systems	19,543	19,756	19,756	+213	

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted	
Mining Law Administration					
Administration	34,328	32,298	32,298	-2,030	
Offsetting fees	-34,328	-32,298	-32,298	+2,030	
Subtotal, Mining Law Administration	---	---	---	---	
Workforce and Organizational Support					
Information systems operations	16,177	16,395	16,395	+218	
Administrative support	48,996	49,766	49,266	+270	
Bureauwide fixed costs	61,448	63,645	63,645	+2,197	
Subtotal, Workforce and Organizational Support	126,621	129,806	129,306	+2,685	
Adjustment for conservation spending	---	-1,000	-1,000	-1,000	
Conservation (Youth Conservation Corps)	---	1,000	1,000	+1,000	C
Supplemental appropriations (P.L. 107-20)	3,000	---	---	-3,000	
Total, Management of Lands and Resources	753,250	760,312	775,632	+22,382	
Appropriations	(753,250)	(734,312)	(746,632)	(-6,618)	
Conservation	---	(26,000)	(29,000)	(+29,000)	
Wildland Fire Management					
Preparedness	314,712	280,807	280,807	-33,905	
Fire suppression operations	109,865	161,424	127,424	+17,559	
Other operations	9,978	216,190	216,190	+206,212	
Contingent emergency appropriations	542,544	---	---	-542,544	
Emergency suppression	---	---	34,000	+34,000	
Emergency other operations	---	---	20,000	+20,000	
Total, Wildland Fire Management	977,099	658,421	678,421	-298,678	
Central Hazardous Materials Fund					
Bureau of Land Management	9,978	9,978	9,978	---	
Construction					
Construction	16,823	10,976	13,076	-3,747	
Payments in Lieu of Taxes					
Payments to local governments	199,560	150,000	160,000	-39,560	
Conservation	---	---	50,000	+50,000	C
Total, Payments in Lieu of Taxes	199,560	150,000	210,000	+10,440	
Land Acquisition					
Land Acquisition					
Acquisitions	47,066	41,686	43,420	-3,646	
Emergencies and hardships	1,497	1,500	1,000	-497	
Acquisition management	2,993	4,000	5,000	+2,007	
Land exchange equalization payment	---	500	500	+500	
Miscellaneous appropriations (P.L. 106-554)	4,989	---	---	-4,989	
Adjustment for conservation spending	---	-47,686	-49,920	-49,920	
Conservation	---	47,686	49,920	+49,920	C
Total, Land Acquisition	56,545	47,686	49,920	-6,625	

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted	
Oregon and California Grant Lands					
Western Oregon resources management	84,969	85,949	85,949	+980	
Western Oregon information and resource data systems	2,187	2,195	2,195	+8	
Western Oregon transportation & facilities maintenance	10,801	10,919	10,919	+118	
Western Oregon construction and acquisition	289	294	294	+5	
Jobs in the woods	5,792	5,808	5,808	+16	
Total, Oregon and California Grant Lands	104,038	105,165	105,165	+1,127	
Range Improvements					
Improvements to public lands	8,361	8,361	8,361	---	M
Farm Tenant Act lands	1,039	1,039	1,039	---	M
Administrative expenses	600	600	600	---	M
Total, Range Improvements	10,000	10,000	10,000	---	
Service Charges, Deposits, and Forfeitures					
Rights-of-way processing	3,393	4,057	4,057	+664	
Adopt-a-horse program	948	1,340	1,340	+392	
Repair of damaged lands	1,247	662	662	-585	
Cost recoverable realty cases	419	892	892	+473	
Timber purchaser expenses	180	177	177	-3	
Copy fees	1,297	356	356	-941	
CBO reestimate	---	516	516	+516	
Total, Service Charges, Deposits & Forfeitures	7,484	8,000	8,000	+516	
Miscellaneous Trust Funds					
Current appropriations	12,405	11,000	11,000	-1,405	M
TOTAL, BUREAU OF LAND MANAGEMENT	2,147,182	1,771,538	1,871,192	-275,990	
Appropriations	(2,147,182)	(1,697,852)	(1,742,272)	(-404,910)	
Conservation	---	(73,686)	(128,920)	(+128,920)	
UNITED STATES FISH AND WILDLIFE SERVICE					
Resource Management					
Ecological Services					
Endangered species					
Candidate conservation	7,052	7,220	7,620	+568	
Listing	6,341	8,476	9,000	+2,659	
Consultation	42,750	41,901	45,501	+2,751	
Recovery	59,835	54,217	63,617	+3,782	
ESA landowner incentive program	4,969	---	---	-4,969	
Subtotal, Endangered species	120,947	111,814	125,738	+4,791	
Habitat conservation	78,290	76,209	83,409	+5,119	
Environmental contaminants	10,645	10,470	10,579	-66	
Subtotal, Ecological Services	209,882	198,493	219,726	+9,844	
Refuges and Wildlife					
Refuge operations and maintenance	299,678	293,664	293,964	-5,714	
Conservation (infrastructure improvement)	---	19,000	23,000	+23,000	C
Conservation (Youth Conservation Corps)	---	2,000	2,000	+2,000	C
Salton Sea recovery	994	993	993	-1	
Migratory bird management	25,684	25,159	28,616	+2,932	
Law enforcement operations	49,583	48,411	48,411	-1,172	
Conservation (infrastructure improvement)	---	2,000	2,000	+2,000	C
Subtotal, Refuges and Wildlife	375,939	391,227	398,984	+23,045	

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted	
Fisheries					
Hatchery operations and maintenance	52,008	45,362	51,362	-646	
Conservation (infrastructure improvement)	---	4,000	4,000	+4,000	C
Fish and wildlife management	40,021	43,617	48,547	+8,526	
Subtotal, Fisheries	92,029	92,979	103,909	+11,880	
General Administration					
Central office administration	15,070	15,530	15,530	+460	
Regional office administration	24,180	24,792	24,792	+612	
Servicewide administrative support	52,030	53,370	53,295	+1,265	
National Fish and Wildlife Foundation	7,208	6,705	7,705	+497	
National Conservation Training Center	15,293	15,526	15,526	+233	
International affairs	8,200	8,130	8,130	-70	
Pingree Forest, ME non-development easements	1,996	---	---	-1,996	
Atlantic salmon	4,989	---	---	-4,989	
Cost allocation methodology	---	---	3,000	+3,000	
Subtotal, General Administration	128,966	124,053	127,978	-988	
Total, Resource Management	806,816	806,752	850,597	+43,781	
Appropriations	(806,816)	(779,752)	(819,597)	(+12,781)	
Conservation	---	(27,000)	(31,000)	(+31,000)	
Construction					
Construction and rehabilitation					
Line item construction	62,147	27,357	43,051	-19,096	
Nationwide engineering services	9,211	8,492	12,492	+3,281	
Supplemental appropriations (P.L. 107-20)	17,700	---	---	-17,700	
Total, Construction	89,058	35,849	55,543	-33,515	
Land Acquisition					
Fish and Wildlife Service					
Acquisitions - Federal refuge lands	109,114	85,110	80,135	-28,979	
Landowner incentive grants	---	50,000	---	---	
Private stewardship grants	---	10,000	---	---	
Inholdings	998	2,000	1,500	+502	
Emergencies and hardships	748	2,000	1,500	+752	
Exchanges	849	1,000	1,000	+151	
Acquisition management	9,479	14,291	15,000	+5,521	
Adjustment for conservation spending	---	-164,401	-99,135	-99,135	
Conservation	---	164,401	99,135	+99,135	C
Total, Land Acquisition	121,188	164,401	99,135	-22,053	
Landowner Incentive Program					
Grants to States	---	---	40,000	+40,000	C
Private Stewardship Grants Program					
Stewardship grants	---	---	10,000	+10,000	C
Cooperative Endangered Species Conservation Fund					
Grants to States	35,442	31,929	31,929	-3,513	
HCP land acquisition	68,773	21,000	61,306	-7,467	
Administration	479	1,765	3,000	+2,521	
Adjustment for conservation spending	---	-54,694	-96,235	-96,235	
Conservation	---	54,694	96,235	+96,235	C
Total, Cooperative Endangered Species Fund	104,694	54,694	96,235	-8,459	

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted	
National Wildlife Refuge Fund					
Payments in lieu of taxes	11,414	11,414	14,414	+3,000	
North American Wetlands Conservation Fund					
Wetlands conservation	38,316	14,316	41,760	+3,444	
Administration	1,596	596	1,740	+144	
Adjustment for conservation spending	---	-14,912	-43,500	-43,500	
Conservation	---	14,912	43,500	+43,500	C
Total, North American Wetlands Conservation Fund	39,912	14,912	43,500	+3,588	
Neotropical Migratory Birds Conservation Fund					
Migratory bird grants	---	---	3,000	+3,000	
Wildlife Conservation and Appreciation Fund					
Wildlife conservation and appreciation fund	795	---	---	-795	
Multinational Species Conservation Fund					
African elephant conservation	999	999	1,000	+1	
Rhinoceros and tiger conservation	748	748	1,000	+252	
Asian elephant conservation	748	748	1,000	+252	
Great ape conservation	748	748	1,000	+252	
Total, Multinational Species Conservation Fund	3,243	3,243	4,000	+757	
State Wildlife Grants Fund					
State wildlife grants	49,890	---	---	-49,890	
Conservation (wildlife grants)	---	---	85,000	+85,000	C
Rescission, FY 01 State wildlife grants	---	---	-25,000	-25,000	
Total, State Wildlife Grants Fund	49,890	---	60,000	+10,110	
TOTAL, U.S. FISH AND WILDLIFE SERVICE	1,227,010	1,091,265	1,276,424	+49,414	
Appropriations	(1,227,010)	(830,258)	(871,554)	(-355,456)	
Conservation	---	(261,007)	(404,870)	(+404,870)	
NATIONAL PARK SERVICE					
Operation of the National Park System					
Park Management					
Resource stewardship	286,958	312,327	318,827	+31,869	
Visitor services	286,832	288,543	297,543	+10,711	
Maintenance	453,322	475,197	481,088	+27,766	
Conservation (Youth Conservation Corps)	---	2,000	2,000	+2,000	C
Park support	259,570	265,871	272,921	+13,351	
Subtotal, Park Management	1,286,682	1,343,938	1,372,379	+85,697	
External administrative costs	99,408	126,561	104,598	+5,190	
Arlington boathouse study	100	---	---	-100	
Total, Operation of the National Park System	1,386,190	1,470,499	1,476,977	+90,787	
Appropriations	(1,386,190)	(1,468,499)	(1,474,977)	(+88,787)	
Conservation	---	(2,000)	(2,000)	(+2,000)	

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted
United States Park Police				
Park Police	77,876	65,260	65,260	-12,616
Supplemental appropriations (P.L. 107-20)	1,700	---	---	-1,700
Total, United States Park Police	79,576	65,260	65,260	-14,316
National Recreation and Preservation				
Recreation programs	541	549	549	+8
Natural programs	10,781	10,930	10,930	+149
Cultural programs	20,707	20,019	20,769	+62
International park affairs	1,702	1,718	1,718	+16
Environmental and compliance review	392	397	397	+5
Grant administration	1,554	1,582	1,582	+28
Heritage Partnership Programs				
Commissions and grants	10,284	8,743	13,092	+2,808
Administrative support	---	---	117	+117
Subtotal, Heritage Partnership Programs	10,284	8,743	13,209	+2,925
Statutory or Contractual Aid				
Alaska Native culture center	740	---	---	-740
Aleutian World War II Historic Area	100	---	---	-100
Anchorage Museum	---	---	2,500	+2,500
Barnanoff Museum / Erskin House	---	---	250	+250
Bishop Museum's Falls of Clyde	---	---	300	+300
Brown Foundation	101	101	101	---
Chesapeake Bay Gateway	2,295	798	1,200	-1,095
Dayton Aviation Heritage Commission	299	47	299	---
Denver Natural History and Science Museum	---	---	750	+750
Four Corners Interpretive Center	2,245	---	---	-2,245
Historic New Bridge	1,098	---	---	-1,098
Ice Age National Scientific Reserve	796	806	806	+10
Independence Mine, AK	---	---	1,500	+1,500
Jamestown 2007	---	---	200	+200
Johnstown Area Heritage Association	49	49	49	---
Lake Roosevelt Forum	---	---	50	+50
Lamprey River	499	200	500	+1
Mandan On-a-Slant Village	499	---	750	+251
Martin Luther King, Jr. Center	528	528	528	---
Morris Thompson Cultural and Visitor Center	---	---	750	+750
National Constitution Center, PA	499	---	500	+1
National First Ladies Library	499	---	---	-499
Native Hawaiian culture and arts program	740	740	740	---
New Orleans Jazz Commission	66	66	66	---
Penn Center National landmark, SC	---	---	1,000	+1,000
Roosevelt Campobello International Park Commission	728	766	766	+38
Route 66 National Historic Highway	499	---	---	-499
Sewall-Belmont House	494	---	500	+6
St. Charles Interpretive Center	---	---	500	+500
Vancouver National Historic reserve	399	---	400	+1
Vulcan State Park	---	---	2,000	+2,000
Wheeling National Heritage Area	593	---	---	-593
Women's Progress Commission	100	---	---	-100
Subtotal, Statutory or Contractual Aid	13,866	4,101	17,005	+3,139
Total, National Recreation and Preservation	59,827	48,039	66,159	+6,332
Urban Park and Recreation Fund				
Urban park grants	29,934	---	---	-29,934
Conservation	---	---	30,000	+30,000 C

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted	
Historic Preservation Fund					
State historic preservation offices	46,495	34,455	39,000	-7,495	
Tribal grants	5,560	2,600	3,000	-2,560	
Historically Black colleges	7,161	---	---	-7,161	
Grants for millennium initiative	34,923	30,000	30,000	-4,923	
Massillon Heritage Foundation, Inc	100	---	---	-100	
National trust (endowment)	---	---	2,500	+2,500	
Adjustment for conservation spending	---	-67,055	-74,500	-74,500	
Conservation	---	67,055	74,500	+74,500	C
Total, Historic Preservation Fund	94,239	67,055	74,500	-19,739	
Construction					
Emergency and unscheduled	3,493	3,500	3,500	+7	
Housing	4,989	15,000	12,500	+7,511	
Equipment replacement	21,951	17,960	17,960	-3,991	
Planning, construction	20,733	16,250	16,250	-4,483	
General management plans	11,200	11,240	11,240	+40	
Line item construction and maintenance	195,001	196,597	208,488	+13,487	
Conservation (infrastructure improvement)	---	50,000	66,851	+66,851	C
Pre-planning and supplementary services	4,490	9,150	9,150	+4,660	
Construction program management	17,062	17,405	17,405	+343	
Dam safety	1,437	2,700	2,700	+1,263	
Maintenance funds	19,956	---	---	-19,956	
Total, Construction	300,312	339,802	366,044	+65,732	
Appropriations	(300,312)	(289,802)	(299,193)	(-1,119)	
Conservation	---	(50,000)	(66,851)	(+66,851)	
Land and Water Conservation Fund					
(Rescission of contract authority)	-30,000	-30,000	-30,000	---	
Land Acquisition and State Assistance					
Assistance to States					
State conservation grants	88,804	441,000	140,000	+51,196	
Administrative expenses	1,497	9,000	4,000	+2,503	
Total, Assistance to States	90,301	450,000	144,000	+53,699	
National Park Service					
Acquisitions	106,879	86,061	110,117	+3,238	
Emergencies and hardships	3,991	4,000	4,000	+9	
Acquisition management	11,475	11,975	12,000	+525	
Inholdings	2,495	5,000	4,000	+1,505	
Total, National Park Service	124,840	107,036	130,117	+5,277	
Adjustment for conservation spending	---	-557,036	-274,117	-274,117	
Conservation	---	557,036	274,117	+274,117	C
Total, Land Acquisition and State Assistance	215,141	557,036	274,117	+58,976	
TOTAL, NATIONAL PARK SERVICE	2,135,219	2,517,691	2,323,057	+187,838	
Appropriations	(2,135,219)	(1,841,600)	(1,875,589)	(-259,630)	
Conservation	---	(676,091)	(447,468)	(+447,468)	

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted
UNITED STATES GEOLOGICAL SURVEY				
Surveys, Investigations, and Research				
National Mapping Program				
National data collection and integration	56,434	54,172	60,172	+3,738
Earth science information management and delivery	37,329	33,382	36,182	-1,147
Geographic research and applications	36,663	36,114	36,923	+260
Subtotal, National Mapping Program	130,426	123,668	133,277	+2,851
Geologic Hazards, Resource and Processes				
Geologic hazards assessments	72,725	73,704	75,004	+2,279
Geologic landscape and coastal assessments	74,375	64,240	77,973	+3,598
Geologic resource assessments	78,221	75,859	79,833	+1,612
Subtotal, Geologic Hazards, Resource & Processes	225,321	213,803	232,810	+7,489
Water Resources Investigations				
Water resources assessment and research	94,840	65,123	96,723	+1,883
Water data collection and management	40,477	30,042	38,785	-1,692
Federal-State program	62,741	64,318	64,318	+1,577
Water resources research institutes	5,455	---	6,000	+545
Subtotal, Water Resources Investigations	203,513	159,483	205,826	+2,313
Biological Research				
Biological research and monitoring	128,788	126,860	133,502	+4,714
Biological information management and delivery	17,704	8,432	18,917	+1,213
Cooperative research units	14,077	13,970	13,970	-107
Subtotal, Biological Research	160,569	149,262	166,389	+5,820
Science support	73,732	81,266	86,255	+12,523
Facilities	89,239	85,894	89,445	+206
Adjustment for conservation spending	---	---	-25,000	-25,000
Conservation	---	---	25,000	+25,000 C
TOTAL, UNITED STATES GEOLOGICAL SURVEY	882,800	813,376	914,002	+31,202
Appropriations	(882,800)	(813,376)	(889,002)	(+6,202)
Conservation	---	---	(25,000)	(+25,000)
MINERALS MANAGEMENT SERVICE				
Royalty and Offshore Minerals Management				
OCS Lands				
Leasing and environmental program	36,511	38,573	38,573	+2,062
Resource evaluation	23,576	23,389	24,989	+1,413
Regulatory program	43,122	49,073	49,572	+6,450
Information management program	14,776	14,894	14,894	+118
Subtotal, OCS Lands	117,985	125,929	128,028	+10,043
Royalty Management				
Valuation and operations	38,034	---	---	-38,034
Compliance	48,077	---	---	-48,077
Compliance and asset management	---	48,106	48,106	+48,106
Revenue and operations	---	35,223	35,223	+35,223
Indian allottee refunds	15	15	15	---
Subtotal, Royalty Management	86,126	83,344	83,344	-2,782

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted
General Administration				
Executive direction	1,982	2,003	2,003	+21
Policy and management improvement	3,981	4,036	4,036	+55
Administrative operations	14,162	16,770	15,970	+1,808
General support services	16,290	20,016	20,016	+3,726
Subtotal, General Administration	36,415	42,825	42,025	+5,610
Use of receipts	-107,410	-102,730	-102,730	+4,680
Total, Royalty and Offshore Minerals Management	133,116	149,368	150,667	+17,551
Oil Spill Research				
Oil spill research	6,105	6,105	6,105	---
TOTAL, MINERALS MANAGEMENT SERVICE	139,221	155,473	156,772	+17,551
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT				
Regulation and Technology				
Environmental restoration	157	160	160	+3
Environmental protection	76,274	76,741	77,741	+1,467
Technology development and transfer	11,820	12,151	12,151	+331
Financial management	536	477	477	-59
Executive direction	11,793	12,371	12,271	+478
Subtotal, Regulation and Technology	100,580	101,900	102,800	+2,220
Civil penalties	274	275	275	+1
Total, Regulation and Technology	100,854	102,175	103,075	+2,221
Abandoned Mine Reclamation Fund				
Environmental restoration	186,697	149,926	186,697	---
Technology development and transfer	3,591	4,136	4,136	+545
Financial management	5,402	6,070	6,070	+668
Executive direction	6,302	6,651	6,552	+250
Total, Abandoned Mine Reclamation Fund	201,992	166,783	203,455	+1,463
TOTAL, OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT	302,846	268,958	306,530	+3,684
BUREAU OF INDIAN AFFAIRS				
Operation of Indian Programs				
Tribal Budget System				
Tribal Priority Allocations				
Tribal government	369,273	377,281	378,956	+9,683
Human services	152,484	151,199	151,199	-1,285
Education	49,684	50,036	50,037	+353
Public safety and justice	1,361	1,417	1,417	+56
Community development	38,827	39,784	39,784	+957
Resources management	55,199	56,743	56,743	+1,544
Trust services	42,700	49,205	49,205	+6,505
General administration	23,497	24,815	24,815	+1,318
Subtotal, Tribal Priority Allocations	733,025	750,480	752,156	+19,131

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted
Other Recurring Programs				
Education				
School operations				
Forward-funded	422,125	436,427	436,427	+14,302
Other school operations	66,293	67,588	67,588	+1,295
Subtotal, School operations	488,418	504,015	504,015	+15,597
Continuing education	38,118	39,118	41,118	+3,000
Subtotal, Education	526,536	543,133	545,133	+18,597
Resources management	40,319	36,295	41,835	+1,516
Subtotal, Other Recurring Programs	566,855	579,428	586,968	+20,113
Non-Recurring Programs				
Tribal government	256	---	---	-256
Community development	1,297	---	3,175	+1,878
Resources management	31,658	30,906	32,611	+953
Trust services	36,785	36,866	37,012	+227
Yakima Nation Signal Peak road	1,197	---	---	-1,197
Subtotal, Non-Recurring Programs	71,193	67,772	72,798	+1,605
Total, Tribal Budget System	1,371,073	1,397,680	1,411,922	+40,849
BIA Operations				
Central Office Operations				
Tribal government	2,601	2,649	2,649	+48
Human services	1,296	909	909	-387
Community development	866	886	886	+20
Resources management	3,419	3,476	3,476	+57
Trust services	2,636	3,129	3,129	+493
General administration				
Education program management	2,387	2,435	2,435	+48
Other general administration	44,531	44,621	44,622	+91
Subtotal, General administration	46,918	47,056	47,057	+139
Subtotal, Central Office Operations	57,736	58,105	58,106	+370
Regional Office Operations				
Tribal government	1,362	1,324	1,324	-38
Human services	3,016	3,067	3,067	+51
Community development	821	847	847	+26
Resources management	3,300	4,365	4,365	+1,065
Trust services	22,134	23,669	23,669	+1,535
General administration	24,679	29,407	29,407	+4,728
Subtotal, Regional Office Operations	55,312	62,679	62,679	+7,367
Special Programs and Pooled Overhead				
Education	15,564	16,039	16,039	+475
Public safety and justice	152,652	160,652	160,652	+8,000
Community development	4,863	3,543	8,623	+3,760
Resources management	1,311	1,311	1,311	---
General administration	80,064	80,477	80,477	+413
Subtotal, Special Programs and Pooled Overhead	254,454	262,022	267,102	+12,648
Total, BIA Operations	367,502	382,806	387,887	+20,385
Supplemental appropriations (P.L. 107-20)	50,000	---	---	-50,000
Total, Operation of Indian Programs	1,788,575	1,780,486	1,799,809	+11,234

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted
BIA SPLITS				
Natural resources	(135,206)	(133,096)	(140,341)	(+5,135)
Forward-funding	(422,125)	(436,427)	(436,427)	(+14,302)
Education	(172,046)	(175,216)	(177,217)	(+5,171)
Community development	(1,059,198)	(1,035,747)	(1,045,824)	(-13,374)
Total, BIA splits	(1,788,575)	(1,780,486)	(1,799,809)	(+11,234)
Construction				
Education	292,341	292,503	292,503	+162
Public safety and justice	5,529	5,541	5,541	+12
Resources management	50,534	50,645	50,645	+111
General administration	2,166	2,179	2,179	+13
Construction management	6,048	6,264	6,264	+216
Total, Construction	356,618	357,132	357,132	+514
Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians				
White Earth Land Settlement Act (Admin)	625	625	625	---
Hoopa-Yurok settlement fund	250	250	250	---
Pyramid Lake water rights settlement	229	142	142	-87
Truckee River operating agreement	112	---	---	-112
Ute Indian water rights settlement	24,828	24,728	24,728	-100
Aleutian-Pribilof (repairs)	1,247	---	---	-1,247
Weber Dam	174	---	---	-174
Rocky Boy's	7,982	7,950	7,950	-32
Great Lakes fishing settlement	1,996	6,254	6,254	+4,258
Shivwits Band Settlement	---	5,000	5,000	+5,000
Santo Domingo Pueblo Settlement	---	2,000	2,000	+2,000
Colorado Ute Settlement	---	8,000	8,000	+8,000
Torres-Martinez Settlement	---	6,000	6,000	+6,000
Total, Miscellaneous Payments to Indians	37,443	60,949	60,949	+23,506
Indian Guaranteed Loan Program Account				
Indian guaranteed loan program account	4,977	4,986	4,986	+9
TOTAL, BUREAU OF INDIAN AFFAIRS	2,187,613	2,203,553	2,222,876	+35,263
DEPARTMENTAL OFFICES				
Insular Affairs				
Assistance to Territories				
Territorial Assistance				
Office of Insular Affairs	4,385	4,528	4,528	+143
Technical assistance	13,631	7,461	16,961	+3,330
Maintenance assistance fund	2,295	2,300	2,300	+5
Brown tree snake	2,345	2,350	2,350	+5
Insular management controls	1,488	1,491	1,491	+3
Coral reef initiative	499	500	500	+1
Subtotal, Territorial Assistance	24,643	18,630	28,130	+3,487
American Samoa				
Operations grants	23,003	23,100	23,100	+97
Northern Marianas				
Covenant grants	27,720	27,720	27,720	--- M
Total, Assistance to Territories	75,366	69,450	78,950	+3,584

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted	
Compact of Free Association					
Compact of Free Association - Federal services	7,338	7,354	7,354	+16	
Mandatory payments - program grant assistance	12,000	14,500	14,500	+2,500	M
Enewetak support	1,388	1,391	1,391	+3	
Total, Compact of Free Association	20,726	23,245	23,245	+2,519	
Total, Insular Affairs	96,092	92,695	102,195	+6,103	
Departmental Management					
Departmental direction	12,240	11,940	12,964	+724	
Management and coordination	23,798	22,702	24,905	+1,107	
Hearings and appeals	8,288	8,288	8,559	+271	
Central services	18,964	20,363	20,425	+1,461	
Bureau of Mines workers compensation/unemployment	888	884	888	---	
Total, Departmental Management	64,178	64,177	67,741	+3,563	
Office of the Solicitor					
Legal services	33,556	35,276	37,276	+3,720	
General administration	6,552	6,931	7,724	+1,172	
Total, Office of the Solicitor	40,108	42,207	45,000	+4,892	
Office of Inspector General					
Audit	13,445	14,868	18,680	+5,235	
Investigations	6,486	6,763	6,763	+277	
Administration	6,457	---	---	-6,457	
Program integrity	1,397	1,457	1,457	+60	
Policy and management	---	7,402	7,402	+7,402	
Total, Office of Inspector General	27,785	30,490	34,302	+6,517	
Office of Special Trustee for American Indians					
Federal Trust Programs					
Program operations, support, and improvements	107,798	96,728	96,728	-11,070	
Executive direction	2,187	2,496	2,496	+309	
Subtotal, Federal Trust programs	109,985	99,224	99,224	-10,761	
Indian Land Consolidation Program					
Indian land consolidation	8,980	10,980	10,980	+2,000	
Total, Office of Special Trustee for American Indians	118,965	110,204	110,204	-8,761	
Natural Resource Damage Assessment Fund					
Damage assessments	4,116	4,165	4,165	+49	
Program management	1,275	1,332	1,332	+57	
Total, Natural Resource Damage Assessment Fund	5,391	5,497	5,497	+106	
TOTAL, DEPARTMENTAL OFFICES	352,519	345,270	364,939	+12,420	
GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR					
Abandoned mine/acid mine drainage (PA)	12,572	---	---	-12,572	
TOTAL, TITLE I, DEPARTMENT OF THE INTERIOR	9,386,982	9,167,124	9,435,792	+48,810	
Appropriations	(9,386,982)	(8,156,340)	(8,429,534)	(-957,448)	
Conservation	---	(1,010,784)	(1,006,258)	(+1,006,258)	

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted	
TITLE II - RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
FOREST SERVICE					
Forest and Rangeland Research					
Forest and rangeland research	229,111	234,979	241,304	+12,193	
Supplemental appropriations (P.L. 107-20)	1,400	---	---	-1,400	
Total, Forest and Rangeland Research	230,511	234,979	241,304	+10,793	
State and Private Forestry					
Forest Health Management					
Federal lands forest health management	41,292	41,304	43,304	+2,012	
Cooperative lands forest health management	22,511	22,866	25,000	+2,489	
Pest management (contingent emergency appropriations)	12,472	---	---	-12,472	
Subtotal, Forest Health Management	76,275	64,170	68,304	-7,971	
Cooperative Fire Assistance					
State fire assistance	24,945	25,310	25,310	+365	
Volunteer fire assistance	4,989	5,053	5,053	+64	
Subtotal, Cooperative Fire Assistance	29,934	30,363	30,363	+429	
Cooperative Forestry					
Forest stewardship	32,782	32,941	33,171	+389	
Stewardship incentives	---	---	3,000	+3,000	
Forest legacy program (conservation)	59,868	30,079	65,000	+5,132	
Urban and community forestry (conservation)	35,642	31,804	36,000	+358	
Economic action programs	30,269	28,819	35,680	+5,411	
Pacific Northwest assistance programs	9,579	9,625	9,425	-154	
Forest resource information and analysis	4,989	5,015	5,015	+26	
Alaska railroad (emergency appropriations)	11,269	---	---	-11,269	
Subtotal, Cooperative Forestry	184,398	138,283	187,291	+2,893	
International forestry	4,989	5,013	5,263	+274	
Supplemental appropriations (P.L. 107-20)	24,500	---	---	-24,500	
Adjustment for conservation spending	---	-61,585	-101,000	-101,000	
Conservation	---	61,585	101,000	+101,000	C
Total, State and Private Forestry	320,096	237,829	291,221	-28,875	
Appropriations	(320,096)	(176,244)	(190,221)	(-129,875)	
Conservation	---	(61,585)	(101,000)	(+101,000)	
National Forest System					
Land management planning	78,134	70,358	70,358	-7,776	
Inventory and monitoring	174,069	173,816	173,316	-753	
Recreation, heritage and wilderness	229,763	235,122	245,500	+15,737	
Wildlife and fish habitat management	128,744	131,747	131,847	+3,103	
Grazing management	33,782	34,570	34,775	+993	
Forest products	255,281	266,340	266,340	+11,059	
Vegetation and watershed management	181,634	187,913	190,113	+8,479	
Minerals and geology management	47,840	48,956	48,956	+1,116	
Landownership management	86,418	88,434	88,434	+2,016	
Law enforcement operations	74,194	75,924	79,000	+4,806	
Quincy Library	1,996	---	---	-1,996	
Tongas timber pipeline	4,989	---	---	-4,989	
Valles Caldera National Preserve	988	1,011	2,800	+1,812	

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted	
Windstorms, WI & MN (emergency appropriations)	7,233	---	---	-7,233	
Supplemental appropriations (P.L. 107-20)	12,000	---	---	-12,000	
Total, National Forest System	1,317,065	1,314,191	1,331,439	+14,374	
Wildland Fire Management					
Preparedness	611,143	622,618	622,618	+11,475	
Fire suppression operations	226,140	321,321	255,321	+29,181	
Other operations	---	336,410	336,410	+336,410	
Contingent emergency appropriations	1,042,975	---	---	-1,042,975	
Emergency suppression	---	---	266,000	+266,000	
Emergency other operations	---	---	80,000	+80,000	
Total, Wildland Fire Management	1,880,258	1,280,349	1,560,349	-319,909	
Capital Improvement and Maintenance					
Facilities	165,930	167,950	185,447	+19,517	
Roads	235,029	237,891	229,666	-5,363	
Trails	66,578	67,389	70,075	+3,497	
Infrastructure improvement	49,890	---	---	-49,890	
Conservation (infrastructure improvement)	---	50,497	61,000	+61,000	C
Supplemental appropriations (P.L. 107-20)	4,000	---	---	-4,000	
Total, Capital Improvement and Maintenance	521,427	523,727	546,188	+24,761	
Appropriations	(521,427)	(473,230)	(485,188)	(-36,239)	
Conservation	---	(50,497)	(61,000)	(+61,000)	
Land Acquisition					
Forest Service					
Acquisitions	138,898	113,377	132,242	-6,656	
Acquisition management	8,481	13,000	13,000	+4,519	
Cash equalization	1,497	1,500	1,500	+3	
Forest inholdings	1,497	2,000	2,000	+503	
Wilderness inholdings	499	1,000	1,000	+501	
Adjustment for conservation spending	---	-130,877	-149,742	-149,742	
Conservation	---	130,877	149,742	+149,742	C
Total, Land Acquisition	150,872	130,877	149,742	-1,130	
Acquisition of lands for national forests, special acts	1,067	1,069	1,069	+2	
Acquisition of lands to complete land exchanges	233	234	234	+1	
Range betterment fund	3,293	3,290	3,290	-3	
Gifts, donations and bequests for forest and rangeland research	92	92	92	---	
Management of national forest lands for subsistence uses	5,488	5,488	5,488	---	
Southeast Alaska economic disaster fund	4,989	---	---	-4,989	
Adjustment for conservation spending	---	-2,000	-2,000	-2,000	
Conservation (Youth Conservation Corps)	---	2,000	2,000	+2,000	C
TOTAL, FOREST SERVICE	4,435,391	3,732,125	4,130,416	-304,975	
Appropriations	(4,435,391)	(3,487,166)	(3,816,674)	(-618,717)	
Conservation	---	(244,959)	(313,742)	(+313,742)	
DEPARTMENT OF ENERGY					
Clean Coal Technology					
Deferral	-67,000	---	-40,000	+27,000	
(Transfer to Fossil Energy)	---	---	(-33,700)	(-33,700)	

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted
Fossil Energy Research and Development				
Clean coal power initiative	---	150,000	116,300	+116,300
(By transfer from Clean Coal Technology)	---	---	(33,700)	(+33,700)
Total, Program level	---	(150,000)	(150,000)	(+150,000)
Fuels and Power Systems				
Central Systems				
Innovations for existing plants	20,102	18,000	23,500	+3,398
Advanced Systems				
Indirect fired cycle	5,997	---	---	-5,997
Integrated gasification combined cycle	35,134	35,000	43,000	+7,866
Pressurized fluidized bed systems	12,175	8,000	11,000	-1,175
Turbines	28,936	---	18,500	-10,436
Subtotal, Advanced Systems	82,242	43,000	72,500	-9,742
Power plant improvement initiative (tranfser from Clean Coal)	94,791	---	---	-94,791
Subtotal, Central Systems	197,135	61,000	96,000	-101,135
Distributed Generation Systems - Fuel Cells				
Advanced research	2,794	1,000	4,000	+1,206
Systems development	30,932	11,500	13,500	-17,432
Vision 21-hybrids	14,967	11,500	13,500	-1,467
Innovative concepts	3,891	21,124	27,124	+23,233
Subtotal, Distributed Generation Systems - Fuel Cells	52,584	45,124	58,124	+5,540
Sequestration R&D				
Greenhouse gas control	18,746	20,677	32,177	+13,431
Fuels				
Transportation fuels and chemicals	7,558	5,000	24,000	+16,442
Solid fuels and feedstocks	4,291	2,000	5,000	+709
Advanced fuels research	4,889	---	3,200	-1,689
Steelmaking feedstock	6,685	---	---	-6,685
Subtotal, Fuels	23,423	7,000	32,200	+8,777
Advanced Research				
Coal utilization science	10,236	6,250	6,250	-3,986
Materials	6,985	7,000	7,000	+15
Technology crosscut	8,925	8,750	10,750	+1,825
University coal research	2,993	3,000	3,000	+7
HBCUs, education and training	998	1,000	1,000	+2
Subtotal, Advanced Research	30,137	26,000	28,000	-2,137
Subtotal, Fuels and Power Systems	322,025	159,801	246,501	-75,524
Gas				
Natural Gas Technologies				
Exploration and production	14,221	9,350	20,500	+6,279
Gas hydrates	9,938	4,750	9,800	-138
Infrastructure	8,110	5,050	10,050	+1,940
Emerging processing technology applications	10,146	250	2,250	-7,896
Effective environmental protection	2,614	1,600	2,600	-14
Subtotal, Gas	45,029	21,000	45,200	+171

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted
Petroleum - Oil Technology				
Exploration and production supporting research	28,844	20,350	32,350	+3,506
Reservoir life extension/management	14,662	4,849	12,949	-1,713
Effective environmental protection	10,796	5,300	10,700	-96
Emerging processing technology applications	2,594	---	---	-2,594
Ultra clean fuels	9,978	---	---	-9,978
Use of SPR petroleum account	-12,000	---	---	+12,000
Subtotal, Petroleum - Oil Technology	54,874	30,499	55,999	+1,125
Cooperative R&D	8,071	---	8,240	+169
Fossil energy environmental restoration	9,978	9,500	9,500	-478
Import/export authorization	2,295	1,000	2,400	+105
Headquarters program direction	16,930	14,700	18,700	+1,770
Energy Technology Center program direction	63,157	55,300	67,300	+4,143
General plant projects	3,891	2,000	13,450	+9,559
Advanced Metallurgical Processes				
Advanced metallurgical processes	5,214	5,200	5,200	-14
Use of previously appropriated Clean Coal funds	-95,000	---	---	+95,000
Use of prior year balances	-4,000	---	-6,000	-2,000
Total, Fossil Energy Research and Development	432,464	449,000	582,790	+150,326
Alternative Fuels Production				
Rescission	-1,000	-2,000	-2,000	-1,000
Naval Petroleum and Oil Shale Reserves				
Oil Reserves				
Naval petroleum reserves Nos. 1 & 2	4,835	5,144	5,144	+309
Naval petroleum reserve No. 3	9,496	7,235	7,235	-2,261
Program direction (headquarters)	8,040	9,992	9,992	+1,952
Use of prior year funds	-20,775	-5,000	-5,000	+15,775
Total, Naval Petroleum and Oil Shale Reserves	1,596	17,371	17,371	+15,775
Elk Hills School Lands Fund				
Elk Hills School lands fund	---	36,000	---	---
Advance appropriations, FY 2002	36,000	---	---	-36,000
Advance appropriations, FY 2003	---	---	36,000	+36,000
Energy Conservation				
Building Technology, State and Community Sector				
Building research and standards				
Technology roadmaps and competitive R&D	6,870	857	6,857	-13
Residential buildings integration	12,120	7,478	12,478	+358
Commercial buildings integration	4,583	2,510	4,510	-73
Equipment, materials and tools	40,670	21,547	38,547	-2,123
Subtotal, Building research and standards	64,243	32,392	62,392	-1,851
Building Technology Assistance				
Weatherization assistance	152,664	273,000	230,000	+77,336
State energy program	37,916	38,000	45,000	+7,084
Community partnerships	18,095	8,488	18,788	+693
Energy star program	2,204	2,000	3,000	+796
Subtotal, Building technology assistance	210,879	321,488	296,788	+85,909

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted
Cooperative programs with States	1,996	---	2,000	+4
Energy efficiency science initiative	3,891	---	4,000	+109
Management and planning	14,133	15,090	15,090	+957
Subtotal, Building Technology, State and Community Sector	295,142	368,970	380,270	+85,128
Federal Energy Management Program				
Program activities	21,227	8,900	18,900	-2,327
Program direction	4,434	4,400	4,400	-34
Subtotal, Federal Energy Management Program	25,661	13,300	23,300	-2,361
Industry Sector				
Industries of the future (specific)	72,390	46,424	72,624	+234
Industries of the future (crosscutting)	61,719	31,900	60,900	-819
Cooperative programs with States	1,996	---	2,000	+4
Energy efficiency science initiative	3,891	---	4,000	+109
Management and planning	8,626	9,400	9,400	+774
Subtotal, Industry Sector	148,622	87,724	148,924	+302
Power Technologies				
Distributed generation technologies development	45,899	45,896	61,896	+15,997
Management and planning	1,447	1,450	1,950	+503
Subtotal, Power Technologies	47,346	47,346	63,846	+16,500
Transportation				
Vehicle technology R&D	159,947	126,422	155,122	-4,825
Fuels utilization R&D	23,548	20,908	25,908	+2,360
Materials technologies	42,407	30,293	40,293	-2,114
Technology deployment	15,107	9,860	15,160	+53
Cooperative programs with States	1,996	---	2,000	+4
Energy efficiency science initiative	3,891	---	4,000	+109
Management and planning	8,501	10,232	10,232	+1,731
Subtotal, Transportation	255,397	197,715	252,715	-2,682
Policy and management	43,274	40,750	43,750	+476
Use of Biomass Energy Development funds	-2,000	---	---	+2,000
Total, Energy Conservation	813,442	755,805	912,805	+99,363
Economic Regulation				
Office of Hearings and Appeals	1,996	1,996	1,996	---
Strategic Petroleum Reserve				
Storage facilities development and operations	148,672	144,009	154,009	+5,337
Home heating oil reserve	---	8,000	8,000	+8,000
Management	15,965	17,000	17,000	+1,035
Use of SPR Petroleum account	-4,000	---	---	+4,000
Total, Strategic Petroleum Reserve	160,637	169,009	179,009	+18,372
Energy Information Administration				
National Energy Information System	75,509	75,499	78,499	+2,990
TOTAL, DEPARTMENT OF ENERGY	1,453,644	1,502,680	1,766,470	+312,826

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted
DEPARTMENT OF HEALTH AND HUMAN SERVICES				
INDIAN HEALTH SERVICE				
Indian Health Services				
Clinical Services				
IHS and tribal health delivery				
Hospital and health clinic programs	1,084,173	1,137,711	1,153,711	+69,538
Dental health program	91,018	95,305	95,305	+4,287
Mental health program	45,018	47,142	47,142	+2,124
Alcohol and substance abuse program	130,254	135,005	135,005	+4,751
Contract care	445,773	445,776	460,776	+15,003
Subtotal, Clinical Services	1,796,236	1,860,939	1,891,939	+95,703
Preventive Health				
Public health nursing	36,114	37,781	37,781	+1,667
Health education	10,063	10,628	10,628	+565
Community health representatives program	48,061	49,789	49,789	+1,728
Immunization (Alaska)	1,471	1,526	1,526	+55
Subtotal, Preventive Health	95,709	99,724	99,724	+4,015
Urban health projects	29,843	29,947	30,947	+1,104
Indian health professions	30,486	30,565	31,165	+679
Tribal management	2,406	2,406	2,406	---
Direct operations	52,946	65,323	55,323	+2,377
Self-governance	9,803	9,876	9,876	+73
Contract support costs	248,234	288,234	268,234	+20,000
Medicare/Medicaid Reimbursements				
Hospital and clinic accreditation (Est. collecting)	(404,590)	(499,985)	(499,985)	(+95,395)
Total, Indian Health Services	2,265,663	2,387,014	2,389,614	+123,951
Indian Health Facilities				
Maintenance and improvement	46,331	45,331	46,331	---
Sanitation facilities	93,617	93,827	93,827	+210
Construction facilities	85,525	37,568	86,260	+735
Facilities and environmental health support	121,336	126,775	126,775	+5,439
Equipment	16,294	16,294	16,294	---
Total, Indian Health Facilities	363,103	319,795	369,487	+6,384
TOTAL, INDIAN HEALTH SERVICE	2,628,766	2,706,809	2,759,101	+130,335
OTHER RELATED AGENCIES				
OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION				
Salaries and expenses	14,967	15,148	15,148	+181
INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT				
Payment to the Institute	4,116	4,490	4,490	+374
SMITHSONIAN INSTITUTION				
Salaries and Expenses				
Museum and Research Institutes				
Anacostia Museum and Center for African American History and Culture	1,910	1,932	1,932	+22
Archives of American Art	1,716	1,738	1,738	+22

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted
Arthur M. Sackler Gallery/Freer Gallery of Art	6,182	6,098	6,098	-84
Center for Folklife and Cultural Heritage	1,780	1,850	1,850	+70
Cooper-Hewitt, National Design Museum	2,934	2,942	2,942	+8
Hirshhorn Museum and Sculpture Garden	4,712	4,771	4,771	+59
National Air and Space Museum	16,126	16,599	16,599	+473
National Museum of African Art	4,324	4,334	4,334	+10
National Museum of American Art	8,823	8,265	8,265	-558
National Museum of American History	23,059	20,800	20,800	-2,259
National Museum of the American Indian	27,261	27,899	27,899	+638
National Museum of Natural History	42,744	43,404	43,404	+660
National Portrait Gallery	5,624	5,626	5,626	+2
National Zoological Park	21,033	21,471	22,027	+994
Astrophysical Observatory	20,382	20,546	20,546	+164
Center for Materials Research and Education	3,229	1,860	3,357	+128
Environmental Research Center	3,337	3,391	3,391	+54
Tropical Research Institute	10,440	10,581	10,581	+141
Subtoal, Museums and Research Institutes	205,616	204,107	206,160	+544
Program Support and Outreach				
Outreach	7,315	9,168	8,193	+878
Communications	1,572	1,617	1,617	+45
Institution-wide programs	5,681	12,706	5,506	-175
Office of Exhibits Central	2,382	2,494	2,494	+112
Major scientific instrumentation	7,228	6,229	6,229	-999
Museum Support Center	3,533	3,074	3,074	-459
Smithsonian Institution Archives	1,537	1,611	1,611	+74
Smithsonian Institution Libraries	7,458	7,237	7,437	-21
Subtotal, Program Support and Outreach	36,706	44,136	36,161	-545
Administration	35,532	36,144	43,376	+7,844
Facilities Services				
Office of Protection Services	34,934	35,640	37,383	+2,449
Office of Physical Plant	74,114	76,173	76,173	+2,059
Subtotal, Facilities Services	109,048	111,813	113,556	+4,508
Total, Salaries and Expenses	386,902	396,200	399,253	+12,351
Repair, Restoration and Alteration of Facilities				
Base program	57,473	67,900	67,900	+10,427
Construction				
National Museum of the American Indian	---	30,000	30,000	+30,000
National Zoological Park American Farm Exhibit	4,989	---	---	-4,989
Smithsonian Astrophysical Observatory Hilo Base Building	4,490	---	---	-4,490
Total, Construction	9,479	30,000	30,000	+20,521
TOTAL, SMITHSONIAN INSTITUTION	453,854	494,100	497,153	+43,299
NATIONAL GALLERY OF ART				
Salaries and Expenses				
Care and utilization of art collections	24,279	24,116	26,019	+1,740
Operation and maintenance of buildings and grounds	14,294	14,678	14,908	+614

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted
Protection of buildings, grounds and contents	13,829	14,449	14,837	+1,008
General administration	12,236	12,986	13,203	+967
Total, Salaries and Expenses	64,638	66,229	68,967	+4,329
Repair, Restoration and Renovation of Buildings				
Base program	10,847	14,220	14,220	+3,373
TOTAL, NATIONAL GALLERY OF ART	75,485	80,449	83,187	+7,702
JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS				
Operations and maintenance	13,969	15,000	15,000	+1,031
Construction	19,956	19,000	19,000	-956
TOTAL, JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS	33,925	34,000	34,000	+75
WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS				
Salaries and Expenses				
Fellowship program	1,166	1,218	1,218	+52
Scholar support	641	615	615	-26
Public service	2,212	2,164	2,164	-48
General administration	1,519	1,656	1,656	+137
Smithsonian fee	135	208	208	+73
Conference planning	1,456	1,770	1,770	+314
Space	165	165	165	---
Miscellaneous appropriations (P.L. 106-554)	4,989	---	---	-4,989
TOTAL, WOODROW WILSON CENTER	12,283	7,796	7,796	-4,487
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES				
National Endowment for the Arts				
Grants and Administration				
Grants				
Direct grants	47,827	47,550	47,827	---
State partnerships				
State and regional	25,118	24,906	25,118	---
Underserved set-aside	6,805	6,794	6,805	---
Subtotal, State partnerships	31,923	31,700	31,923	---
Subtotal, Grants	79,750	79,250	79,750	---
Program support	1,154	1,154	1,154	---
Administration	16,881	17,830	17,330	+449
Total, Arts	97,785	98,234	98,234	+449
National Endowment for the Humanities				
Grants and Administration				
Grants				
Federal/State partnership	30,593	30,593	31,829	+1,236
Preservation and access	18,288	18,288	18,905	+617
Public programs	12,560	12,560	13,114	+554

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted
Research programs	12,519	12,519	13,063	+544
Education programs	12,075	12,075	12,624	+549
Program development	397	397	397	---
Subtotal, Grants	86,432	86,432	89,932	+3,500
Administrative Areas				
Administration	17,941	18,450	18,450	+509
Total, Grants and Administration	104,373	104,882	108,382	+4,009
Matching Grants				
Treasury funds	4,000	4,000	4,000	---
Challenge grants	10,436	10,436	10,436	---
Regional humanities centers	1,185	1,186	1,686	+501
Total, Matching Grants	15,621	15,622	16,122	+501
Total, Humanities	119,994	120,504	124,504	+4,510
Institute of Museum and Library Services/ Office of Museum Services				
Grants to Museums				
Support for operations	15,932	15,757	15,932	---
Support for conservation	3,123	3,130	3,130	+7
National leadership grants	3,542	3,542	5,167	+1,625
Subtotal, Grants to Museums	22,597	22,429	24,229	+1,632
Program administration	2,255	2,470	2,670	+415
Total, Institute of Museum and Library Services	24,852	24,899	26,899	+2,047
Challenge America Arts Fund				
Challenge America grants	6,985	6,985	17,000	+10,015
TOTAL, NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES	249,616	250,622	266,637	+17,021
COMMISSION OF FINE ARTS				
Salaries and expenses	1,076	1,274	1,224	+148
NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS				
Grants	6,985	7,000	7,000	+15
ADVISORY COUNCIL ON HISTORIC PRESERVATION				
Salaries and expenses	3,182	3,310	3,400	+218
NATIONAL CAPITAL PLANNING COMMISSION				
Salaries and expenses	6,486	7,253	7,253	+767
UNITED STATES HOLOCAUST MEMORIAL COUNCIL				
Holocaust Memorial Museum	34,363	36,028	36,028	+1,665

INTERIOR SUPPORT TABLE (IN THOUSANDS OF DOLLARS)

	FY 2001 Enacted	FY 2002 Request	Conference	Conference vs. Enacted
PRESIDIO TRUST				
Operations	23,349	22,427	23,125	-224
Loan authority	9,978	---	---	-9,978
Total, Presidio Trust	33,327	22,427	23,125	-10,202
TOTAL, TITLE II, RELATED AGENCIES	9,447,466	8,905,511	9,642,428	+194,962
Appropriations	(9,447,466)	(8,660,552)	(9,328,686)	(-118,780)
Conservation	---	(244,959)	(313,742)	(+313,742)
TITLE VII				
United Mine Workers of America combined benefits fund.	57,872	---	---	-57,872
TITLE I - DEPARTMENT OF THE INTERIOR				
Bureau of Land Management	2,147,182	1,771,538	1,871,192	-275,990
U.S. Fish and Wildlife Service	1,227,010	1,091,265	1,276,424	+49,414
National Park Service	2,135,219	2,517,691	2,323,057	+187,838
United States Geological Survey	882,800	813,376	914,002	+31,202
Minerals Management Service	139,221	155,473	156,772	+17,551
Office of Surface Mining Reclamation and Enforcement	302,846	268,958	306,530	+3,684
Bureau of Indian Affairs	2,187,613	2,203,553	2,222,876	+35,263
Departmental Offices	352,519	345,270	364,939	+12,420
General Provisions	12,572	---	---	-12,572
Total, Title I - Department of the Interior	9,386,982	9,167,124	9,435,792	+48,810
TITLE II - RELATED AGENCIES				
Forest Service	4,435,391	3,732,125	4,130,416	-304,975
Department of Energy	(1,453,644)	(1,502,680)	(1,766,470)	(+312,826)
Clean Coal Technology	-67,000	---	-40,000	+27,000
Fossil Energy Research and Development	432,464	449,000	582,790	+150,326
Alternative Fuels Production	-1,000	-2,000	-2,000	-1,000
Naval Petroleum and Oil Shale Reserves	1,596	17,371	17,371	+15,775
Elk Hills School Lands Fund	---	36,000	---	---
Energy Conservation	813,442	755,805	912,805	+99,363
Economic Regulation	1,996	1,996	1,996	---
Strategic Petroleum Reserve	160,637	169,009	179,009	+18,372
Energy Information Administration	75,509	75,499	78,499	+2,990
Indian Health Service	2,628,766	2,706,809	2,759,101	+130,335
Office of Navajo and Hopi Indian Relocation	14,967	15,148	15,148	+181
Institute of American Indian and Alaska Native Culture and Arts Development	4,116	4,490	4,490	+374
Smithsonian Institution	453,854	494,100	497,153	+43,299
National Gallery of Art	75,485	80,449	83,187	+7,702
John F. Kennedy Center for the Performing Arts	33,925	34,000	34,000	+75
Woodrow Wilson International Center for Scholars	12,283	7,796	7,796	-4,487
National Endowment for the Arts	97,785	98,234	98,234	+449
National Endowment for the Humanities	119,994	120,504	124,504	+4,510
Institute of Museum and Library Services	24,852	24,899	26,899	+2,047
Challenge America Arts Fund	6,985	6,985	17,000	+10,015
Commission of Fine Arts	1,076	1,274	1,224	+148
National Capital Arts and Cultural Affairs	6,985	7,000	7,000	+15
Advisory Council on Historic Preservation	3,182	3,310	3,400	+218
National Capital Planning Commission	6,486	7,253	7,253	+767
Holocaust Memorial Council	34,363	36,028	36,028	+1,665
Presidio Trust	33,327	22,427	23,125	-10,202
Total, Title II - Related Agencies	9,447,466	8,905,511	9,642,428	+194,962
TITLE VII				
United Mine Workers of America combined benefits fund.	57,872	---	---	-57,872
GRAND TOTAL	18,892,320	18,072,635	19,078,220	+185,900
Appropriations	(18,892,320)	(16,816,892)	(17,758,220)	(-1,134,100)
Conservation	---	(1,255,743)	(1,320,000)	(+1,320,000)

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2002 recommended by the Committee of Conference, with comparisons to the fiscal year 2001 amount, the 2002 budget estimates, and the House and Senate bills for 2002 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2001	$18,892,320
Budget estimates of new (obligational) authority, fiscal year 2002	18,072,635
House bill, fiscal year 2002	18,863,855
Senate bill, fiscal year 2002	18,644,035
Conference agreement, fiscal year 2002	19,078,220
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2001	+185,900
Budget estimates of new (obligational) authority, fiscal year 2002	+1,005,585
House bill, fiscal year 2002	+214,365
Senate bill, fiscal year 2002	+414,185

JOE SKEEN,
RALPH REGULA,
JIM KOLBE,
CHARLES H. TAYLOR,
GEORGE R. NETHERCUTT, Jr.,
ZACH WAMP,
JACK KINGSTON,
JOHN E. PETERSON,
BILL YOUNG,
NORMAN D. DICKS,
JOHN P. MURTHA,
JAMES P. MORAN,
MAURICE HINCHEY,
MARTIN OLAV SABO,
DAVID OBEY,
Managers on the Part of the House.

ROBERT BYRD,
PATRICK LEAHY,
ERNEST F. HOLLINGS,
HARRY REID,
BYRON L. DORGAN,
DIANNE FEINSTEIN,
PATTY MURRAY,
DANIEL K. INOUYE,
CONRAD BURNS,
TED STEVENS,
THAD COCHRAN,
PETE V. DOMENICI,
ROBERT F. BENNETT,
JUDD GREGG,
BEN NIGHTHORSE CAMPBELL,
Managers on the Part of the Senate.

CONGRATULATING IRA LEESFIELD

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

Ms. ROS-LEHTINEN. Mr. Speaker, our Nation has many outstanding citizens. One such individual is Ira Leesfield, who will receive the Anti-Defamation League's Jurisdiction Award. This award recognizes individuals who have made an outstanding contribution to the legal profession and the community at large while exemplifying the principles upon which the Anti-Defamation League was founded.

Mr. Leesfield is one of the Nation's premier products liability and consumer safety lawyers and currently serves as Florida's senior governor on the board of the Association of Trial Lawyers of America.

The dedication he has shown to our country is evident throughout his entire career. He has worked at the Department of Justice, has served in the U.S. Army, and was appointed to important positions by both former President Clinton and former Florida Governor Lawton Chiles.

Mr. Leesfield is actively involved in community service and has strong commitments to the Miami Jewish Home for the Aged, Make-a-Wish Foundation, the Boy Scouts of America, and the Florida and National Committees to Prevent Child Abuse.

Please join me in congratulating Ira Leesfield for his contributions and for the leadership he has shown to his local community and indeed to our fine Nation.

MILITARY AT OUR BORDERS

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

Mr. TRAFICANT. Mr. Speaker, Army at our airports, soldiers on our trains, National Guard in our cities, military everywhere except our borders. Our borders are still wide open. Unbelievable. Terrorists can cross with ease and kill millions of Americans. Beam me up. Policemen were not designed to fight a war, the military was.

I yield back the need for Congress to ensure the security and safety of our borders to keep terrorists out; and we are not going to do it with law enforcement. It is time to put the military at our borders.

RECESS

The SPEAKER pro tempore (Mr. SWEENEY). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 9 minutes a.m.), the House stood in recess subject to the call of the Chair.

□ 1319

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 1 o'clock and 19 minutes p.m.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 3061, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Ms. PRYCE of Ohio. Mr. Speaker, I ask unanimous consent that it be in order at any time for the Speaker, as though pursuant to clause 2(b) of rule XVIII, to declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, and that consideration of the bill proceed according to the following order:

The first reading of the bill shall be dispensed with.

All points of order against the bill and against its consideration are waived.

General debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

After general debate the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII, and amendments so printed shall be considered as read.

During consideration of the bill, points of order against amendments for failure to comply with clause 2(e) of rule XXI are waived.

At the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted.

The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

Ms. HART. Mr. Speaker, reserving the right to object, an amendment had been prepared to be offered to be the Labor HHS appropriations bill, an amendment that is very important, in fact, an amendment that had been planned for quite a few months. This same amendment was going to be offered to the education bill, but was withdrawn in the interest of making sure that that education bill was passed this past spring.

An agreement was made that that amendment would be offered in the Labor HHS appropriation. The rule had originally included the protection of that amendment. However, as a sponsor of that amendment, I have agreed to withdraw it. I am not withdrawing it because it is not an important issue. I am not withdrawing it because of pressure by anyone in particular. The amendment is actually being withdrawn in the interest of the larger body and the passage of a bipartisan Labor HHS appropriation bill.

The amendment is extremely important, and I need to make clear that we will see the issue again. The issue is regarding something that surprises and shocks a lot of people once they hear that it actually happens in this country, and that is, that we know of at least 180 schools in the United States that hand out the morning-after pill to minors. These same schools will not even give a child an aspirin for a headache. Yet our law permits them to hand out the morning-after pill to little girls.

Mr. Speaker, as I said, it was a difficult decision to withdraw this amendment. Now my colleagues understand why. It is important for us as Members of Congress to protect our children. Protecting our children, in fact, is a large part of the things that are included in the Labor HHS appropriation bill.

We are not certain of the safety of the morning-after pill, especially its impact on very young women, those who would now receive it in at least 180 of our schools. In fact, in Great Britain a 15-year-old girl suffered a stroke after she had taken the pill at the age of 14.

The question, I think, that faces this body, and that will face this body again, is are we willing to go to the extent that we need to to protect our children? If a school cannot give a child an aspirin, why does this Congress permit a school to give a little girl a morning-after pill? That means, basically, that we are condoning, first of all, that that little girl has admitted to having been sexually active, likely at a very young age. Again, these are minors that are being handed out the morning-after pill.

Concern has been raised with me ever since I became the sponsor of this amendment in the spring by parents, by teachers, by church leaders, by people I run into in the mall; and support for this amendment has been expressed from all sectors. In fact, it has been expressed by both pro-life and pro-choice people.

That is an important point to make, Mr. Speaker, because we should not make this an abortion issue. This is an issue of little girls and giving parents and schools the ability to take care of them, to protect them, and to protect their health. Federal law currently permits the use of these Federal funds to distribute the morning-after pill to schoolchildren. Numerous courts have ruled that schools using Federal funds for family planning services are forbidden to notify parents, regardless of State parental consent notification laws.

Therefore, the amendment would prevent that by doing the following: the amendment would have said that any school that distributes the morning-after pill to these children would, therefore, not be able to receive any Federal funding.

That is the only way, Mr. Speaker, that we will prevent these schools from being social activists and encouraging, in a way, these young ladies to be sexually active without any protection, and, in fact, placing these children in danger of transmitting sexually transmitted diseases and contracting sexually transmitted diseases.

Mr. Speaker, it is only sensible for us to consider this issue at another time. I have had meetings this morning with leadership and have been assured that I will be able to move this issue forward at another time as a freestanding bill through the Committee on Education and the Workforce. Hopefully, we will get the support of the members of that committee. But until we do, Mr. Speaker, I want everyone to understand that this Congress is continuing to allow the distribution of what is and can be a very dangerous drug to these young ladies when that same school cannot even give the girl an aspirin for a headache.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, and that I may include tabular and extraneous material.

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

There was no objection.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

Mr. LATOURETTE. Pursuant to the order of the House of today and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 3061.

□ 1326

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, with Mr. COMBEST in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the order of the House of today, the bill is considered as having been read the first time.

The gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, I want to thank the Members of the Subcommittee and of the Full Committee for their help in getting this bill to the floor. I want to thank the gentleman from Wisconsin (Mr. OBEY) for working with us on a bipartisan basis.

This is a far-reaching bill that touches the lives of every American, and I think we have had a spirit of bipartisanship in both the subcommittee and the full committee, with the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) in their roles as chairman and ranking minority members of the full committee.

I also want to thank the staff of both committees. They have worked closely together to ensure that we have a good bill that does the greatest amount of good for the American people. And I want to say a special thanks to the associate staff of the members of our subcommittee. They have been very helpful in letting us know and letting the staff of our committee know what was important to their members, so that we have tried to incorporate in this bill things that are very positive in every way.

I have said early on that the Bible says there are two great commandments, the first is to love your Lord and the second is to love your neighbor. This committee is the ''love your neighbor committee,'' because there is not a life in America that is not touched by what we do.

We could spend a lot of time, but we do not have a lot of time, so I do want to highlight some of the important things in this bill that are very essential, very important to the American people.

The fiscal year 2002 Labor, Health and Human Services appropriation bill

totals $123.371 billion. And I might say here that Chairman YOUNG and Ranking Member OBEY worked closely with OMB in arriving at the number we needed to do this bill in the best possible fashion.

Also I want to say at the outset it is my understanding that the Office of Management and Budget will have a letter to us supporting what is in this bill, That is, the Administration.

□ 1330

It is the result of 2 months of subcommittee hearings in which we heard testimony from three Cabinet Secretaries, numerous agency heads, as well as 180 public witnesses. The bill provide $14 billion for the Department of Labor, which includes a $75 million increase for the very popular Job Corp program, $53 million for discretionary programs at the Department of Health and Human Services, including $393 million for bioterrorism protections.

And I might mention at this point that we added $100 million over what we had originally planned on as a result of the events just 30 days ago. So we have a very substantial sum to give the Centers for Disease Control in Atlanta to respond to bioterrorism concerns.

We have an increase of $22.8 million for biomedical research activities at the National Institutes of Health. And, finally, the bill provides increases for the Department of Education, totaling $4.7 billion above the President's request, and I might say it is in conformance with H.R. 1, which passed this House by a very sizable majority.

Mr. Chairman, many in this Chamber as well as the general public have been awaiting the movement of this bill over the past months. The primary reason for its delay over the summer has been our interest in seeing the Committee on Education and the Workforce complete their work in authorizing comprehensive reform for our elementary and secondary education program, the President's number one domestic priority.

Although the conference on this legislation is not yet complete, we have taken the format of the House passed version of H.R. 1 in crafting this bill. As many of you are aware, the bill received an increase in its allocation to address the priorities of education reform $4.2 billion of the $4.7 billion increase in the original allocation is devoted to three areas of education funding: Title I funding for the disadvantaged, Special Education and Pell Grants. And I am pleased that we could increase Pell Grants because this helps those students who do not have the necessary resources to get an opportunity to get education beyond high school.

Education programs for the disadvantaged based upon H.R. 1, the No Child Left Behind Act, are funded at $10.5 billion. While this funding level is a significant increase over last year, I want to highlight a major difference in the program over previous years. Under this bill and its underlying authorization, schools are now being held accountable to children and their parents for achieving success in reading and math. Gone are the days when Federal dollars flow to States and local education and counties with no accountability. The disadvantaged children of this country will no longer be permitted to be pushed along from grade to grade with little hope for their futures.

As a former teacher and principal myself, I recognize the vital role of a good teacher in ensuring the success of a student. I appreciate the work of the authorizers in recognizing this as well in title II of H.R. 1. We have provided $3.175 billion in this bill for teacher quality programs. These programs include both training for teachers just entering the field and continuing education for those already teaching.

In addition, we have provided $50 million for the Transition to Teaching/Troops to Teachers Program. I would especially highlight the Troops to Teachers Program, to which our First Lady Laura Bush is devoting a great deal of her time. This program will assist retiring members of our military by facilitating the necessary steps for teacher certification, enabling them to move into the field of teaching for their second careers. They bring to this field a vast amount of experience, both in working with people as well as experience and in many locations around the world. Our dedicated service men and women often have extensive knowledge and expertise in science and math, the very subjects that so many of our children are struggling with in the school experience.

Further, these military personnel have attained a level of maturity and organization that would be of great benefit to our schools today. I personally am very enthused about this program and its potential for our Nation's leaders, and I am grateful to our First Lady for her leadership in attempting to make it a success.

Next, we know how important the early years of learning are to promoting reading readiness. To assist our Nation's youngest children in obtaining these vital tools for reading, we are funding two new programs in the President's budget request, Reading First State Grants and Early Reading First. These programs are intended to enable children to derive the necessary tools for success in reading, including phonemic awareness, alphabetic knowledge and vocabulary. I know from my own experience as an elementary principal that you have to read before you can go into science, math and the other disciplines. Reading becomes fundamental.

Consistent with H.R. 1, our bill eliminates 35 programs in the Department of Education, consolidating and streamlining them and granting maximum flexibility to States and local education agencies to use funds to best meet the needs of their students. Again, we will put the money where it helps children and not so much in administrative costs.

Many Members have expressed their concerns about the level of Federal funding for Special Education. The fiscal year 2002 bill provides $7.7 billion for grants to the States for Special Education. This level is the highest ever for Special Education. As I mentioned earlier, the House and Senate education committees have not yet completed their conference on H.R. 1 and the issue of how special education is funded in the future has been an issue for the conference.

The Senate version of the bill included a provision to take funding for special ed out of discretionary spending and instead provide for it through mandatory spending. I want to emphasize that the proposal is the wrong way to approach this type of funding. We need to have oversight to make sure these programs are reaching the students that we want, and that the money is used wisely and carefully.

We are aware of numerous problems with the program, and only when the funding remains on budget is it accountable to the people through annual review of the Congress through the appropriations process.

Mr. Chairman, I commend the Secretary of Education for his announcement this past week of a special commission to examine the special education program and make recommendations for improving it. It is through this process that we can improve the program and more effectively fund the many needs of our Nation's children in need of special education services.

Finally, we all recognize the importance of higher education in meeting the needs of our 21st century global economy. Higher education expenses continue to increase at a higher level than inflation, presenting a major barrier for low-income students.

I am pleased to report that the bill includes an increase in funding for the Pell Grant programs which would bring the maximum grant level to $4,000, the highest in history.

The tragic events of September 11 have changed the lives of us all. While we are now focusing on terrorism around the world, we must make every effort to protect our citizens at home. Through several accounts within the Department of Health and Human Services, we are working to prepare our public health agencies to respond to bioterrorism threats. We have provided a total of $393 million to address these needs.

Here at home the health and well-being of our citizens, not just in the area of bioterrorism, but otherwise, must remain a priority for us all.

The bill provides an increase of $22.8 million for biomedical research activities at the National Institutes of Health. This increase is the same programmatic increase requested by the President.

During the course of our public witness hearings over 7 full days, a majority of our witnesses testified about diseases afflicting either themselves or a loved one. They appeared before our subcommittee seeking hope, hope for successful treatment and cures for these diseases. Our members have been touched by this testimony, and we are committed to providing funding so that the best and brightest researchers in our Nation, and I might say the most dedicated, may work to achieve the hope of so many of our citizens. Whether it is hope for my young constituent in North Canton, Ohio, who suffers from juvenile diabetes, or an older constituent in my district who in his middle years has received the devastating diagnosis of Parkinson's disease, funds for research are the hope we can provide.

The countless scientific breakthroughs and studies we have already funded have given us a great deal of knowledge in how to prevent disease and illness. It is incumbent upon us to share this knowledge to improve the health of the Nation. Through the good work of the Centers for Disease Control and Prevention, we are getting the messages of prevention out.

In total, the bill provides $4 billion directly to the Centers for Disease Control. Its work includes efforts to prevent chronic diseases such as diabetes, heart disease and stroke by promoting healthy lifestyles.

Through the work of CDC's epidemic officers, we can bring important assistance and assurances to communities when disease outbreaks occur, as they did in my district this past spring. Students at a high school in my district contracted meningitis, a severe illness with potentially life-threatening consequences. The Centers for Disease Control, together with the Department of Health, worked to bring the outbreak under control and prevent its spread. The presence of CDC brought a sense of security to the community.

Our Nation's community health centers, funded through the Health Resources and Services Administration, represent an important health care option for the underserved. A funding priority for the President, we are providing $1.3 billion for these centers, which is an increase of $150 million over last year's bill and $26 million over the President's request. These take the place in many areas of emergency rooms and provide a much better source of health care on an easy-to-get-to basis.

This bill supports our country's comprehensive effort to aggressively combat HIV/AIDS, an epidemic claiming 40,000 new victims each year. It provides $112 million for the Ryan White AIDS programs, which enable individuals to access needed medical care and support services. The bill provides $844 million for programs at the CDC which fund research, surveillance, as well as State and local efforts to prevent the spread of this disease. It continues to support the groundbreaking research funded by NIH that could lead to improved treatments and, hopefully, a cure one day.

Through all these programs, this bill continues to support the Minority AIDS Initiative, which seeks to address the disproportionate impact of HIV/AIDS among racial and ethnic minorities.

We have included a total of $40 million for abstinence only education programs. This amount is $10 million over the President's budget request and $20 million over last year.

The training of pediatricians and pediatric specialists is an important priority. I am pleased to report that the bill funds Children's Graduate Medical Education at the full authorization level of $285 million.

Following the President's lead, this bill commits substantial resources to deal with our Nation's substance abuse program. It provides over $2 billion, an increase of $121 million from the previous fiscal year. Some of these funds will support the development of new prevention and treatment models and improve the delivery of services to the homeless population. Over $1.7 billion will be allocated for State substance abuse block grants, which support alcohol and drug abuse prevention, treatment and rehabilitation services.

The bill represents security in so many ways for so many people, including funding for the Low Income Home Energy Assistance Program at $2 billion, the highest level ever.

In addressing the President's Faith-Based Initiative, I am pleased to report that we have funded two programs in the budget request: The Safe and Stable Families Program at $70 million and the Compassion Capital Fund at $30 million for a total of $100 million.

The bill funds the Head Start Program at $6.4 billion, allowing for a continuation of the same level of services. It is a $276 million increase, and we are urging through report language that Head Start put more emphasis on education programs in their areas.

This bill supports a number of efforts to improve the health and quality of life of older Americans. It provides a $10 million increase for programs designed to enhance the training of health professionals in geriatrics, so they can better understand and respond to the health needs of our aging population, and a number of other things that are important to seniors, foster grandparents and so on.

The Department of Labor will receive a total of $14 billion in this bill to address growing needs in Workforce Investment Act job training as a result of our slowing economy. We provide $105 million over fiscal year 2001.

□ 1345

One compelling public witness who appeared before our committee addressed funding for Job Corps. This gentleman, now an employee of Roto Rooter in Cincinnati, told us of how his training at a Job Corps center and the job he now holds as a result has changed his life. He now has hope for his future when before he had none. I think we forget when we do these bills how they really touch the lives of people, and he was such a classic example of how important this program was to his future and what a great difference it has made.

Independent agencies. We gave the Social Security Administration additional funds so that when people need help in understanding their Social Security situation, there will be enough staff to take care of them.

We worked with the Institute of Museum and Library Services, again an important agency for the people of America. Libraries in communities across this Nation are windows of opportunity for so many young and elderly people alike.

The bill before you is a balanced, bipartisan bill. Through the numerous programs I have just described and the many I have not had time to mention, the bill provides security and hope for our citizens in greatest need.

I say to my colleagues, I ask for your support of passage of this bill. It is a good bill. It is a fair bill. It tries in a balanced way to address the multiplicity of needs, and it does show that we are a good neighbor, that this Nation cares about the quality of life for all its citizens.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000) 1

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
TITLE I - DEPARTMENT OF LABOR						
EMPLOYMENT AND TRAINING ADMINISTRATION						
TRAINING AND EMPLOYMENT SERVICES						
Grants to States:						
Adult Training, current year	238,000	900,000	238,000	---	-662,000	D FF
Advance from prior year	(712,000)	(712,000)	(712,000)	---	---	NA
FY03	712,000	---	712,000	---	+712,000	D
Adult Training, program level	950,000	900,000	950,000	---	+50,000	
Youth Training	1,127,965	1,000,965	1,353,065	+225,100	+352,100	D FF
Dislocated Worker Assistance, current year	377,540	1,383,040	840,040	+462,500	-543,000	D FF
Advance from prior year	(1,060,000)	(1,060,000)	(1,060,000)	---	---	NA
FY03	1,060,000	---	695,000	-365,000	+695,000	D
Dislocated Worker Assistance, program level	1,437,540	1,383,040	1,535,040	+97,500	+152,000	
Federally administered programs:						
Native Americans	55,000	55,000	55,000	---	---	D FF
Migrant and Seasonal Farmworkers	76,770	76,770	77,270	+500	+500	D FF
Job Corps:						
Operations	687,773	1,278,773	762,799	+75,026	-515,974	D FF
Advance from prior year	(591,000)	(591,000)	(591,000)	---	---	NA
FY03	591,000	---	591,000	---	+591,000	D
Construction and Renovation	20,375	120,375	20,375	---	-100,000	D FF
Advance from prior year	(100,000)	(100,000)	(100,000)	---	---	NA
FY03	100,000	---	100,000	---	+100,000	D
Subtotal, Job Corps, program level	1,399,148	1,399,148	1,474,174	+75,026	+75,026	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000) 2

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request		
National activities:							
Pilots, Demonstrations and Research	97,432	35,000	55,000	-42,432	+20,000	D	FF
Responsible Reintegration of Youthful Offender	55,000	---	55,000	---	+55,000	D	FF
Evaluation	9,098	9,098	9,098	---	---	D	FF
Incumbent Workers	---	---	---	---	---	D	
Safe Schools/Healthy Students	---	---	---	---	---	D	
Youth Opportunity Grants	250,000	250,000	---	-250,000	-250,000	D	FF
Other	15,000	15,000	15,000	---	---	D	FF
Subtotal, National activities	426,530	309,098	134,098	-292,432	-175,000		
Subtotal, Federal activities	1,957,448	1,840,016	1,740,542	-216,906	-99,474		
Total, Workforce Investment Act	5,472,953	5,124,021	5,578,647	+105,694	+454,626		
Women in Apprenticeship	1,000	1,000	1,000	---	---	D	
Skill Standards	3,500	3,500	3,500	---	---	D	FF
Subtotal, National activities, TES	431,030	313,598	138,598	-292,432	-175,000		
Total, Training and Employment Services	5,477,453	5,128,521	5,583,147	+105,694	+454,626		
Current Year	(3,014,453)	(5,128,521)	(3,485,147)	(+470,694)	(-1,643,374)		
FY03	(2,463,000)	---	(2,098,000)	(-365,000)	(+2,098,000)		
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS	440,200	440,200	440,200	---	---	D	FF

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES						
Trade Adjustment	342,400	---	---	-342,400	---	M
NAFTA Activities	64,150	11,000	11,000	-53,150	---	M
Legislative Proposal (NAFTA/TAA)	---	404,650	404,650	+404,650	---	M
Total	406,550	415,650	415,650	+9,100	---	
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS						
Unemployment Compensation:						
State Operations	2,357,295	2,403,923	2,403,923	+46,628	---	TF
National Activities	10,000	10,000	10,000	---	---	TF
Subtotal, Unemployment Comp (trust funds)	2,367,295	2,413,923	2,413,923	+46,628	---	
Employment Service:						
Allotments to States:						
Federal Funds	23,452	23,452	23,452	---	---	D
Trust Funds	773,283	773,283	773,283	---	---	TF
Subtotal	796,735	796,735	796,735	---	---	
ES National Activities	49,680	49,680	49,680	---	---	TF
Subtotal, Employment Service	846,415	846,415	846,415	---	---	
Federal Funds	23,452	23,452	23,452	---	---	
Trust Funds	822,963	822,963	822,963	---	---	
One Stop Career Centers/Labor Market Information	150,000	134,000	120,000	-30,000	-14,000	D
Work Incentives Grants	20,000	20,000	20,000	---	---	D FF
Total, State Unemployment	3,383,710	3,414,338	3,400,338	+16,628	-14,000	
Federal Funds	193,452	177,452	163,452	-30,000	-14,000	
Trust Funds	3,190,258	3,236,886	3,236,886	+46,628	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000) 4

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
ADVANCES TO THE UI AND OTHER TRUST FUNDS (1).....	435,000	464,000	464,000	+29,000	---	M
PROGRAM ADMINISTRATION						
Adult Employment and Training.....	32,911	34,010	34,184	+1,273	+174	D
Trust Funds.....	2,797	2,887	2,887	+90	---	TF
Youth Employment and Training.....	37,011	37,557	37,743	+732	+186	D
Employment Security.....	4,974	5,789	6,030	+1,056	+241	D
Trust Funds.....	44,351	44,216	44,216	-135	---	TF
Apprenticeship Services.....	21,069	21,367	21,474	+405	+107	D
Executive Direction.....	7,960	7,945	7,991	+31	+46	D
Trust Funds.....	1,359	1,404	1,404	+45	---	TF
Welfare to Work.....	6,431	5,903	5,934	-497	+31	D
Total, Program Administration.....	158,863	161,078	161,863	+3,000	+785	
Federal Funds.....	110,356	112,571	113,356	+3,000	+785	
Trust Funds.....	48,507	48,507	48,507	---	---	
Total, Employment & Training Administration.....	10,301,776	10,023,787	10,465,198	+163,422	+441,411	
Federal Funds.....	7,063,011	6,738,394	7,179,805	+116,794	+441,411	
Current Year.....	(4,600,011)	(6,738,394)	(5,081,805)	(+481,794)	(-1,656,589)	
FY03.....	(2,463,000)	---	(2,098,000)	(-365,000)	(+2,098,000)	
Trust Funds.....	3,238,765	3,285,393	3,285,393	+46,628	---	

(1) Two year availability.

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
PENSION AND WELFARE BENEFITS ADMINISTRATION						
SALARIES AND EXPENSES						
Enforcement and Compliance	83,453	84,640	85,525	+2,072	+885	D
Policy, Regulation and Public Service	20,205	19,234	20,205	---	+971	D
Program Oversight	3,975	4,114	4,136	+161	+22	D
Total, PWBA	107,633	107,988	109,866	+2,233	+1,878	
PENSION BENEFIT GUARANTY CORPORATION						
Program Administration subject to limitation (TF)	11,652	11,652	11,690	+38	+38	TF
Termination services not subject to limitation (NA)	(178,924)	(178,924)	(178,924)	---	---	NA
Total, PBGC (Program level)	(190,576)	(190,576)	(190,614)	(+38)	(+38)	
EMPLOYMENT STANDARDS ADMINISTRATION						
SALARIES AND EXPENSES						
Enforcement of Wage and Hour Standards	152,369	152,569	153,862	+1,493	+1,293	D
Office of Labor-Management Standards	30,492	30,632	32,769	+2,277	+2,137	D
Federal Contractor EEO Standards Enforcement	76,148	76,308	76,979	+831	+671	D
Federal Programs for Workers' Compensation	88,687	90,098	90,846	+2,159	+748	D
FECA Fees	---	-80,281	---	---	+80,281	D
Trust Funds	1,981	1,981	1,981	---	---	TF
Program Direction and Support	13,039	13,127	13,194	+155	+67	D
Total, ESA salaries and expenses	362,716	284,434	369,631	+6,915	+85,197	
Federal Funds	360,735	282,453	367,650	+6,915	+85,197	
Trust Funds	1,981	1,981	1,981	---	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000) 6

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
SPECIAL BENEFITS						
Federal employees compensation benefits	53,000	118,000	118,000	+65,000	---	M
Longshore and harbor workers' benefits	3,000	3,000	3,000	---	---	M
Total, Special Benefits	56,000	121,000	121,000	+65,000	---	
ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND						
Program Benefits	(358,000)	(597,000)	(597,000)	(+239,000)	---	NA
Administrative Expenses (1)	60,328	136,000	136,000	+75,672	---	M
BLACK LUNG DISABILITY TRUST FUND						
Benefit payments and interest on advances	975,343	981,283	981,283	+5,940	---	M
Employment Standards Adm. S&E	30,293	31,443	31,558	+1,265	+115	M
Departmental Management S&E	21,590	22,590	22,590	+1,000	---	M
Departmental Management, Inspector General	318	328	328	+10	---	M
Subtotal, Black Lung Disablty	1,027,544	1,035,644	1,035,759	+8,215	+115	
Treasury Administrative Costs	356	356	356	---	---	M
Total, Black Lung Disability Trust Fund	1,027,900	1,036,000	1,036,115	+8,215	+115	
Total, Employment Standards Administration	1,506,944	1,577,434	1,662,746	+155,802	+85,312	
Federal Funds	1,504,963	1,575,453	1,660,765	+155,802	+85,312	
Trust Funds	1,981	1,981	1,981	---	---	

(1) $10,000,000 transferred from ESA to CDC, OSHA.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION						
SALARIES AND EXPENSES						
Safety and Health Standards	15,069	13,875	13,931	-1,138	+56	D
Federal Enforcement	151,836	154,816	157,788	+5,952	+2,972	D
State Programs	88,369	88,119	88,694	+325	+575	D
Technical Support	20,189	19,562	20,251	+62	+689	D
Compliance Assistance:						
Federal Assistance	56,255	57,180	57,393	+1,138	+213	D
State Consultation Grants	48,834	48,834	50,199	+1,365	+1,365	D
Training Grants	11,175	8,175	11,175	---	+3,000	D
Subtotal	116,264	114,189	118,767	+2,503	+4,578	
Safety and Health Statistics	25,597	26,257	26,595	+998	+338	D
Executive Direction and Administration	8,562	9,017	9,281	+719	+264	D
Total, OSHA	425,886	425,835	435,307	+9,421	+9,472	
MINE SAFETY AND HEALTH ADMINISTRATION						
SALARIES AND EXPENSES						
Coal Enforcement	114,505	110,915	113,449	-1,056	+2,534	D
Metal/Non-Metal Enforcement	55,117	60,424	61,773	+6,656	+1,349	D
Standards Development	1,760	2,304	2,357	+597	+53	D
Assessments	4,265	4,701	4,807	+542	+106	D
Educational Policy and Development	31,455	27,984	28,585	-2,870	+601	D
Technical Support	27,053	27,427	28,025	+972	+598	D
Program Administration	12,151	12,551	12,729	+578	+178	D
Total, Mine Safety and Health Administration	246,306	246,306	251,725	+5,419	+5,419	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000) 8

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
BUREAU OF LABOR STATISTICS						
SALARIES AND EXPENSES						
Employment and Unemployment Statistics	142,313	146,796	147,038	+4,725	+242	D
Labor Market Information (Trust Funds)	67,257	69,132	69,132	+1,875	---	TF
Prices and Cost of Living	135,136	149,264	149,801	+14,665	+537	D
Compensation and Working Conditions	71,076	74,126	74,390	+3,314	+264	D
Productivity and Technology	9,164	9,599	9,621	+457	+22	D
Economic Growth and Employment Projections	---	---	---	---	---	D
Executive Direction and Staff Services	25,941	27,083	27,126	+1,185	+43	D
Total, Bureau of Labor Statistics	450,887	476,000	477,108	+26,221	+1,108	
Federal Funds	383,630	406,868	407,976	+24,346	+1,108	
Trust Funds	67,257	69,132	69,132	+1,875	---	
DEPARTMENTAL MANAGEMENT						
SALARIES AND EXPENSES						
Executive Direction	26,303	26,502	26,672	+369	+170	D
Departmental IT Crosscut	37,000	80,000	51,708	+14,708	-28,292	D
Legal Services	74,384	74,657	79,914	+5,530	+5,257	D
Trust Funds	310	310	310	---	---	TF
International Labor Affairs	147,982	71,588	147,982	---	+76,394	D
Administration and Management	24,732	29,732	29,833	+5,101	+101	D
Adjudication	24,688	24,688	25,009	+321	+321	D
Women's Bureau	10,186	10,186	10,251	+65	+65	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
Civil Rights Activities	5,839	5,839	5,887	+48	+48	D
Chief Financial Officer	5,963	6,263	6,312	+349	+49	D
Disability Policy	---	---	---	---	---	D
Total, Salaries and expenses	357,387	329,765	383,878	+26,491	+54,113	
Federal Funds	357,077	329,455	383,568	+26,491	+54,113	
Trust Funds	310	310	310	---	---	
OFFICE OF DISABILTIY EMPLOYMENT POLICY						
Office of Disability Employment Policy	20,413	40,623	30,413	+10,000	-10,210	D
Task Force on Employment of Adults with Disabilities	2,556	2,640	2,640	+84	---	D
Total, Office of Disability Employment Policy	22,969	43,263	33,053	+10,084	-10,210	
VETERANS EMPLOYMENT AND TRAINING						
State Administration:						
Disabled Veterans Outreach Program	81,615	81,615	81,615	---	---	TF
Local Veterans Employment Program	77,253	77,253	77,253	---	---	TF
Subtotal, State Administration	158,868	158,868	158,868	---	---	
Federal Administration	27,988	28,035	28,035	+47	---	TF
Homeless Veterans Program	17,500	17,500	17,500	---	---	D
Veterans Workforce Investment Programs	7,300	7,300	7,300	---	---	D FF
Total, Veterans Employment and Training	211,656	211,703	211,703	+47	---	
Federal Funds	24,800	24,800	24,800	---	---	
Trust Funds	186,856	186,903	186,903	+47	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000) 10

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
OFFICE OF THE INSPECTOR GENERAL						
Program Activities	43,111	45,114	45,114	+2,003	---	D
Trust Funds	4,770	4,951	4,951	+181	---	TF
Executive Direction and Management	6,802	7,068	7,068	+266	---	D
Total, Office of the Inspector General	54,683	57,133	57,133	+2,450	---	
Federal funds	49,913	52,182	52,182	+2,269	---	
Trust funds	4,770	4,951	4,951	+181	---	
Total, Departmental Management	646,695	641,864	685,767	+39,072	+43,903	
Federal Funds	454,759	449,700	493,603	+38,844	+43,903	
Trust Funds	191,936	192,164	192,164	+228	---	
Total, Labor Department	13,697,779	13,510,866	14,099,407	+401,628	+588,541	
Federal Funds	10,186,188	9,950,544	10,539,047	+352,859	+588,503	
Current Year	(7,723,188)	(9,950,544)	(8,441,047)	(+717,859)	(-1,509,497)	
FY03	(2,463,000)	---	(2,098,000)	(-365,000)	(+2,098,000)	
Trust Funds	3,511,591	3,560,322	3,560,360	+48,769	+38	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

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	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES						
HEALTH RESOURCES AND SERVICES ADMINISTRATION						
HEALTH RESOURCES AND SERVICES						
Community health centers	1,168,559	1,292,723	1,318,559	+150,000	+25,836	D
National Health Service Corps:						
Field placements	41,462	42,511	42,511	+1,049	---	D
Recruitment	87,912	87,916	100,000	+12,088	+12,084	D
Subtotal	129,374	130,427	142,511	+13,137	+12,084	
Health Professions						
Training for Diversity:						
Centers of excellence	30,637	12,847	33,637	+3,000	+20,790	D
Health careers opportunity program	32,795	13,752	35,795	+3,000	+22,043	D
Faculty loan repayment	1,330	557	1,330	---	+773	D
Scholarships for disadvantaged students	44,473	18,651	46,473	+2,000	+27,822	D
Subtotal	109,235	45,807	117,235	+8,000	+71,428	
Training in Primary Care Medicine and Dentistry	91,048	---	95,048	+4,000	+95,048	D
Interdisciplinary Community-Based Linkages:						
Area health education centers	33,362	7,556	33,362	---	+25,806	D
Health education and training centers	4,403	---	4,403	---	+4,403	D
Allied health and other disciplines	8,422	1,907	9,501	+1,079	+7,594	D
Geriatric programs	12,410	---	22,410	+10,000	+22,410	D
Quentin N. Burdick pgm for rural training	5,988	---	5,988	---	+5,988	D
Subtotal	64,585	9,463	75,664	+11,079	+66,201	
Health Professions Workforce Info & Analysis	824	824	824	---	---	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000) 12

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
Public Health Workforce Development:						
Public health, preventive med. & dental pgms.....	9,478	2,147	11,478	+2,000	+9,331	D
Health administration programs.....	1,231	---	1,231	---	+1,231	D
Subtotal.....	10,709	2,147	12,709	+2,000	+10,562	
Children's Hospitals Graduate Medical Educ.....	234,980	200,094	285,000	+50,020	+84,906	D
Advanced Education Nursing.....	59,045	59,048	61,048	+2,003	+2,000	D
Basic nurse education and practice.....	12,790	16,291	16,291	+3,501	---	D
Nursing workforce diversity.....	4,673	6,173	6,173	+1,500	---	D
Subtotal, Health professions.....	587,889	339,847	669,992	+82,103	+330,145	
Other HRSA Programs:						
Hansen's Disease Services.....	17,890	18,391	17,491	-399	-900	D
Maternal & Child Health Block Grant.....	714,151	709,087	740,000	+25,849	+30,913	D
Abstinence Education						
Advance from prior year.....	(20,000)	(30,000)	(30,000)	(+10,000)	---	NA
FY03.....	30,000	---	---	-30,000	---	D
Current Year.....	---	15	10,000	+10,000	+9,985	D
Healthy Start.....	89,996	89,996	102,000	+12,004	+12,004	D
Universal Newborn Hearing.....	7,999	6,581	10,000	+2,001	+3,419	D
Organ Transplantation.....	14,992	19,992	19,992	+5,000	---	D
Bone Marrow Program.....	21,958	22,000	22,000	+42	---	D
Rural outreach grants.....	58,211	37,863	51,863	-6,348	+14,000	D
Rural Health Research.....	13,436	6,099	12,099	-1,337	+6,000	D
Telehealth.....	35,976	5,609	27,609	-8,367	+22,000	D
Denali Commission.....	10,000	---	---	-10,000	---	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
Critical care programs:						
Emergency medical services for children.....	18,985	15,574	19,000	+15	+3,426	D
Poison control.....	19,995	16,421	16,421	-3,574	---	D
Subtotal, Critical care programs.....	38,980	31,995	35,421	-3,559	+3,426	
Black lung clinics.....	6,000	6,000	6,000	---	---	D
Trauma Care.....	3,000	2,467	3,000	---	+533	D
Nursing loan repayment for shortage area service..	7,279	2,279	2,279	-5,000	---	D
Payment to Hawaii, treatment of Hansen's.....	2,045	2,045	2,045	---	---	D
Subtotal, Other HRSA programs:						
Current year.....	1,041,913	960,419	1,061,799	+19,886	+101,380	
FY03.....	30,000	---	---	-30,000	---	
Ryan White AIDS Programs:						
Emergency Assistance.....	604,169	604,169	619,169	+15,000	+15,000	D
Comprehensive Care Programs.....	910,969	910,969	985,969	+75,000	+75,000	D
AIDS Drug Assistance Program (ADAP) (NA).....	(589,000)	(589,000)	(649,000)	(+60,000)	(+60,000)	NA
Early Intervention Program.....	185,879	186,034	192,878	+6,999	+6,844	D
Pediatric HIV/AIDS.....	64,995	64,995	69,995	+5,000	+5,000	D
AIDS Dental Services.....	9,999	9,999	15,000	+5,001	+5,001	D
Education and Training Centers.....	31,598	31,598	36,598	+5,000	+5,000	D
Subtotal, Ryan White AIDS programs.....	1,807,609	1,807,764	1,919,609	+112,000	+111,845	
Family Planning.....	253,897	254,170	264,170	+10,273	+10,000	D
Health Care and Other Facilities.....	251,546	---	---	-251,546	---	D
Buildings and Facilities.....	250	250	250	---	---	D
Rural Hospital Flexibility Grants.....	24,996	24,997	35,000	+10,004	+10,003	D
Rural Access to Emergency Devices.....	---	---	12,500	+12,500	+12,500	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000) 14

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
National Practitioner Data Bank	17,200	17,200	17,200	---	---	D
User Fees	-17,200	-17,200	-17,200	---	---	D
Health Care Integrity and Protection Data Bank	4,317	8,000	8,000	+3,683	---	D
User Fees	-4,317	-8,000	-8,000	-3,683	---	D
Community Access Program	139,984	15,041	120,041	-19,943	+105,000	D
Program Management	138,972	147,049	147,049	+8,077	---	D
Total, Health resources and services	5,574,989	4,972,687	5,691,480	+116,491	+718,793	
Current year	(5,544,989)	(4,972,687)	(5,691,480)	(+146,491)	(+718,793)	
FY03	(30,000)	---	---	(-30,000)	---	
HEALTH EDUCATION ASSISTANCE LOANS PROGRAM:						
Liquidating account	(10,000)	(10,000)	(10,000)	---	---	NA
Program account	(9,000)	---	---	(-9,000)	---	NA
Program management	3,672	3,792	3,792	+120	---	D
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:						
Post-FY88 claims	114,355	114,855	114,855	+500	---	M
HRSA administration	2,992	2,992	2,992	---	---	D
Total, Vaccine injury	117,347	117,847	117,847	+500	---	
Total, Health Resources & Services Admin.	5,696,008	5,094,326	5,813,119	+117,111	+718,793	
Current year	(5,666,008)	(5,094,326)	(5,813,119)	(+147,111)	(+718,793)	
FY03	(30,000)	---	---	(-30,000)	---	
Evaluation Tap	(38,800)	(68,600)	(35,927)	(-2,873)	(-32,673)	NA

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000) 15

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
CENTERS FOR DISEASE CONTROL						
DISEASE CONTROL, RESEARCH AND TRAINING						
Birth Defects/Developmental Disabitities/Disability and Health	70,726	76,280	80,280	+9,554	+4,000	D
Chronic Disease Prevention and Health Promotion	749,708	574,560	722,495	-27,213	+147,935	D
Environmental Health	137,255	136,683	146,683	+9,428	+10,000	D
Epidemic Services and Response	77,761	80,303	80,303	+2,542	---	D
Health Statistics	50,260	---	33,014	-17,246	+33,014	D
Evaluation Tap funding (NA)	(71,690)	(126,978)	(93,964)	(+22,274)	(-33,014)	NA
HIV/AIDS, STD and TB Prevention	1,044,070	1,068,452	1,148,452	+104,382	+80,000	D
Immunization	552,572	574,645	599,645	+47,073	+25,000	D
Infectious Disease Control	317,582	331,518	343,018	+25,436	+11,500	D
Injury Prevention and Control	142,832	143,655	143,655	+823	---	D
Occupational Safety and Health (1)	260,032	266,135	270,135	+10,103	+4,000	D
Preventive Health and Health Services Block Grant	135,029	135,030	135,030	+1	---	D
Public Health Improvement	110,876	109,910	149,910	+39,034	+40,000	D
Buildings and Facilities	175,000	150,000	175,000	---	+25,000	D
Office of the Director	39,070	49,440	49,440	+10,370	---	D
Bioterrorism (2)	(180,919)	(181,919)	(231,919)	(+51,000)	(+50,000)	NA
ATSDR (3)	(74,835)	(78,235)	---	(-74,835)	(-78,235)	NA
Total, Disease Control	3,862,773	3,696,611	4,077,060	+214,287	+380,449	
Evaluation Tap funding (NA)	(71,690)	(126,978)	(93,964)	(+22,274)	(-33,014)	NA

(1) Includes Mine Safety and Health.

(2) Funds are provided in the Public Health and Social Service Emergency Fund.

(3) Funded in VA/HUD Bill.

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
NATIONAL INSTITUTES OF HEALTH						
National Cancer Institute	3,737,217	4,177,203	4,146,291	+409,074	-30,912	D
Evaluation Tap	(36,712)	(68,807)	(37,895)	(+1,183)	(-30,912)	NA
Program Level	(3,700,505)	(4,108,396)	(4,108,396)	(+407,891)	---	
National Heart, Lung, and Blood Institute	2,298,664	2,567,429	2,547,675	+249,011	-19,754	D
Evaluation Tap	(22,497)	(43,972)	(24,218)	(+1,721)	(-19,754)	NA
Program Level	(2,276,167)	(2,523,457)	(2,523,457)	(+247,290)	---	
National Institute of Dental & Craniofacial Research	306,153	341,898	339,268	+33,115	-2,630	D
Evaluation Tap	(3,003)	(5,856)	(3,226)	(+223)	(-2,630)	NA
Program Level	(303,150)	(336,042)	(336,042)	(+32,892)	---	
National Institute of Diabetes and Digestive and Kidney Diseases	1,303,570	1,457,915	1,446,705	+143,135	-11,210	D
Evaluation Tap	(12,751)	(24,952)	(13,742)	(+991)	(-11,210)	NA
Program Level	(1,290,819)	(1,432,963)	(1,432,963)	(+142,144)	---	
National Institute of Neurological Disorders & Stroke	1,176,797	1,316,448	1,306,321	+129,524	-10,127	D
Evaluation Tap	(11,511)	(22,541)	(12,414)	(+903)	(-10,127)	NA
Program Level	(1,165,286)	(1,293,907)	(1,293,907)	(+128,621)	---	
National Institute of Allergy and Infectious Diseases	2,062,621	2,330,325	2,312,204	+249,583	-18,121	D
Global HIV/AIDS Fund Transfer	---	25,000	25,000	+25,000	---	D
Subtotal	2,062,621	2,355,325	2,337,204	+274,583	-18,121	
Evaluation Tap	(19,979)	(40,336)	(22,215)	(+2,236)	(-18,121)	NA
Program Level	(2,042,642)	(2,314,989)	(2,314,989)	(+272,347)	---	

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
National Institute of General Medical Sciences.....	1,539,903	1,720,206	1,706,968	+167,065	-13,238	D
Evaluation Tap.....	(15,018)	(29,467)	(16,229)	(+1,211)	(-13,238)	NA
Program Level.....	(1,524,885)	(1,690,739)	(1,690,739)	(+165,854)	---	
National Institute of Child Health & Human Development	978,721	1,096,650	1,088,208	+109,487	-8,442	D
Evaluation Tap.....	(9,554)	(18,790)	(10,348)	(+794)	(-8,442)	NA
Program Level.....	(969,167)	(1,077,860)	(1,077,860)	(+108,693)	---	
National Eye Institute.....	510,525	571,126	566,725	+56,200	-4,401	D
Evaluation Tap.....	(5,001)	(9,797)	(5,396)	(+395)	(-4,401)	NA
Program Level.....	(505,524)	(561,329)	(561,329)	(+55,805)	---	
National Institute of Environmental Health Sciences...	502,987	561,750	557,435	+54,448	-4,315	D
Evaluation Tap.....	(4,902)	(9,606)	(5,291)	(+389)	(-4,315)	NA
Program Level.....	(498,085)	(552,144)	(552,144)	(+54,059)	---	
NIEHS/Superfund (NA) (1).....	(62,861)	(70,228)	---	(-62,861)	(-70,228)	
National Institute on Aging.....	786,303	879,961	873,186	+86,883	-6,775	D
Evaluation Tap.....	(7,693)	(15,079)	(8,304)	(+611)	(-6,775)	NA
Program Level.....	(778,610)	(864,882)	(864,882)	(+86,272)	---	
National Institute of Arthritis and Musculoskeletal and Skin Diseases.....	396,528	443,565	440,144	+43,616	-3,421	D
Evaluation Tap.....	(3,875)	(7,616)	(4,195)	(+320)	(-3,421)	NA
Program Level.....	(392,653)	(435,949)	(435,949)	(+43,296)	---	

(1) Superfund $ are appropriated in the VA/HUD Bill.

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	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
National Institute on Deafness and Other Communication Disorders	301,069	336,757	334,161	+33,092	-2,596	D
Evaluation Tap	(2,945)	(5,778)	(3,182)	(+237)	(-2,596)	NA
Program Level	(298,124)	(330,979)	(330,979)	(+32,855)	---	
National Institute of Nursing Research	105,158	117,686	116,773	+11,615	-913	D
Evaluation Tap	(1,026)	(2,029)	(1,116)	(+90)	(-913)	NA
Program Level	(104,132)	(115,657)	(115,657)	(+11,525)	---	
National Institute on Alcohol Abuse and Alcoholism	340,537	381,966	379,026	+38,489	-2,940	D
Evaluation Tap	(3,333)	(6,544)	(3,604)	(+271)	(-2,940)	NA
Program Level	(337,204)	(375,422)	(375,422)	(+38,218)	---	
National Institute on Drug Abuse	780,827	907,369	900,389	+119,562	-6,980	D
Evaluation Tap	(7,637)	(15,538)	(8,558)	(+921)	(-6,980)	NA
Program Level	(773,190)	(891,831)	(891,831)	(+118,641)	---	
National Institute of Mental Health	1,106,519	1,238,305	1,228,780	+122,261	-9,525	D
Evaluation Tap	(10,832)	(21,202)	(11,677)	(+845)	(-9,525)	NA
Program Level	(1,095,687)	(1,217,103)	(1,217,103)	(+121,416)	---	
National Human Genome Research Institute	382,040	426,739	423,454	+41,414	-3,285	D
Evaluation Tap	(3,740)	(7,311)	(4,026)	(+286)	(-3,285)	NA
Program Level	(378,300)	(419,428)	(419,428)	(+41,128)	---	

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
National Institute of Biomedical Imaging and Bioengineering	1,975	40,206	39,896	+37,921	-310	D
Evaluation Tap	---	(689)	(379)	(+379)	(-310)	NA
Program Level	(1,975)	(39,517)	(39,517)	(+37,542)	---	
National Center for Research Resources	817,098	974,038	966,541	+149,443	-7,497	D
Evaluation Tap	(8,003)	(16,686)	(9,189)	(+1,186)	(-7,497)	NA
Program Level	(809,095)	(957,352)	(957,352)	(+148,257)	---	
National Center for Complementary and Alternative Medicine	89,121	100,063	99,288	+10,167	-775	D
Evaluation Tap	(873)	(1,723)	(948)	(+75)	(-775)	NA
Program Level	(88,248)	(98,340)	(98,340)	(+10,092)	---	
National Center on Minority Health and Health Disparities	132,044	158,425	157,204	+25,160	-1,221	D
Evaluation Tap	---	(2,718)	(1,497)	(+1,497)	(-1,221)	NA
Program Level	(132,044)	(155,707)	(155,707)	(+23,663)	---	
John E. Fogarty International Center	50,472	56,449	56,021	+5,549	-428	D
Evaluation Tap	(485)	(956)	(528)	(+43)	(-428)	NA
Program Level	(49,987)	(55,493)	(55,493)	(+5,506)	---	
National Library of Medicine	246,304	275,725	273,610	+27,306	-2,115	D
Evaluation Tap	(2,404)	(4,707)	(2,592)	(+188)	(-2,115)	NA
Program Level	(243,900)	(271,018)	(271,018)	(+27,118)	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000) 20

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
Office of the Director	188,346	232,098	232,098	+43,752	---	D
Buildings and Facilities	153,761	236,600	236,600	+82,839	---	D
Global HIV/AIDS Fund Transfer	---	70,000	75,000	+75,000	+5,000	D
Subtotal	153,761	306,600	311,600	+157,839	+5,000	
Total, N.I.H. appropriations	20,295,260	23,041,902	22,874,971	+2,579,711	-166,931	
Evaluation Tap	(193,774)	(382,700)	(210,769)	(+16,995)	(-171,931)	
Global HIV/AIDS Fund Transfer	---	(95,000)	(100,000)	(+100,000)	(+5,000)	
Program Level	(20,101,486)	(22,564,202)	(22,564,202)	(+2,462,716)	---	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION						
Mental Health:						
Programs of Regional and National Significance....	203,390	187,599	223,499	+20,109	+35,900	D
Mental Health Performance Partnership.....	420,000	420,000	440,000	+20,000	+20,000	D
Children's Mental Health.....	91,645	91,694	97,694	+6,049	+6,000	D
Grants to States for the Homeless (PATH).....	36,855	36,855	39,855	+3,000	+3,000	D
Protection and Advocacy.....	30,000	30,000	33,000	+3,000	+3,000	D
Subtotal, Mental Health.....	781,890	766,148	834,048	+52,158	+67,900	
Substance Abuse Treatment:						
Programs of Regional and National Significance....	255,985	296,122	305,122	+49,137	+9,000	D
Substance Abuse Performance Partnership.....	1,665,000	1,725,000	1,725,000	+60,000	---	D
Subtotal, Substance Abuse Treatment.....	1,920,985	2,021,122	2,030,122	+109,137	+9,000	
Substance Abuse Prevention:						
Programs of Regional and National Significance....	174,919	175,013	187,215	+12,296	+12,202	D
Program Management and Buildings and Facilities.....	85,630	67,173	80,173	-5,457	+13,000	D
Evaluation Tap funding (NA).....	---	(29,000)	---	---	(-29,000)	NA
Total, Substance Abuse and Mental Health.....	2,963,424	3,029,456	3,131,558	+168,134	+102,102	
Evaluation Tap funding.....	(7,700)	(14,900)	(7,873)	(+173)	(-7,027)	NA

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000) 22

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
AGENCY FOR HEALTHCARE RESEARCH AND QUALITY						
Research on Health Costs, Quality, and Outcomes:						
Federal Funds	102,255	---	165,835	+63,580	+165,835	D
Evaluation Tap funding (NA)	(124,130)	(255,145)	(89,310)	(-34,820)	(-165,835)	NA
Portion for reducing medical errors (non-add)	(50,000)	(50,000)	(50,000)	---	---	NA
Subtotal	(226,385)	(255,145)	(255,145)	(+28,760)	---	
Health insurance and expenditure surveys:						
Evaluation Tap funding (NA)	(40,850)	(48,500)	(48,500)	(+7,650)	---	NA
Program Support	2,500	---	2,600	+100	+2,600	D
Evaluation Tap funding (NA)	---	(2,600)	---	---	(-2,600)	
Total, AHRQ	(269,735)	(303,645)	(306,245)	(+36,510)	(+2,600)	
Federal Funds	104,755	---	168,435	+63,680	+168,435	
Evaluation Tap funding (NA)	(164,980)	(303,645)	(137,810)	(-27,170)	(-165,835)	
Total, Public Health Service	32,922,220	34,862,295	36,065,143	+3,142,923	+1,202,848	

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
CENTER FOR MEDICARE AND MEDICAID SERVICES						
GRANTS TO STATES FOR MEDICAID						
Medicaid current law benefits	122,488,800	134,308,100	134,308,100	+11,819,300	---	M
State and local administration	6,998,100	7,995,800	7,995,800	+997,700	---	M
Vaccines for Children	775,233	795,533	795,533	+20,300	---	M
Subtotal, Medicaid program level, current year	130,262,133	143,099,433	143,099,433	+12,837,300	---	
Less Medicare Transfer (P.L. 105-33)	-60,000	-70,000	-70,000	-10,000	---	M
Less funds advanced in prior year	-30,589,003	-36,207,551	-36,207,551	-5,618,548	---	M
Total, request, current year	99,613,130	106,821,882	106,821,882	+7,208,752	---	
New advance 1st quarter	36,207,551	46,601,937	46,601,937	+10,394,386	---	M
PAYMENTS TO HEALTH CARE TRUST FUNDS						
Supplemental medical insurance	69,777,000	81,332,000	81,332,000	+11,555,000	---	M
Hospital insurance for the uninsured	321,000	292,000	292,000	-29,000	---	M
Federal uninsured payment	132,000	150,000	150,000	+18,000	---	M
Program management	151,600	150,200	150,200	-1,400	---	M
Total, Payments to Trust Funds, current law	70,381,600	81,924,200	81,924,200	+11,542,600	---	
PROGRAM MANAGEMENT						
Research, demonstration, and evaluation: Regular Program	138,311	55,311	55,311	-83,000	---	TF
Medicare Contractors	1,304,436	1,470,000	1,470,000	+165,564	---	TF
User fee legislative proposal	---	(115,000)	---	---	(-115,000)	NA
H.R. 3103 funding (NA)	(682,552)	(700,000)	(680,000)	(-2,552)	(-20,000)	NA
Medicare Plus Choice	52,000	52,000	52,000	---	---	TF
Subtotal, Contractors program level	(2,038,988)	(2,337,000)	(2,202,000)	(+163,012)	(-135,000)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000) 24

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
State Survey and Certification	242,147	242,147	252,147	+10,000	+10,000	TF
Federal Administration						
Federal Administration	506,778	533,818	533,818	+27,040	---	TF
User Fees	-2,074	-2,118	-2,118	-44	---	TF
Subtotal, Federal Administration	504,704	531,700	531,700	+26,996	---	
Total, Program management	2,241,598	2,351,158	2,361,158	+119,560	+10,000	
Total, Program management, program level	(2,924,150)	(3,051,158)	(3,041,158)	(+117,008)	(-10,000)	
Total, Center for Medicare & Medicaid Services	208,443,879	237,699,177	237,709,177	+29,265,298	+10,000	
Federal funds	206,202,281	235,348,019	235,348,019	+29,145,738	---	
Current year	(169,994,730)	(188,746,082)	(188,746,082)	(+18,751,352)	---	
New advance, 1st quarter, FY03	(36,207,551)	(46,601,937)	(46,601,937)	(+10,394,386)	---	
Trust Funds	2,241,598	2,351,158	2,361,158	+119,560	+10,000	

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
ADMINISTRATION FOR CHILDREN AND FAMILIES						
FAMILY SUPPORT PAYMENTS TO STATES						
AFDC/JOBS Child Care (State Claims).....	2,000	---	---	-2,000	---	M
Payments to territories.....	23,000	23,000	23,000	---	---	M
Emergency assistance.....	37,000	---	---	-37,000	---	M
State & Local Administrative Training.....	1,000	---	---	-1,000	---	M
Repatriation.....	1,000	1,000	1,000	---	---	M
Subtotal, Welfare payments.....	64,000	24,000	24,000	-40,000	---	
Child Support Enforcement:						
State and local administration.....	3,247,800	3,413,800	3,413,800	+166,000	---	M
Federal incentive payments.....	416,000	450,000	450,000	+34,000	---	M
Hold Harmless payments.....	10,000	10,000	10,000	---	---	M
Access and visitation.....	10,000	10,000	10,000	---	---	M
Subtotal, Child Support Enforcement.....	3,683,800	3,883,800	3,883,800	+200,000	---	
Total, Payments, current year program level.....	3,747,800	3,907,800	3,907,800	+160,000	---	
Less funds advanced in previous years.....	-650,000	-1,000,000	-1,000,000	-350,000	---	M
Total, payments, current request.....	3,097,800	2,907,800	2,907,800	-190,000	---	
New advance, 1st quarter, FY03.....	1,000,000	1,100,000	1,100,000	+100,000	---	M

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	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
LOW INCOME HOME ENERGY ASSISTANCE PROGRAM						
Advance from prior year (NA)	(1,100,000)	---	---	(-1,100,000)	---	NA
Current Year	300,000	1,400,000	1,700,000	+1,400,000	+300,000	D
Current year program level	1,400,000	1,400,000	1,700,000	+300,000	+300,000	
Emergency Allocation:						
Non-emergency funding	300,000	300,000	---	-300,000	-300,000	D
Contingent emergency funding	300,000	---	300,000	---	+300,000	D EMG
Subtotal	600,000	300,000	300,000	-300,000	---	
REFUGEE AND ENTRANT ASSISTANCE						
Transitional and Medical Services	225,105	237,291	237,291	+12,186	---	D
Social Services	143,621	143,621	158,621	+15,000	+15,000	D
Preventive Health	4,835	4,835	4,835	---	---	D
Targeted Assistance	49,477	49,477	49,477	---	---	D
Victims of Torture	10,000	10,000	10,000	---	---	D
Total, Refugee and entrant assistance	433,038	445,224	460,224	+27,186	+15,000	
CHILD CARE AND DEVELOPMENT GRANT						
Advance funding from prior year (NA)	(1,182,672)	---	---	(-1,182,672)	---	NA
Current year request	817,196	1,799,987	2,199,987	+1,382,791	+400,000	D
After school voucher program	---	400,000	DEFER	---	-400,000	D
Current year program level	1,999,868	2,199,987	2,199,987	+200,119	---	
SOCIAL SERVICES BLOCK GRANT (TITLE XX)	1,725,000	1,700,000	1,700,000	-25,000	---	M

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
CHILDREN AND FAMILIES SERVICES PROGRAMS						
Programs for Children, Youth, and Families:						
Head Start, current funded	4,799,812	6,324,812	5,075,812	+276,000	-1,249,000	D
Advance from prior year	(1,400,000)	(1,400,000)	(1,400,000)	---	---	NA
FY03	1,400,000	---	1,400,000	---	+1,400,000	D
Subtotal, Head Start program level	6,199,812	6,324,812	6,475,812	+276,000	+151,000	
Consolidated Runaway, Homeless Youth Prog	69,123	69,133	71,133	+2,010	+2,000	D
Maternity Group Homes	---	33,000	DEFER	---	-33,000	D
Child Abuse State Grants	21,026	21,026	23,000	+1,974	+1,974	D
Child Abuse Discretionary Activities	33,204	17,978	19,978	-13,226	+2,000	D
Abandoned Infants Assistance	12,182	12,205	12,205	+23	---	D
Child Welfare Services	291,986	291,986	291,986	---	---	D
Child Welfare Training	6,998	6,998	6,998	---	---	D
Adoption Opportunities	27,379	27,405	27,405	+26	---	D
Adoption Incentive	20,000	20,000	20,000	---	---	D
Adoption Incentive (no cap adjustment)	22,994	23,000	23,000	+6	---	D
Adoption Awareness	9,900	9,906	9,906	+6	---	D
Compassion Capital Fund	---	89,000	30,000	+30,000	-59,000	D
Promoting Responsible Fatherhood	---	64,000	DEFER	---	-64,000	D
Social Services and Income Maintenance Research	38,096	6,426	27,000	-11,096	+20,574	D
Community Based Resource Centers	32,834	32,834	34,000	+1,166	+1,166	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000) 28

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
Developmental disabilities program:						
State Councils	67,800	67,800	69,800	+2,000	+2,000	D
Protection and Advocacy	33,000	33,000	34,000	+1,000	+1,000	D
Developmental Disabilities Special Projects	10,915	10,734	10,734	-181	---	D
Developmental Disabilities University Affiliated	21,800	21,800	21,800	---	---	D
Subtotal, Developmental disabilities	133,515	133,334	136,334	+2,819	+3,000	
Native American Programs	45,989	44,396	44,396	-1,593	---	D
Community services:						
Grants to States for Community Services	599,991	599,991	620,000	+20,009	+20,009	D
Community initiative program:						
Economic Development	30,034	30,034	30,034	---	---	D
Individual Development Account Initiative	24,891	24,990	24,990	+99	---	D
Rural Community Facilities	5,321	---	5,321	---	+5,321	D
Subtotal, discretionary funds	60,246	55,024	60,345	+99	+5,321	
National Youth Sports	16,000	---	17,000	+1,000	+17,000	D
Community Food and Nutrition	6,314	---	6,000	-314	+6,000	D
Subtotal, Community services	682,551	655,015	703,345	+20,794	+48,330	
Runaway Youth Prevention	14,999	14,999	14,999	---	---	D
Domestic Violence Hotline	2,157	2,157	2,157	---	---	D
Battered Women's Shelters	116,899	116,918	126,918	+10,019	+10,000	D
Early Learning Fund	19,995	---	---	-19,995	---	D

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
Faith-Based Center	---	3,000	3,000	+3,000	---	D
Program Direction	163,846	171,870	171,870	+8,024	---	D
Total, Children and Families Services Programs	7,965,485	8,191,398	8,275,442	+309,957	+84,044	
Current Year	(6,565,485)	(8,191,398)	(6,875,442)	(+309,957)	(-1,315,956)	
FY03	(1,400,000)	---	(1,400,000)	---	(+1,400,000)	
Rescission of permanent appropriations	-21,000	---	-21,000	---	-21,000	D
PROMOTING SAFE AND STABLE FAMILIES	305,000	305,000	305,000	---	---	M
Legislative Proposal(1)	---	200,000	70,000	+70,000	-130,000	D
MENTORING CHILDREN OF PRISONERS	---	67,000	DEFER	---	-67,000	D
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION						
Foster Care	5,063,500	5,055,500	5,055,500	-8,000	---	M
Adoption Assistance	1,197,600	1,426,000	1,426,000	+228,400	---	M
Independent living	140,000	140,000	140,000	---	---	M
Independent living proposal	---	60,000	DEFER	---	-60,000	M
Total, Payments, current year program level	6,401,100	6,681,500	6,621,500	+220,400	-60,000	
Less Advances from Prior Year	-1,538,000	-1,735,900	-1,735,900	-197,900	---	M
Total, payments, current request	4,863,100	4,945,600	4,885,600	+22,500	-60,000	
New Advance, 1st quarter	1,735,900	1,754,000	1,754,000	+18,100	---	M
Total, Administration for Children & Families	22,821,519	25,516,009	25,637,053	+2,815,534	+121,044	
Current year	(18,685,619)	(22,662,009)	(21,383,053)	(+2,697,434)	(-1,278,956)	
FY03	(4,135,900)	(2,854,000)	(4,254,000)	(+118,100)	(+1,400,000)	

(1) Funds for this program were reclassified in the mid-session review as discretionary.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000) 30

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
ADMINISTRATION ON AGING						
Grants to States:						
Supportive Services and Centers	325,027	327,075	327,075	+2,048	---	D
Preventive Health	21,120	21,123	21,123	+3	---	D
Title VII	14,181	14,181	14,181	---	---	D
Family Caregivers	124,981	127,000	137,000	+12,019	+10,000	D
Nutrition:						
Congregate Meals	378,356	378,412	396,000	+17,644	+17,588	D
Home Delivered Meals	151,978	158,000	176,000	+24,022	+18,000	D
Grants to Indians	23,457	25,457	25,457	+2,000	---	D
Aging Research, Training and Special Projects	35,852	17,574	19,100	-16,752	+1,526	D
Aging Network Support Activities	1,812	1,812	1,812	---	---	D
Alzheimer's Initiative	8,962	8,962	8,962	---	---	D
Program Administration	17,216	18,122	18,122	+906	---	D
Total, Administration on Aging	1,102,942	1,097,718	1,144,832	+41,890	+47,114	
OFFICE OF THE SECRETARY						
GENERAL DEPARTMENTAL MANAGEMENT:						
Federal Funds	133,709	140,532	137,547	+3,838	-2,985	D
NAS study	500	---	---	-500	---	D
Global HIV/AIDS Fund Transfer	---	5,000	---	---	-5,000	D
Trust Funds	5,851	5,851	5,851	---	---	TF
1% Evaluation funds (ASPE) (NA)	(21,552)	(21,552)	(21,552)	---	---	NA
Subtotal	(161,612)	(172,935)	(164,950)	(+3,338)	(-7,985)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
Adolescent Family Life (Title XX)	24,327	27,862	27,862	+3,535	---	D
Physical Fitness and Sports	1,091	1,139	1,139	+48	---	D
Minority health	49,019	43,084	43,084	-5,935	---	D
Office of women's health	17,270	27,396	26,769	+9,499	-627	D
U.S. Surgeon General violence initiative	400	400	400	---	---	D
Office of Emergency Preparedness	11,668	14,200	14,200	+2,532	---	D
Office of Human Research Protection	5,800	7,035	7,035	+1,235	---	D
Bioterrorism (PHSSEF) (1)	(60,030)	(68,700)	(68,700)	(+8,670)	---	NA
Minority HIV/AIDS	50,000	50,000	50,000	---	---	D
IT Security and Innovation Fund	---	30,000	25,000	+25,000	-5,000	D
Total, General Departmental Management	299,635	352,499	338,887	+39,252	-13,612	
Federal Funds	293,784	346,648	333,036	+39,252	-13,612	
Trust Funds	5,851	5,851	5,851	---	---	
OFFICE OF THE INSPECTOR GENERAL:						
Federal Funds	33,586	35,786	35,786	+2,200	---	D
HIPAA funding (NA)	(130,000)	(150,000)	(130,000)	---	(-20,000)	NA
Total, Inspector General program level	(163,586)	(185,786)	(165,786)	(+2,200)	(-20,000)	
OFFICE FOR CIVIL RIGHTS:						
Federal Funds	24,669	28,691	28,691	+4,022	---	D
Trust Funds	3,314	3,314	3,314	---	---	TF
Total, Office for Civil Rights	27,983	32,005	32,005	+4,022	---	
POLICY RESEARCH	16,548	2,500	2,500	-14,048	---	D

(1) Funds are provided in the Public Health and Social Service Emergency Fund.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000) 32

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS:						
Retirement payments	175,405	196,261	196,261	+20,856	---	M
Survivors benefits	12,204	12,856	12,856	+652	---	M
Dependents' medical care	30,811	32,167	32,167	+1,356	---	M
Military services credits	1,352	1,293	1,293	-59	---	M
Total, Retirement pay and medical benefits	219,772	242,577	242,577	+22,805	---	
PUBLIC HEALTH AND SOCIAL SERVICE EMERGENCY FUND	126,150	---	---	-126,150	---	D EMG
Public Health/Social Service Fund (1)	240,949	250,619	300,619	+59,670	+50,000	D
Total, Office of the Secretary	964,623	915,986	952,374	-12,249	+36,388	
Federal Funds	955,458	906,821	943,209	-12,249	+36,388	
Trust Funds	9,165	9,165	9,165	---	---	
Total, Department of Health and Human Services	266,255,183	300,091,185	301,508,579	+35,253,396	+1,417,394	
Federal Funds	264,004,420	297,730,862	299,138,256	+35,133,836	+1,407,394	
Current year	(223,630,969)	(248,274,925)	(248,282,319)	(+24,651,350)	(+7,394)	
FY03	(40,373,451)	(49,455,937)	(50,855,937)	(+10,482,486)	(+1,400,000)	
Trust Funds	2,250,763	2,360,323	2,370,323	+119,560	+10,000	

(1) The funding for this program was transferred from the Office of the Secretary and CDC to the PHSSEF.

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
TITLE III - DEPARTMENT OF EDUCATION						
EDUCATION REFORM						
Goals 2000: Educate America Act:						
State Grants forward funded	---	---	---	---	---	D FF
Parental Assistance	38,000	---	---	-38,000	---	D
Recognition and Reward	---	---	---	---	---	D
Subtotal, Goals 2000	38,000	---	---	-38,000	---	
Educational Technology: (1)						
Technology Literacy Challenge Fund	450,000	---	---	-450,000	---	D
Technology Innovation Challenge Fund	136,328	---	---	-136,328	---	D
Regional Technology in Education Consortia	10,000	---	---	-10,000	---	D
Subtotal	596,328	---	---	-596,328	---	
National Activities						
Technology Leadership Activities	2,000	---	---	-2,000	---	D
Teacher Training in Technology	125,000	---	---	-125,000	---	D
Community-Based Technology Centers	64,950	---	---	-64,950	---	D
Subtotal	191,950	---	---	-191,950	---	

(1) The budget request for $817,096,000 in education technology funding is displayed in the school improvement account.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000) 34

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
Star Schools	59,318	---	---	-59,318	---	D
Ready to Learn Television	16,000	---	---	-16,000	---	D
Telcom Demo Project for Mathematics	8,500	---	---	-8,500	---	D
Subtotal, Educational technology	872,096	---	---	-872,096	---	
Total, Education Reform	910,096	---	---	-910,096	---	

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
EDUCATION FOR THE DISADVANTAGED						
Grants to Local Education Agencies (LEAs):						
Basic Grants						
Advance from prior year	(5,046,366)	(5,394,300)	(5,394,300)	(+347,934)	---	NA
Forward funded	2,000,171	7,237,721	2,642,700	+642,529	-4,595,021	D FF
Current funded	3,500	---	---	-3,500	---	D
Subtotal, Basic grants current year funding	2,003,671	7,237,721	2,642,700	+639,029	-4,595,021	
Basic Grants FY03 Advance	5,394,300	---	5,394,300	---	+5,394,300	D
Subtotal, Basic grants, program level	7,397,971	7,237,721	8,037,000	+639,029	+799,279	
Concentration Grants						
Advance from prior year	(1,158,397)	(1,364,000)	(1,364,000)	(+205,603)	---	NA
Forward funded	750	1,364,000	320,000	+319,250	-1,044,000	D FF
FY03	1,364,000	---	1,364,000	---	+1,364,000	D
Targeted Grants	---	459,000	779,000	+779,000	+320,000	D FF
Subtotal, Grants to LEAs	8,762,721	9,060,721	10,500,000	+1,737,279	+1,439,279	
Capital Expenses for Private School Children	6,000	---	---	-6,000	---	D FF
Even Start	250,000	250,000	260,000	+10,000	+10,000	D FF
Reading First:						
State Grants	---	900,000	900,000	+900,000	---	D FF
Early Reading First	---	75,000	75,000	+75,000	---	D
Subtotal, reading first	---	975,000	975,000	+975,000	---	
State agency programs:						
Migrant	380,000	380,000	410,000	+30,000	+30,000	D FF
Neglected and Delinquent/High Risk Youth	46,000	46,000	46,000	---	---	D FF
Evaluation	8,900	8,900	8,900	---	---	D
Comprehensive School Reform Demonstration	210,000	260,000	310,000	+100,000	+50,000	D FF
Total, ESEA	9,663,621	10,980,621	12,509,900	+2,846,279	+1,529,279	

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
Migrant education:						
High School Equivalency Program	20,000	20,000	23,000	+3,000	+3,000	D
College Assistance Migrant Program	10,000	10,000	15,000	+5,000	+5,000	D
Subtotal, migrant education	30,000	30,000	38,000	+8,000	+8,000	
Total, Education for the disadvantaged	9,693,621	11,010,621	12,547,900	+2,854,279	+1,537,279	
Current Year	(2,935,321)	(11,010,621)	(5,789,600)	(+2,854,279)	(-5,221,021)	
FY03	(6,758,300)	---	(6,758,300)	---	(+6,758,300)	
Subtotal, forward funded	(2,892,921)	(10,896,721)	(5,667,700)	(+2,774,779)	(-5,229,021)	
IMPACT AID						
Basic Support Payments	882,000	882,000	982,500	+100,500	+100,500	D
Payments for Children with Disabilities	50,000	50,000	50,000	---	---	D
Facilities Maintenance (Sec. 8008)	8,000	8,000	8,000	---	---	D
Construction (Sec. 8007)	12,802	150,000	35,000	+22,198	-115,000	D
Payments for Federal Property (Sec. 8002)	40,500	40,500	55,000	+14,500	+14,500	D
Total, Impact aid	993,302	1,130,500	1,130,500	+137,198	---	

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
SCHOOL IMPROVEMENT PROGRAMS						
State Grants for Improving Teacher Quality.....	---	2,600,000	1,830,000	+1,830,000	-770,000	D FF
FY03.....	---	---	1,345,000	+1,345,000	+1,345,000	D
Improving Teacher Quality, program level.....	---	2,600,000	3,175,000	+3,175,000	+575,000	
Transition to Teaching/Troops to Teachers.....	---	30,000	50,000	+50,000	+20,000	D
Eisenhower Professional Development.....	485,000	---	---	-485,000	---	D FF
National Programs.....	41,000	---	---	-41,000	---	D
Innovative Education (Education Block Grant).....	100,000	---	100,000	---	+100,000	D FF
Advance from prior year.....	(285,000)	(285,000)	(285,000)	---	---	NA
FY03.....	285,000	---	285,000	---	+285,000	D
Education Block Grant, program level.....	385,000	---	385,000	---	+385,000	
Class Size Reduction, current.....	473,000	---	---	-473,000	---	D FF
Advance from prior year.....	(900,000)	(1,150,000)	(1,150,000)	(+250,000)	---	NA
FY03.....	1,150,000	---	---	-1,150,000	---	D
Class Size Reduction, program level.....	1,623,000	---	---	-1,623,000	---	
School Renovation Grants.....	1,200,000	---	---	-1,200,000	---	D FF
Educational Technology State Grants (1).....	---	817,096	1,000,000	+1,000,000	+182,904	D
Ready to Learn/Ready to Teach (1).....	---	---	16,000	+16,000	+16,000	D
21st Century Community Learning Centers (1).....	845,614	845,614	1,000,000	+154,386	+154,386	D
Small, Safe, and Successful High Schools (1).....	125,000	---	200,000	+75,000	+200,000	D

(1) Funding for these activities was provided under the education reform acccount in FY 2001.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000) 38

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
Safe and Drug Free Schools:						
State Grants, current funded	109,250	547,612	197,250	+88,000	-350,362	D FF
Advance from prior year	(330,000)	(330,000)	(330,000)	---	---	NA
FY03	330,000	---	330,000	---	+330,000	D
State Grants, program level	439,250	547,612	527,250	+88,000	-20,362	
National Programs	155,000	96,638	117,000	-38,000	+20,362	D
Coordinator Initiative	50,000	---	---	-50,000	---	D
Subtotal, Safe and drug free schools	644,250	644,250	644,250	---	---	
Choice and Innovation State Grants	---	471,500	---	---	-471,500	D
Improvement of Education Achievement:						
State Assessments	---	320,000	400,000	+400,000	+80,000	D
Reform and Innovation Fund	---	40,000	---	---	-40,000	D
Subtotal, Improvement of Education Achievement	---	360,000	400,000	+400,000	+40,000	
Inexpensive Book Distribution (RIF)	23,000	---	23,000	---	+23,000	D
Arts in Education	28,000	---	30,000	+2,000	+30,000	D

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request		
Other school improvement programs:							
Magnet Schools Assistance	110,000	110,000	110,000	---	---	D	
Education for Homeless Children & Youth	35,000	35,000	50,000	+15,000	+15,000	D	FF
Women's Educational Equity	3,000	---	3,000	---	+3,000	D	
Training and Advisory Services (Civil Rights)	7,334	7,334	7,334	---	---	D	
Ellender Fellowships/Close Up	1,500	---	1,500	---	+1,500	D	FF
Education for Native Hawaiians	28,000	28,000	28,000	---	---	D	
Alaska Native Education Equity	15,000	15,000	15,000	---	---	D	
Rural Education	---	---	200,000	+200,000	+200,000	D	
Character Education (1)	---	---	25,000	+25,000	+25,000	D	
Mentoring Programs	---	---	30,000	+30,000	+30,000	D	
Elementary School Counseling (2)	---	---	30,000	+30,000	+30,000	D	
Charter Schools Homestead Fund	---	175,000	---	---	-175,000	D	
Charter Schools	190,000	200,000	200,000	+10,000	---	D	
Subtotal, other school improvement programs	389,834	570,334	699,834	+310,000	+129,500		
Comprehensive Regional Assistance Centers	28,000	28,000	28,000	---	---	D	
Advanced Placement Fees	22,000	22,000	22,000	---	---	D	
Total, School improvement programs	5,839,698	6,388,794	7,673,084	+1,833,386	+1,284,290		
Current Year	(4,074,698)	(6,388,794)	(5,713,084)	(+1,638,386)	(-675,710)		
FY03	(1,765,000)	---	(1,960,000)	(+195,000)	(+1,960,000)		
Subtotal, forward funded	(2,403,750)	(3,182,612)	(2,178,750)	(-225,000)	(-1,003,862)		

(1) The budget request included $25 million for Character Education under the Reform and Innovation Fund.

(2) $30 million was provided in the Fund for the Improvement of Education account in FY2001 for this activity.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000) 40

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
READING EXCELLENCE						
Reading Excellence Act	91,000	---	---	-91,000	---	D
Advance from prior year	(195,000)	(195,000)	(195,000)	---	---	NA
FY03	195,000	---	---	-195,000	---	D
Reading Excellence, program level	286,000	---	---	-286,000	---	
INDIAN EDUCATION						
Grants to Local Educational Agencies	92,765	92,765	100,000	+7,235	+7,235	D
Federal Programs						
Special Programs for Indian Children	20,000	20,000	20,000	---	---	D
National Activities	2,735	3,235	3,235	+500	---	D
Subtotal	22,735	23,235	23,235	+500	---	
Total, Indian Education	115,500	116,000	123,235	+7,735	+7,235	
BILINGUAL AND IMMIGRANT EDUCATION						
Bilingual and Immigrant Education State Grants	---	460,000	700,000	+700,000	+240,000	D
Bilingual education:						
Instructional Services	180,000	---	---	-180,000	---	D
Support Services	16,000	---	---	-16,000	---	D
Professional Development	100,000	---	---	-100,000	---	D
Immigrant Education	150,000	---	---	-150,000	---	D
Foreign Language Assistance	14,000	---	---	-14,000	---	D
Total, Bilingual and Immigrant Education	460,000	460,000	700,000	+240,000	+240,000	

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
SPECIAL EDUCATION						
State grants:						
Grants to States Part B advance funded	5,072,000	---	5,072,000	---	+5,072,000	D
Part B advance from prior year	(3,742,000)	(5,072,000)	(5,072,000)	(+1,330,000)	---	NA
Grants to States Part B current year	1,267,685	7,339,685	2,642,685	+1,375,000	-4,697,000	D FF
Grants to States, program level	6,339,685	7,339,685	7,714,685	+1,375,000	+375,000	
Preschool Grants	390,000	390,000	390,000	---	---	D FF
Grants for Infants and Families	383,567	383,567	430,000	+46,433	+46,433	D FF
Subtotal, State grants program level	7,113,252	8,113,252	8,534,685	+1,421,433	+421,433	
IDEA National Acitivities (current funded):						
State Program Improvement Grants	49,200	49,200	54,200	+5,000	+5,000	D FF
Research and Innovation	77,353	70,000	70,000	-7,353	---	D
Technical Assistance and Dissemination	53,481	53,481	53,481	---	---	D
Personnel Preparation	81,952	81,952	90,000	+8,048	+8,048	D
Parent Information Centers	26,000	26,000	26,000	---	---	D
Technology and Media Services	37,210	31,710	31,710	-5,500	---	D
Public Telecom Info/Training Dissemination	1,500	---	---	-1,500	---	D
Subtotal, IDEA special programs	326,696	312,343	325,391	-1,305	+13,048	
Total, Special education	7,439,948	8,425,595	8,860,076	+1,420,128	+434,481	
Current Year	(2,367,948)	(8,425,595)	(3,788,076)	(+1,420,128)	(-4,637,519)	
FY03	(5,072,000)	---	(5,072,000)	---	(+5,072,000)	
Subtotal, Forward funded	(2,090,452)	(8,162,452)	(3,516,885)	(+1,426,433)	(-4,645,567)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000) 42

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
REHABILITATION SERVICES AND DISABILITY RESEARCH						
Vocational Rehabilitation State Grants	2,399,790	2,481,383	2,481,383	+81,593	---	M
Client Assistance State grants	11,647	11,647	11,647	---	---	D
Training	39,629	39,629	39,629	---	---	D
Demonstration and training programs	21,092	16,492	16,492	-4,600	---	D
Migrant and seasonal farmworkers	2,350	2,350	2,350	---	---	D
Recreational programs	2,596	2,596	2,596	---	---	D
Protection and advocacy of individual rights (PAIR)	14,000	14,000	16,000	+2,000	+2,000	D
Projects with industry	22,071	22,071	22,071	---	---	D
Supported employment State grants	38,152	38,152	38,152	---	---	D
Independent living:						
State grants	22,296	22,296	22,296	---	---	D
Centers	58,000	58,000	63,000	+5,000	+5,000	D
Services for older blind individuals	20,000	20,000	25,000	+5,000	+5,000	D
Subtotal, Independent living	100,296	100,296	110,296	+10,000	+10,000	
Program Improvement	1,900	900	900	-1,000	---	D
Evaluation	1,587	1,000	1,000	-587	---	D
Helen Keller National Center for Deaf/Blind	8,717	8,717	8,717	---	---	D
National Institute for Disability and Rehabilitation Research (NIDRR)	100,400	110,000	110,000	+9,600	---	D
Assistive Technology	41,112	60,884	60,884	+19,772	---	D
Access to Telework Fund	---	20,000	20,000	+20,000	---	D
Subtotal, discretionary programs	405,549	448,734	460,734	+55,185	+12,000	
Total, Rehabilitation services	2,805,339	2,930,117	2,942,117	+136,778	+12,000	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES						
AMERICAN PRINTING HOUSE FOR THE BLIND	12,000	12,000	13,000	+1,000	+1,000	D
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF						
Operations	48,000	48,000	50,000	+2,000	+2,000	D
Construction	5,376	4,570	5,376	---	+806	D
Total	53,376	52,570	55,376	+2,000	+2,806	
GALLAUDET UNIVERSITY						
Operations	89,400	89,400	95,600	+6,200	+6,200	D
Total, Special institutions	154,776	153,970	163,976	+9,200	+10,006	
VOCATIONAL AND ADULT EDUCATION						
Vocational education:						
Basic State Grants, current funded	309,000	1,100,000	441,250	+132,250	-658,750	D FF
Advance from prior year	(791,000)	(791,000)	(791,000)	---	---	NA
FY03	791,000	---	808,750	+17,750	+808,750	D
Basic State Grants, program level	1,100,000	1,100,000	1,250,000	+150,000	+150,000	
Tech-Prep Education	106,000	106,000	110,000	+4,000	+4,000	D FF
Tribally Controlled Postsecondary Vocational Institutions	5,600	5,600	6,000	+400	+400	D
National Programs	17,500	12,000	12,000	-5,500	---	D FF
Tech-Prep Education Demonstration	5,000	---	---	-5,000	---	D FF
Occupational and Employment Information Program	9,000	---	---	-9,000	---	D FF
Subtotal, Vocational education	1,243,100	1,223,600	1,378,000	+134,900	+154,400	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000) 44

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
Adult education:						
State Grants, current funded	540,000	540,000	595,000	+55,000	+55,000	D FF
National programs:						
National Leadership Activities	14,000	9,500	9,500	-4,500	---	D FF
National Institute for Literacy	6,500	6,560	6,560	+60	---	D FF
Subtotal, National programs	20,500	16,060	16,060	-4,440	---	
Subtotal, Adult education	560,500	556,060	611,060	+50,560	+55,000	
State Grants for Incarcerated Youth Offenders	22,000	22,000	17,000	-5,000	-5,000	D FF
Total, Vocational and adult education	1,825,600	1,801,660	2,006,060	+180,460	+204,400	
Current Year	(1,034,600)	(1,801,660)	(1,197,310)	(+162,710)	(-604,350)	
FY03	(791,000)	---	(808,750)	(+17,750)	(+808,750)	
Subtotal, forward funded	(1,029,000)	(1,796,060)	(1,191,310)	(+162,310)	(-604,750)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
STUDENT FINANCIAL ASSISTANCE						
Pell Grants -- maximum grant (NA).....	(3,750)	(3,850)	(4,000)	(+250)	(+150)	NA
Pell Grants -- Regular Program.....	8,756,000	9,756,000	10,458,100	+1,702,100	+702,100	D
Federal Supplemental Educational Opportunity Grants...	691,000	691,000	725,000	+34,000	+34,000	D
Federal Work Study.....	1,011,000	1,011,000	1,011,000	---	---	D
Federal Perkins loans:						
Capital Contributions.....	100,000	100,000	100,000	---	---	D
Loan Cancellations.....	60,000	60,000	60,000	---	---	D
Subtotal, Federal Perkins loans.....	160,000	160,000	160,000	---	---	
LEAP program.....	55,000	55,000	55,000	---	---	D
Loan Forgiveness for Child Care.....	1,000	1,000	1,000	---	---	D
Total, Student financial assistance.....	10,674,000	11,674,000	12,410,100	+1,736,100	+736,100	
FEDERAL FAMILY EDUCATION LOAN PROGRAM						
Federal Administration.....	48,000	49,636	49,636	+1,636	---	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
HIGHER EDUCATION						
Aid for institutional development:						
Strengthening Institutions	73,000	73,000	73,000	---	---	D
Hispanic Serving Institutions	68,500	72,500	81,500	+13,000	+9,000	D
Strengthening Historically Black Colleges (HBCUs)	185,000	197,000	215,000	+30,000	+18,000	D
Strengthening historically black graduate insts	45,000	48,000	50,000	+5,000	+2,000	D
Strengthening Alaska / Native Hawaiian Instit	6,000	6,000	6,000	---	---	D
Strengthening Tribal Colleges	15,000	15,000	17,000	+2,000	+2,000	D
Subtotal, Institutional development	392,500	411,500	442,500	+50,000	+31,000	
Program development:						
Fund for the Improvement of Postsec. Ed. (FIPSE)	146,687	51,200	52,400	-94,287	+1,200	D
Minority Science and Engineering Improvement	8,500	8,500	8,500	---	---	D
International education and foreign language:						
Domestic Programs	67,000	67,000	80,000	+13,000	+13,000	D
Overseas Programs	10,000	10,000	11,500	+1,500	+1,500	D
Institute for International Public Policy	1,022	1,022	1,500	+478	+478	D
Subtotal, International education	78,022	78,022	93,000	+14,978	+14,978	
Interest Subsidy Grants	10,000	5,000	5,000	-5,000	---	D
Federal TRIO Programs	730,000	780,000	800,000	+70,000	+20,000	D
GEAR UP	295,000	227,000	285,000	-10,000	+58,000	D
Byrd Honors Scholarships	41,001	41,001	41,001	---	---	D
Javits Fellowships	10,000	10,000	10,000	---	---	D
Graduate Assistance in Areas of National Need	31,000	31,000	31,000	---	---	D
Learning Anytime Anywhere Partnerships	30,000	---	---	-30,000	---	D
Teacher Quality Enhancement Grants	98,000	54,000	100,000	+2,000	+46,000	D
Child Care Access Means Parents in School	25,000	25,000	25,000	---	---	D
Demonstration in Disabilities / Higher Education	6,000	---	6,000	---	+6,000	D
Underground Railroad Program	1,750	---	1,750	---	+1,750	D

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
WEB Based Education Commission	250	---	---	-250	---	D
GPRA data/HEA program evaluation	3,000	1,000	1,000	-2,000	---	D
Thurgood Marshall Scholarships	4,000	---	5,000	+1,000	+5,000	D
Olympic Scholarships	1,000	---	1,000	---	+1,000	D
Total, Higher education	1,911,710	1,723,223	1,908,151	-3,559	+184,928	
HOWARD UNIVERSITY						
Academic Program	198,500	198,500	208,500	+10,000	+10,000	D
Endowment Program	3,600	3,600	3,600	---	---	D
Howard University Hospital	30,374	30,374	30,374	---	---	D
Total, Howard University	232,474	232,474	242,474	+10,000	+10,000	
COLLEGE HOUSING & ACADEMIC FACILITIES LOANS PROGRAM: Federal Administration	762	762	762	---	---	D
HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT						
Federal Administration	208	208	208	---	---	D

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000) 48

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT						
Research and statistics:						
Research	120,567	123,067	147,567	+27,000	+24,500	D
Regional Educational Laboratories	65,000	65,000	70,000	+5,000	+5,000	D
Statistics	80,000	85,000	85,000	+5,000	---	D
Assessment:						
National Assessment	36,000	105,000	107,500	+71,500	+2,500	D
National Assessment Governing Board	4,000	4,053	4,053	+53	---	D
Subtotal, Assessment	40,000	109,053	111,553	+71,553	+2,500	
Subtotal, Research and statistics	305,567	382,120	414,120	+108,553	+32,000	
Fund for the Improvement of Education	338,781	---	---	-338,781	---	D
International Education Exchange	10,000	---	---	-10,000	---	D
Civic Education	12,000	---	12,000	---	+12,000	D
Eisenhower Professional Dvp. Federal Activities	23,300	---	---	-23,300	---	D
Eisenhower Regional Math & Science Ed. Consortia	15,000	---	---	-15,000	---	D
Javits Gifted and Talented Education	7,500	---	7,500	---	+7,500	D
National Writing Project	10,000	---	12,000	+2,000	+12,000	D
Total, ERSI	722,148	382,120	445,620	-276,528	+63,500	

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
DEPARTMENTAL MANAGEMENT						
PROGRAM ADMINISTRATION	412,196	424,212	427,212	+15,016	+3,000	D
OFFICE FOR CIVIL RIGHTS	75,822	79,934	79,934	+4,112	---	D
OFFICE OF THE INSPECTOR GENERAL	36,411	38,720	38,720	+2,309	---	D
Total, Departmental management	524,429	542,866	545,866	+21,437	+3,000	
Total, Department of Education	44,637,611	47,022,546	51,749,765	+7,112,154	+4,727,219	
Current Year	(30,056,311)	(47,022,546)	(37,150,715)	(+7,094,404)	(-9,871,831)	
FY03	(14,581,300)	---	(14,599,050)	(+17,750)	(+14,599,050)	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000) 50

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
TITLE IV - RELATED AGENCIES						
ARMED FORCES RETIREMENT HOME						
Operations and Maintenance	60,000	61,628	61,628	+1,628	---	D
Capital Program	9,832	9,812	9,812	-20	---	D
Total, AFRH	69,832	71,440	71,440	+1,608	---	
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE (1)						
Domestic Volunteer Service Programs:						
Volunteers in Service to America (VISTA)	83,074	82,074	83,074	---	+1,000	D
National Senior Volunteer Corps:						
Foster Grandparents Program	98,868	102,868	109,468	+10,600	+6,600	D
Senior Companion Program	40,395	44,395	44,395	+4,000	---	D
Retired Senior Volunteer Program	48,884	54,884	54,884	+6,000	---	D
Senior Demonstration Program	400	400	400	---	---	D
Subtotal, Senior Volunteers	188,547	202,547	209,147	+20,600	+6,600	
Program Administration	32,229	32,229	32,229	---	---	D
Total, Domestic Volunteer Service Programs	303,850	316,850	324,450	+20,600	+7,600	

(1) Appropriations for Americorps are provided in the VA-HUD bill.

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
CORPORATION FOR PUBLIC BROADCASTING:						
FY04 (current request) with FY03 comparable.....	365,000	---	365,000	---	+365,000	D
FY03 advance with FY02 comparable (NA).....	(350,000)	(365,000)	(365,000)	(+15,000)	---	NA
FY02 advance with FY01 comparable (NA).....	(340,000)	(350,000)	(350,000)	(+10,000)	---	NA
Digitalization program (1).....	20,000	20,000	25,000	+5,000	+5,000	D
Subtotal, FY02 appropriation.....	(360,000)	(370,000)	(375,000)	(+15,000)	(+5,000)	
FEDERAL MEDIATION AND CONCILIATION SERVICE.....	38,200	39,482	39,482	+1,282	---	D
FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.....	6,320	6,939	6,939	+619	---	D
INSTITUTE OF MUSEUM AND LIBRARY SERVICES.....	207,469	168,078	168,078	-39,391	---	D
MEDICARE PAYMENT ADVISORY COMMISSION.....	8,000	8,000	8,000	---	---	TF
NATIONAL COMMISSION ON LIBRARIES AND INFO SCIENCE.....	1,495	---	1,000	-495	+1,000	D
NATIONAL COUNCIL ON DISABILITY.....	2,615	2,830	2,830	+215	---	D
NATIONAL EDUCATION GOALS PANEL.....	1,500	2,000	---	-1,500	-2,000	D
NATIONAL LABOR RELATIONS BOARD.....	216,438	221,438	221,438	+5,000	---	D
NATIONAL MEDIATION BOARD.....	10,400	10,635	10,635	+235	---	D
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.....	8,720	8,964	8,964	+244	---	D

(1) Current funded.

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
RAILROAD RETIREMENT BOARD						
Dual Benefits Payments Account	160,000	146,000	146,000	-14,000	---	D
Less Income Tax Receipts on Dual Benefits	-10,000	-9,000	-9,000	+1,000	---	D
Subtotal, Dual Benefits	150,000	137,000	137,000	-13,000	---	
Federal Payment to the RR Retirement Account	150	150	150	---	---	M
Limitation on administration	95,000	97,700	97,700	+2,700	---	TF
Inspector General	5,700	6,480	6,042	+342	-438	TF
SOCIAL SECURITY ADMINISTRATION						
Payments to Social Security Trust Funds	20,400	434,400	434,400	+414,000	---	M
SPECIAL BENEFITS FOR DISABLED COAL MINERS						
Benefit payments	484,078	440,931	440,931	-43,147	---	M
Administration	5,670	5,909	5,909	+239	---	M
Subtotal, Black Lung, current year program level	489,748	446,840	446,840	-42,908	---	
Less funds advanced in prior year	-124,000	-114,000	-114,000	+10,000	---	M
Total, Black Lung, current request	365,748	332,840	332,840	-32,908	---	
New advances, 1st quarter FY03	114,000	108,000	108,000	-6,000	---	M

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
SUPPLEMENTAL SECURITY INCOME						
Federal benefit payments	30,483,000	29,046,000	29,046,000	-1,437,000	---	M
Beneficiary services	71,000	37,412	37,412	-33,588	---	M
Research and demonstration	30,000	30,000	30,000	---	---	M
Administration	2,349,000	2,627,000	2,627,000	+278,000	---	D
Subtotal, SSI current year program level	32,933,000	31,740,412	31,740,412	-1,192,588	---	
Less funds advanced in prior year	-9,890,000	-10,470,000	-10,470,000	-580,000	---	M
Subtotal, regular SSI current year (2001/2002)	23,043,000	21,270,412	21,270,412	-1,772,588	---	
Additional CDR funding (1)	210,000	200,000	200,000	-10,000	---	D
User Fee Activities	91,000	100,000	100,000	+9,000	---	D
Total, SSI, current request	23,344,000	21,570,412	21,570,412	-1,773,588	---	
New advance, 1st quarter, FY03	10,470,000	10,790,000	10,790,000	+320,000	---	M

(1) Two year availability.

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
LIMITATION ON ADMINISTRATIVE EXPENSES						
OASDI Trust Funds	3,138,200	3,212,200	3,212,200	+74,000	---	TF
HI/SMI Trust Funds	1,094,000	1,194,000	1,194,000	+100,000	---	TF
Social Security Advisory Board	1,800	1,800	1,800	---	---	TF
SSI	2,349,000	2,627,000	2,627,000	+278,000	---	TF
Subtotal, regular LAE	6,583,000	7,035,000	7,035,000	+452,000	---	
User Fee Activities (SSI)	91,000	100,000	100,000	+9,000	---	TF
TOTAL, REGULAR LAE	6,674,000	7,135,000	7,135,000	+461,000	---	
Additional CDR funding (1)						
OASDI	240,000	233,000	233,000	-7,000	---	TF
SSI	210,000	200,000	200,000	-10,000	---	TF
Subtotal, CDR funding	450,000	433,000	433,000	-17,000	---	
TOTAL, LAE	7,124,000	7,568,000	7,568,000	+444,000	---	

(1) Two year availability.

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

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	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request	
OFFICE OF INSPECTOR GENERAL						
Federal Funds	16,944	19,000	19,000	+2,056	---	D
Trust Funds	52,500	56,000	56,000	+3,500	---	TF
Total, Office of the Inspector General	69,444	75,000	75,000	+5,556	---	
Adjustment: Trust fund transfers from general revenues	-2,650,000	-2,927,000	-2,927,000	-277,000	---	TF
Total, Social Security Administration	38,857,592	37,951,652	37,951,652	-905,940	---	
Federal funds	34,331,092	33,254,652	33,254,652	-1,076,440	---	
Current year	(23,747,092)	(22,356,652)	(22,356,652)	(-1,390,440)	---	
New advances, 1st quarter	(10,584,000)	(10,898,000)	(10,898,000)	(+314,000)	---	
Trust funds	4,526,500	4,697,000	4,697,000	+170,500	---	
UNITED STATES INSTITUTE OF PEACE	15,000	15,207	15,000	---	-207	D
Total, Title IV, Related Agencies	40,383,281	39,084,845	39,460,800	-922,481	+375,955	
Federal Funds	35,748,081	34,275,665	34,652,058	-1,096,023	+376,393	
Current Year	(24,799,081)	(23,377,665)	(23,389,058)	(-1,410,023)	(+11,393)	
FY03	(10,584,000)	(10,898,000)	(10,898,000)	(+314,000)	---	
FY04	(365,000)	---	(365,000)	---	(+365,000)	
Trust Funds	4,635,200	4,809,180	4,808,742	+173,542	-438	

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000) 56

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request
SUMMARY					
Grand bill total	364,973,854	399,709,442	406,818,551	+41,844,697	+7,109,109
Federal Funds	354,576,300	388,979,617	396,079,126	+41,502,826	+7,099,509
Current year	(286,635,699)	(328,625,680)	(317,563,139)	(+30,927,440)	(-11,062,541)
Advance Year, FY03	(68,001,751)	(60,353,937)	(78,450,987)	(+10,449,236)	(+18,097,050)
Advance Year, FY04	(365,000)	---	(365,000)	---	(+365,000)
Trust Funds	10,397,554	10,729,825	10,739,425	+341,871	+9,600
BUDGET ENFORCEMENT ACT RECAP					
Mandatory, total in bill	255,313,074	283,380,686	283,320,801	+28,007,727	-59,885
Less advances for subsequent years	-49,527,451	-60,353,937	-60,353,937	-10,826,486	---
Plus advances provided in prior years	42,791,003	49,527,451	49,527,451	+6,736,448	---
Subtotal, mandatory	248,576,626	272,554,200	272,494,315	+23,917,689	-59,885

LABOR, HEALTH AND HUMAN SERVICES, EDUCATION AND RELATED AGENCIES ($000)

57

	FY 2001 Comparable	FY 2002 Request	Recommended in bill	Bill compared with FY 2001 Comparable	Bill compared with FY 2002 Request
Discretionary, total in bill	109,660,780	116,328,756	123,497,750	+13,836,970	+7,168,994
Less advances for subsequent years	-18,839,300	---	-18,462,050	+377,250	-18,462,050
Plus advances provided in prior years	18,953,435	18,824,300	18,824,300	-129,135	---
Scorekeeping adjustments:					
Adjustment to balance with 2001 bill	-2,061	---	---	+2,061	---
Adjustment for leg cap on Title XX SSBGs	---	---	---	---	---
SSA User Fee Collection	-91,000	-100,000	-100,000	-9,000	---
Sec. 515 - SSA User Fee Collection	-10,000	---	---	+10,000	---
Title XX	25,000	---	---	-25,000	---
TANF Transfer	---	---	---	---	---
SSA State Reimbursement	-295,000	---	---	+295,000	---
Welfare to work and child support	-50,000	---	---	+50,000	---
Health care fraud and abuse limitation	---	---	-35,000	-35,000	-35,000
Title VI - Mark-to-Market	---	---	-354,000	-354,000	-354,000
Total, discretionary, current year	109,351,854	135,053,056	123,371,000	+14,019,146	-11,682,056
Grand total, current year	357,928,480	407,607,256	395,865,315	+37,936,835	-11,741,941

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

Mr. OBEY. Mr. Chairman, I yield myself 11 minutes.

Mr. Chairman, Jim Dyer, Craig Higgins, Carol Murphy, Meg Synder, Susan Firth, Nicole Wheeler, Francine Mack-Salvador, Lori Rowley, David Reich, Cheryl Smith, Linda Pagelson, Lin Liu, David Pomerantz, Scott Lilly, Bob Bonner, Melody Clark, Christina Hamilton, Norm Suchar, Dayle Lewis, Scott Boule, Kristin Holman, Charles Dujon, Matt Braunstein, Chris Kukla and the associate staff on the majority side: What do all of those names have in common? They are the people who really put together this bill. Every Member of the House will have an opportunity to vote on this bill, and I think we can do that proudly, because I think it is a good bill. But the people who worked just as hard and, in fact, probably harder and the people who worked out many of the compromises that were needed to produce a bill which is truly a bipartisan bill were the people whom I just named. I want to express my appreciation to each and every one of them, because without them, we would not be able to deliver what we are delivering to the American people here today.

In my view, Mr. Chairman, this bill ought to be named the Family Opportunity and Health Security Act of 2001, because this bill, more than any other bill that we deal with, provides opportunity for average working families to share in the goodness that this society provides. And it also provides for the improvement of the health of every single American and, in fact, probably every single person in the world who is within the reach of any kind of civilized medicine. I think we ought to be very proud of that.

This is the second bipartisan bill that we have had on labor, health and education and social services in the last 7 years, and I hope that it is going to be the first of a long series of bipartisan bills in the future. This bill is the place that you go to measure congressional commitment to equal opportunity in education, to worker protection, worker fairness at the bargaining table. It is the place you go to see what our society will do to help those who are unlucky enough to be without health care or who have special problems in the health care area and need special help. It is the place where virtually every family goes to obtain advances in medical care. And it is the place where many people in this society go who live life on the underside to find some help and some relief from the pain and pressure of their daily problems. And I would say it is also the place where we go if we want to have some measure of the determination that is being applied, the human ingenuity that is being applied, in order to unlock the scientific mysteries of disease and its treatment and to protect public health. And each and every Member of this House can be proud to vote for this bill.

The bill is $12 billion over last year and I make an apology for absolutely not one dollar. I wish it had been more, because the families in this country who are serviced by this bill need more help than this bill will provide. The bill is $7 billion above the President, and I am pleased about that.

In the area of education, for the past 5 years this Congress has produced an education bill which provides about a 13 percent increase on average. The President's budget this year initially recommended that that increase be cut to 5.8 percent. This bill provides a 17 percent increase in funding for education. There is no more important long-term investment that we can make than that one.

In the area of education, special education, Mr. Chairman, is the third largest item in this bill. It is funded at $375 million above the President's recommendation. We have $7.7 billion in the bill. In 2 years we will have increased the Federal share of the cost of providing special education by 50 percent, and I hope we can increase it by 50 percent again in the next 2 years.

Title I is the main program that we use to try to provide extra educational help to the children who need it most, disadvantaged children who are at risk of dropping out and never making it, either in school or in society. This bill provides $10.5 billion, $1.4 billion over the President's request, $1.7 billion over last year. This is the largest increase in that program in the history of the program.

Pell Grants. That is the main program by which we assist average working-class families in this country to send their kids to college. It is a real door-opener to higher education opportunity. We provide in this bill a $4,000 maximum grant for those who qualify, $150 over the President's request, $250 over last year. Every dollar is well spent and will be well received by the American people.

The block grant for teacher training and class size reduction, $1 billion over last year and $575 million over the budget recommendation.

After-school centers, $154 million above the request. That program is in demand more than almost any I know in this bill, because as families' lifestyles have changed, so have their needs to see to it that their children at all times will be in healthy, wholesome places. There is no more treacherous time for children from the age of 12 to 15 than the after-school hours. That is when most of the juvenile crime is committed in this country and that is when we need the most supervision of kids, and this program, I hope, will be an ever-expanding program to help provide that supervision.

In the area of health care, we are $1.3 billion above the President, $3.4 billion above last year. Community health centers, we are $26 million above the President. That has also been a high priority item for the President himself. For Healthy Start, we are $102 million in this bill, $12 million again above the budget request.

Centers for Disease Control, crucial in these times when we are concerned about public health, when we see the anthrax concerns in Florida, we are $265 million above last year, $430 million above the President's request. For bioterrorism, we have a 28 percent increase above last year and the President's budget and in a follow-on appropriation bill we will have substantially more money than we have in this bill for that same item.

Mental health, $68 million above the President. There ought to be more. We have serious problems that are not being met in that area.

Human services. The Low-Income Heating Assistance Program that helps keep low-income senior citizens warm in the wintertime so they do not have to choose between heating and eating, $300 million above the President's request. I wish it could be more. Head Start, $276 million above last year.

In the area of the Labor Department, all of the personnel cuts in OSHA and Mine Safety have been eliminated. And we have added what I consider to be all too modest increases in other worker protection accounts. The international labor program that helps defend our workers and our country from the production of goods and services by slave labor and child labor abroad, we have restored fully the cuts that were recommended in the White House budget.

Title VI, foreign language studies. As I said in Committee, when the Russians invaded Afghanistan a number of years ago, we did not have enough language specialists to respond in the correct language. So our information services responded in Farsi. That did not help anybody in Afghanistan. They may have understood it in Iran, but they did not understand it in Afghanistan. We missed the target a little bit. Since then, what has happened in that area? Almost nothing. That is why we have a 19 percent increase in this bill. As you know, we also had an increase in another bill for the same item that passed this House last week.

All in all, this bill is far from perfect. I think given the needs of our society, we need more in education, in health care and in worker protection, but this is a very good bill given the circumstances in which we found ourselves in January. I very much appreciate the efforts made by the majority to make this a bipartisan bill. I very much appreciate the professionalism with which this bill has been approached by the gentleman from Ohio (Mr. REGULA), the distinguished subcommittee chairman, and also the distinguished gentleman from Florida

(Mr. YOUNG). He and I have many, many political differences. We do not have very many personal differences. We have disagreed many times but we have dealt with each other, I think, in a straight-shooting way. And I appreciate the fact that after some concern on this bill, we have brought a bill to this floor today under the rules of the House which treats everyone fairly and respectfully. And I think because of that, we are going to see a very large vote for this bill on both sides of the aisle.

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

Mr. REGULA. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Florida (Mr. YOUNG), the chairman of the full committee. Again I want to emphasize how much help he and the gentleman from Wisconsin (Mr. OBEY) in his role as ranking on the full committee have provided to us to make this bill the success that I think it is.

Mr. YOUNG of Florida. Mr. Chairman, I rise to support this very good appropriations bill for our educational systems, for our health systems, for our labor programs and all of the associated programs represented by this bill. I want to add my compliments to Chairman REGULA. For years, Chairman REGULA chaired the Subcommittee on the Interior and did an outstanding job. This is his first time to chair this very important subcommittee, and he and Ranking Member OBEY have presented a bill that I think we can all be very, very proud of. The gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY) have explained much of the detail of the bill and I am not going to reiterate that.

I would like our Members to know that they might be a little surprised to see the bipartisanship in this debate today, but it was nearly 4 months ago that Chairman REGULA, Ranking Member OBEY and I sat together and decided that we really ought to make this a good bill that represents the needs of America rather than anyone's political agenda. That is what we have done and that is what we present to you today. This is the second largest appropriations bill of our 13 regular bills, the first being national defense.

□ 1400

Each one equally is important. National defense and the defense appropriations provide what is needed to secure America; this bill provides what is needed to secure the people of America in their personal needs, their health needs, their educational needs. The subcommittee has done a really great job in bringing this bill before us.

I wanted to compliment the gentlewoman from Pennsylvania (Ms. HART). I listened attentively to her comments earlier today. She discussed an important issue. But I really appreciate and thank her for the statesmanlike way that she addressed not only the issue, but the way she addressed the legislative process. I think she is to be complimented for the way she has handled herself on this particular issue.

It was important today to get this bill completed. It is the next to the last of the regular appropriations bills. The next one and the last one will be National Defense.

Then we change direction and go to the conference reports. We plan today to have the first conference report of a regular bill, the Interior bill, on the floor; and we will move quickly to conferencing all of the other bills that have been passed by both the House and the Senate. And hopefully our Members can look forward to early dismissal on the part of appropriations bills.

We will also be required to do another continuing resolution for approximately 1 week, which hopefully again we will do that this afternoon as well.

With that, I would just like to again compliment the gentleman from Ohio (Mr. REGULA) for an outstanding job, the gentleman from Wisconsin (Mr. OBEY) for an outstanding job, and all the members of the subcommittee and the staff on both sides of the political aisle for producing a good bill for Americans, one we can all be proud of.

Mr. OBEY. Mr. Chairman, I yield 6 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the ranking member for yielding me time.

Mr. Chairman, I want to rise initially, as I said in full committee, I have had the opportunity to serve on this subcommittee now for 18 years. It has been led by some extraordinary Americans on both sides of the aisle. I started my service under Mr. Natcher. Bill Natcher of Kentucky was a legend in this institution. During the course of his service, he cast more consecutive votes than any person in history, a compliment to his sense of responsibility and his extraordinary self discipline. Succeeding him was Mr. Smith, and then the gentleman from Wisconsin (Mr. OBEY), and then Mr. Porter. When the Republicans took control in 1995, John Porter succeeded to the chairmanship, and he did an extraordinary job in a bipartisan fashion.

This bill, however, was not always treated in a bipartisan fashion, as we know, not, frankly, because of the appropriators or the chairman of the Committee on Appropriations, but because of the extrinsic forces that came on to the committee with reference to caps on spending that were totally unrealistic and therefore led to either the bill being considered in a partisan fashion or, in fact, 1 year not being considered at all on the floor of the House and ultimately being considered in an omnibus appropriations bill.

But this year, this is a real bill; and it is a good bill. It is not a perfect bill. In fact, of course, we never pass perfect bills. But this bill is unique. It is in so many ways the people's bill, because it affects literally millions and millions, not only of Americans, but people around the world, who benefit from the research at NIH and who benefit from other facets of this legislation. But clearly the American people are advantaged by this bill.

The gentleman from Wisconsin (Mr. OBEY) is absolutely correct when he says there are insufficient resources in this bill. When you sit in markup on both sides of the aisle, liberals, conservatives, East, West, North and South, Members say there needs to be more in this program or that program. I am going to speak about a couple of them briefly.

But this basically is a good bill; and I will support it, as the gentleman from Wisconsin (Mr. OBEY) is going to support it.

I want to again say, as I do almost every time I stand, because I think it is important for the American public to know the kind of leadership we have on critically important committees, the gentleman from Florida (Mr. YOUNG) is the epitome of fairness, integrity and bipartisanship. His view is on America's well-being, not on partisan gain. Those of us who serve with him are advantaged by doing so. I thank him for his leadership.

The good news for our subcommittee is that the gentleman from Ohio (Mr. REGULA) falls into the same category of a person focused on America, on Americans, and the country's interests, not on partisan interests. Therefore, this advantages this bill and our country.

Now, Mr. Chairman, let me mention a couple of issues, if I might, that I am very concerned about. The National Immunization Program at CDC receives a significant increase in this bill; and I thank the chairman of the subcommittee for that, an increase of $47.5 million over fiscal year 2001. But that is still only half the level that the Institute of Medicine recommended in its report last year for State operations and infrastructure and vaccine purchase.

As the recent report on anthrax in Florida has proven to us, the threat of a biological attack on this Nation is a very real one. I just got off the phone doing a tape for radio with reference to yesterday's incident on a Metro train. As a result, we need to do all we can to ensure that our public health system is able to respond in the event of attack.

I will say more about this when we mark up in conference. I know that there will be some emergency monies available for this objective as well at CDC.

My understanding is the Senator from Georgia, Mr. CLELAND, has suggested as much as a half a billion dollars increase in CDC to anticipate and deal with appropriate response in the event of a biological or chemical threat to the health of a city, a region, or our country.

Let me discuss one additional issue, Mr. Chairman, briefly; and that is the Assistive Technology Act of 1989. I bring that up not because we will add more money to this bill for that objective, but because I am hoping in conference we can add some authorizing legislation. Obviously it must be done with agreement of the authorizers, both in the House and Senate. I understand that, and we are working with them.

But if we fail to do so, nine States are going to lose assistance to make assistive technology available to those with disabilities so that they can be more able to participate fully in our society, whether it is jobs or in their home. I appreciate the chairman's concern about this and that he is working with us; and I appreciate the assistance of the ranking member, the gentleman from Wisconsin (Mr. OBEY), with this effort as well.

If we do not do something next year, nine States in 2002 will lose dollars; and 14 States will lose dollars in 2003 if we do not take action. I am hopeful we will do so, because this assistive technology is extraordinarily important to those challenged with disabilities to be fully incorporated into our society. That was the promise of the Americans with Disabilities Act which President Bush signed on July 26, 1990; and it is an effort that we ought to make to ensure that that promise is fully met.

Again, I thank the chairman of the full committee; and I thank the chairman of the subcommittee and our ranking member for working so diligently to make this bill within the resources available to us the best it could possibly be.

Mr. REGULA. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. BOEHNER), one of the pride and joys of Ohio, our chairman of the Committee on Education and the Workforce, who has done an outstanding job of providing reforms that will make sure that no child is left behind.

Mr. BOEHNER. Mr. Chairman, let me thank my colleague from Ohio for yielding and begin by congratulating the gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY), the gentleman from Florida (Mr. YOUNG), and others who have worked so diligently over the last several months in putting together what truly is a bipartisan bill that we have on the floor today. All of us who have been here for any length of time know the difficulty this bill endures every year, and it is a real tribute to the three of you and the others involved in bringing this bill together.

Like the House-passed education reform bill that preceded it, the bipartisan bill that we have on the floor today by our appropriations colleagues represents a reasonable and necessary compromise between Republicans and Democrats on education spending levels.

The gentleman from Ohio (Chairman REGULA) and the gentleman from Wisconsin (Mr. OBEY) deserve great credit for their work, which follows H.R. 1 closely and paves the way for reforms that will improve public education for millions of American children. Like H.R. 1, it calls for more funding to implement long overdue education reforms. Like H.R. 1, it targets funding toward key programs, such as title I, to reflect the Federal Government's original mission in education, and that is helping those students who need the help the most.

It increases title I from the current $8.6 billion per year to $10.5 billion, a down payment on our shared goal of closing the achievement gap between disadvantaged students and their peers.

It triples funding for reading programs to $900 million to implement the President's Reading First initiative and helps schools implement programs based on scientific research.

It increases funding for teachers program by $1 billion a year to implement and make sure that States and schools can put the best-qualified teachers in each of our classrooms.

It increases bilingual education from $460 million a year to $700 million a year.

It increases funding for Individuals With Disabilities Education Act (Part B) by $1.4 billion over last year's number. We should all recognize that the increases that we have given to IDEA over the last 6 years have more than doubled funding for students with disabilities; and this increase that we have in this bill, I think, is a giant step forward in meeting our long-term obligation.

The bill also increases Pell Grants by $1.7 billion over last year's level and increases the maximum award granted to $4,000 per student. In a time of a slow economy, this $4,000 in Pell Grants will help the neediest of our high school graduates get the kind of education and training they need.

These funding increases should be complemented by the enactment of historic reforms that are at the core of the President's education plan. The new accountability that we see in the President's package will help us stem what has been going on in this town for a long time. New increases without accountability will simply amount to business as usual in Federal education policy, prolonging the status quo that Republicans and Democrats have pledged to jointly bring to an end.

Thirty-five years of mediocrity have taught us that money alone will not close the achievement gap between disadvantaged students and their peers. The House-Senate Education conference will continue working to ensure that these significant funding increases are targeted toward children who need the most help, instead of toward new bureaucracy. They must be used to strengthen existing programs, such as title I, so that disadvantaged students are served, rather than to create new unproven programs that really do not address the primary goal.

So I think we have a bill on the floor that mirrors H.R. 1. We expect our conference to be completed in the next several weeks. That and the completion of this bill, I think, will start us on a path where we can make sure that no child in America is left behind.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. EVANS), the ranking minority member on the Committee on Veterans' Affairs.

Mr. EVANS. Mr. Chairman, I would like to start off by taking a moment to personally thank the members of the Committee on Appropriations for the inclusion of increased funding for Parkinson's disease research. We are now on the verge of discovering a cure for Parkinson's. This strong Federal commitment on both the Republican and Democratic side will bring us closer to that end, and I appreciate all those Members helping out.

I do come before the floor today also in the spirit of bipartisanship that has been the rule of the day. In the wake of the cowardly and horrific attacks on our Nation on September 11, partisan wrangling is indeed frivolous.

To ensure that the business of this Nation moves on without delay, I decided not to offer an amendment today that, though I think it is crucial for the importance of the health of millions of Americans, could potentially be controversial and slow down the legislative process.

Had our Nation not been struck on that faithful day 1 month ago today, I would have offered an amendment to expand stem cell research. This amendment, which I would like to submit for the RECORD at this time, takes a cautious measured approach to realizing the full potential of promising research.

Mr. Chairman, I include the amendment I had proposed for the RECORD.

AMENDMENT TO H.R. 3061, AS REPORTED
OFFERED BY MR. EVANS OF ILLINOIS

At the end of section 510, add the following:

(c) HUMAN EMBRYONIC STEM CELLS.—

(1) FINDINGS.—The Congress finds as follows:

(A) The President's decision to allow human embryonic stem cell research to go forward on stem cell lines derived on or before August 9, 2001, provides a crucial first step in conducting basic research on stem cells.

(B) Basic research on human embryonic stem cells is essential to determine how

stem cells proliferate, specialize, and differentiate.

(C) Human embryonic stem cell research holds promise for cures and improved treatments for a wide array of diseases and injuries, including Alzheimer's disease, cardiovascular disease, diabetes, Parkinson's disease, and spinal cord injuries.

(D) The National Academy of Sciences and leading biomedical researchers agree that therapies for use by humans will not result from stem cell lines derived from human embryos on or before August 9, 2001, which have been grown with the use of animal products that pose health risks to humans.

(E) The President's policy must be revised if the Nation is to realize human applications of stem cell research.

(F) Given the promise of human embryonic stem cell research, the Congress should act expeditiously to consider Federal funding for this important research. If the Congress fails to address this issue expeditiously, the National Institutes of Health must be allowed to expand Federal funding of human embryonic stem cell research beyond research on stem cell lines derived on or before August 9, 2001.

(2) IN GENERAL.—Not later than August 9, 2003, the Director of the National Institutes of Health shall issue guidelines to authorize funding for research using stem cells that were derived from human embryos after August 9, 2001, if the applicant provides assurances satisfactory to the Director of the following:

(A) DATE OF DERIVATION.—The research cannot be conducted effectively using one or more stem cells that were derived from a human embryo on or before August 9, 2001.

(B) CONDITIONS OF DERIVATION.—Any human embryonic stem cell to be used in the research may be derived from an embryo only if that embryo has been donated from an in-vitro fertilization clinic in compliance with the following:

(i) The human embryonic stem cell is not derived from the embryo using Federal funds.

(ii) The embryo from which the stem cell is derived is created for the purpose of fertility treatment and is in excess of the clinical need of the individuals seeking the treatment.

(iii) Before being asked to consider donating the embryo for research purposes, the embryo's progenitors determine that the embryo is in excess of their clinical need for fertility treatment.

(iv) Before being asked to consider donating the embryo for research purposes, the embryo's progenitors are given the option of donating the embryo to an infertile couple for adoption.

(v) The embryo is donated with the informed, written consent of the embryo's progenitors (including a statement that the embryo is being donated for research purposes).

(vi) The decision of the embryo's progenitors to donate the embryo is made free of any influence by any researcher or investigator proposing to derive or use human embryonic stem cells in research.

(vii) Any compensation paid for the human embryonic stem cell does not exceed the reasonable costs of transportation, processing, preservation, quality control, and storage of the cell.

(3) EARLIER STEM CELL LINES.—This subsection does not impose any restriction on funding for research using stem cells that were derived from human embryos on or before August 9, 2001.

(4) APPLICATION.—Paragraph 2(A) shall not apply after August 8, 2005.

(5) EFFECTIVE DATE.—The guidelines issued under paragraph (2) shall take effect on August 9, 2003.

□ 1415

I believe the majority of my colleagues will find this compromise a prudent approach to this sensitive issue.

The amendment acknowledges the President's policy as a good starting place and allows research to go forward only under this policy in the near future. The science is in its infancy and the President's policy may be ultimately sufficient to conduct the most basic stem cell research that will be the foundation of science for the years to come.

But this policy will not suffice for the long term. Leading researchers and the National Academy of Sciences agree that it will not result in human therapies. This amendment would give Congress plenty of time to thoughtfully consider the issue of federal funding for embryonic stem cell research. However, if we fail to act in the next two years, NIH would be directed to incrementally expend embryonic stem cell research over a period of several years.

While I will not offer this compromise amendment today, I wanted to take this opportunity to remind members how critical this issue is to the millions of Americans who stand to benefit from this exciting new research. I hope that I can count on my colleagues' support when we revisit this issue next year.

I would also like to take a minute to personally thank the members of the Appropriations Committee for the inclusion of increasing funding for Parkinson's Disease research. We are on the verge of discovering a cure for Parkinson's Disease. This strong federal commitment will bring us closer to that end.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHERWOOD), a member of the subcommittee who is very constructive in his work and offers many useful suggestions.

Mr. SHERWOOD. Mr. Chairman, I thank the gentleman for yielding me time. I rise in strong support of H.R. 3061.

Mr. Chairman, it has been a real pleasure for me to serve on the Subcommittee on Labor, Health and Human Services, and Education of the Committee on Appropriations, which has produced this good bill that touches the lives of all Americans. The bill, which deserves our high praise and strong support, is the bipartisan product of the altruistic spirit and genuine compassion of the gentleman from Ohio (Mr. REGULA), the chairman of the subcommittee. As the chairman has often said, this clearly is the ''love thy neighbor'' bill.

It is fitting that we come together today, 1 month after the dastardly attacks on our Nation, to provide America with the resources that we need to defend against the threat of bioterrorism and to aid working Americans who have lost their jobs.

I am also glad that we have been able to fulfill the President's Reading First initiative. It is with education that we prepare for the future, and education begins with reading.

I am particularly gratified that the bill provides a $1.4 billion increase in special education. My 20 years on the public school board in Tunkhannock, Pennsylvania, has shown me how much more difficult local spending decisions made by school boards were made by IDEA mandates without adequate Federal funding. So I am glad that we addressed that.

Yesterday, the National Center for Health Statistics reported that America's life expectancy rose again last year. That report is a credit to the effort of Congress to support biomedical research and to improve treatments and cures for illnesses which afflict the American family. With this bill, we continue that effort.

Although it is a very modest program, only $5.3 billion, the Rural Community Assistance Program and the Office of Community Services Rural Facilities is very vital. RCAP helps rural communities to apply for assistance and to improve their infrastructure to sustain safe, affordable water.

I urge my colleagues to support this bill.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, while the terrorists on September 11 may have succeeded in bringing down our World Trade Towers and temporarily scarring the Pentagon, they only strengthened our resolve to get better prepared for bioterrorism and better educate our children.

I want to commend in the strongest terms possible our chairman, the gentleman from Florida (Mr. YOUNG), the gentleman from Ohio (Mr. REGULA), and the gentleman from Wisconsin (Mr. OBEY) for their strong leadership with this bipartisan bill. It is certainly a step forward in better preparing our country educationally and better preparing our country against terrorism.

On title I, a program to help educate our most vulnerable and needy poor children, we have a 20 percent, $1.7 billion increase to attach new reforms and testing to remediate and tutor these children. In Pell grants, this is a first-time Pell grant hit up to $4,000 for students going to college; and that is 57,000 more students who will be eligible to go to college. We also have a program called Transition to Teaching, working on our quality teaching in this country, which is the real key to success for all children.

I want to thank the gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY) for their help there.

Head Start programs have a $276 million increase, about a 4 percent increase keeping up with inflation. It

will help early Head Start significantly more, with more children, for 0 to 3. I hope we will continue to do more for Head Start in conference.

Finally, on bioterrorism, we have a $301 million increase for stockpiling vaccines and for Federal, State, and local responses to help better prepare our forces for a bioterrorist attack. I would encourage this committee in the strongest terms that this is a first step. The gentleman from Pennsylvania (Mr. GREENWOOD) and I have bipartisan legislation for a $1.4 billion increase to better prepare this country on bioterrorism. I hope we will take those steps later on, maybe in the supplemental bill.

Mr. Chairman, again, I applaud the leadership for this bill.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise today to speak in favor of the Pell grant increase in the Labor-HHS-Education appropriation bill.

Started in 1972, the purpose of the Pell grant program is to financially assist students from low-income families who would not be able to attend college because of the financial burden it would place on the student and his family. For example, my mom was a single parent who raised three children on the modest salary of a secretary. We lived in a one-bedroom home growing up. I personally would not have been able to go to college if it was not for the Pell grant program. In fact, one in five college students today benefit from Pell grants.

This year we will invest $10.5 billion in Pell grants, the largest investment in our country's history. College students will now be able to receive up to $4,000 a year, or $16,000 over a 4-year college career. This will fully cover the cost of tuition, fees and books at the University of Central Florida in Orlando. Now, all children, rich or poor, will have the opportunity to go to college.

This investment will also help generate up to $85 billion a year in additional tax revenues because students earning a bachelor's degree make 75 percent more money on average than those with only a high school diploma. I want to personally commend and thank the chairman of the subcommittee, the chairman of the full committee, and the ranking member of the subcommittee for their historic leadership in providing this high-level Pell grant funding. They are truly friends to our millions of college students who depend on this aid to go to college.

I urge my colleagues to vote ''yes'' on the Pell grants and ''yes'' on the Labor-HHS appropriation bill.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in allowing me to speak in support of this bill.

I join my colleagues in saluting the committee for the progress for education and health, especially for the IDEA special education grants. I understand why it was difficult to deal with issues of school modernization; but I am hopeful that before this Congress adjourns that we are able to assess that critical need.

But I would like to address my particular attention to the issue of public broadcasting. The committee has found a way to provide $365 million in advanced funding for the Corporation for Public Broadcasting. I think we have all been made aware, just in the course of this last month in our quest for information and news in the wake of September 11, what a critical role public broadcasting plays. A number of the Members of this Chamber looked last week again at some of the critical research videos that have been advanced that really provide broad public understanding of the events in the Middle East.

But of critical importance to public broadcasting is the Federal mandate that all TV stations expand from traditional analogue to modern digital transmission by May 2003. This is a powerful new tool for public broadcasting, but without Federal assistance for digital conversion, many areas of the country could lose their public broadcast signals. One-third of the 347 member stations in the system are considered at risk.

I appreciate the language in this bill providing for an additional $25 million for digitalization; however, this appropriation must be specifically authorized in subsequent legislation. I urge my colleagues to remain aware of this issue and authorize the appropriation in the future. We cannot afford to lose the connection that public broadcast provides between its groundbreaking educational, entertainment, and cultural productions in our communities everywhere. The committee has done its job, and I hope that Congress will follow through.

Mr. OBEY. Mr. Chairman, I yield 2½ minutes to the distinguished gentlewoman from New York (Mrs. LOWEY), also a member of the subcommittee.

Mrs. LOWEY. Mr. Chairman, I rise today in strong support of the fiscal year 2002 Labor, Health and Human Services and Education appropriation bill. It is really a privilege for me to serve on this committee; and I personally want to thank our chairman, the gentleman from Ohio (Mr. REGULA), and our ranking member, the gentleman from Wisconsin (Mr. OBEY). I know of their commitment to the issues that we discuss in this committee; and I want to also thank the staff of the committee, both majority and minority, who really have been a pleasure to work with. Their cooperation has allowed us to consider what should have been the least contentious bill in years, and I do hope that some of the amendments that were in the planning will not be offered so that we can all stand together in support of this really good bill that serves people in this country, because I certainly do not want to be here discussing some of these amendments. I would rather be working on ways to provide for the defense of our citizens, of finding ways to stimulate the economy.

This bill has provided for funding for so many programs that are needed by the American people. The bill significantly increases funding for the National Institutes of Health. We must continue to provide robust funding for medical research so that we can find the cures for disease.

The bill also provides a large increase for the 21st Century Learning Centers After School Program. I remember when I first got on this committee and we had $1 million in the program, and now we are up to $1 billion; and the lines are still long in every community of people who want to provide funding for after-school programs, so I want to thank again the chairman and the ranking member for their help in that area. The program gives millions of children a place to go after school where they can participate in meaningful activities.

I just want to mention one other thing. I do hope as this bill moves through the process we can add some money for school modernization. It has been an issue I have been working on for a very long time, and it is so very important. I do hope we can invest in that critical area. There are so many schools in terrible condition, and we should do something to help local school districts fix this problem. This bill is a very big step in the right direction.

Mr. Chairman, I support the bill; and I urge my colleagues to support it as well.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I am proud to join my good friend, the gentleman from Illinois, (Mr. EVANS) who spoke just briefly a few minutes ago in addressing the important issue of stem cell research. The gentleman from Illinois (Mr. EVANS) and I are deeply committed to pursuing ways to reevaluate the August 9 cutoff date of the number of stem cell lines that can be used for four simple reasons. First, research is needed. Nearly one-half of the American

population could benefit from stem cell research.

□ 1430

Two, in vitro fertilization. There are 400 in vitro fertilization clinics throughout the country helping hundreds of thousands of couples per year experience the joy of childbirth through in vitro fertilization. This process necessarily creates more embryos that can be used, so to relegate these potentially lifesaving cells to the trash heap instead of NIH laboratories after the arbitrary deadline of August 9 is inconsistent and unfair to 135 million Americans.

Third, current stem cell supply. Since August 9 we have learned that the 64 cell lines identified by NIH are not all robust and may not be safe because many researchers have mixed human cells with mouse.

Finally, fourth, government oversight. Irrespective of the President's guidelines, the private sector in the United States, as well as the public and private sectors abroad, will continue to conduct research on stem cells that fall outside the parameters established by the Bush administration.

We cannot let America fall behind in this research, and cannot deny our citizens the cures and treatments that may result from research conducted on cells derived after August 9. We must provide strong oversight to ensure that research is conducted by ethical means that do not force us to wrestle with similar moral questions in the near future.

Mr. Chairman, I thank the President for taking the first step, but I respectfully implore my colleagues to take the next. I look forward to working with Members in this endeavor.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI), the newly elected and soon-to-be whip of the Democratic Party.

Ms. PELOSI. Mr. Chairman, I thank the chairman for yielding time to me, and for his excellent service in bringing this bill to the floor.

I want to commend, certainly, our new chairman of the committee, the gentleman from Ohio (Mr. REGULA), and our big chairman, the chairman of the full committee, for their extraordinary leadership. With all of them working together, the gentleman from Wisconsin (Mr. OBEY), the gentleman from Florida (Mr. YOUNG), and the gentleman from Ohio (Mr. REGULA) put us in position today to vote for a bill that is worthy of our support.

One of the challenges, Mr. Chairman, that has been of particular prominence in the minds of all Americans since September 11 has been the threat of bioterrorism. On the Permanent Select Committee on Intelligence, where I serve as the ranking Democrat, we have studied the threat posed by biological and chemical agents and our ability to respond.

Great strides have been made in recent years, but we must strengthen the ability of the public health infrastructure to detect and contain an attack and treat its victims. This bill provides an increase of $60 million to improve surveillance and strengthen our medical response.

In addition, $20 million has been included for pilot projects to explore the feasibility of developing a Nationwide Health Tracking Network among all States to identify and track disease and related environmental factors. The CDC will use this and increased funding for its environmental health lab to rapidly assess human exposure to environmental toxins.

I am pleased also that HIV care and treatment through Ryan White has been increased by $112 million, and HIV prevention at the CDC has been increased by $86 million.

For the fourth year in a row, we have provided dramatic increases in biomedical research at the NIH. In addition to progress in the search for better treatments and eventually a vaccine for AIDS, these investments are yielding phenomenal progress in our understanding of the human body and how we are affected by our environment.

Additional resources, thanks to our distinguished leadership, have been provided for child care, breast and cervical cancer treatment, drug treatment, bilingual education, worker safety, and many other important areas.

This progress is promising, and I look forward to working with my colleagues on both sides of the aisle to address the unmet health, education, and labor needs that remain.

I urge my colleagues to support the labor, health and human services, and education bill.

Mr. Chairman, I comment Chairman REGULA and Ranking Member OBEY for their leadership on the Labor-HHS-Education Subcommittee. This is a difficult time for our Nation, and this can be a difficult bill to pass because it addresses important needs that we all feel passionate about—health care, education, and a strong work force. The Appropriations Committee has risen to this challenge and I am proud of the bipartisan bill that has been produced.

One challenge has been particularly prominent in the minds of all Americans since the September 11th attacks is the threat of bioterrorism. On the Intelligence Committee, where I serve as the Ranking Democrat, we have studied the threat posed by biological and chemical agents and our Nation's ability to respond. Great strides have been made in recent years, but we must strengthen the ability of our public health infrastructure to detect and contain an attack, and treat its victims. This bill provides an increase of $60 million to improve surveillance and strengthen our medical response.

In addition, $20 million has been included for pilot projects to explore the feasibility of developing a Nationwide Health Tracking Network among all States to identify and track disease and related environmental factors. The CDC will use this and increased funding for its environmental health lab to rapidly assess human exposure to environmental toxins, including biological and chemical agents.

I am also pleased that HIV/AIDS care and treatment through the Ryan White Care Act has been increased by $112 million, and HIV prevention at the CDC has been increased by $86 million.

As new infections remain steady and treatment advances reduce the number of AIDS deaths, more people than ever are living with HIV/AIDS and in need of treatment regimens that are costly, complicated, & lifelong.

For the fourth year in a row, we have provided dramatic increases in biomedical research at the National Institutes of Health. In addition to progress in the search for better treatments and, eventually, a vaccine for AIDS, these investments are yielding phenomenal progress in our understanding of the human body and how we are affected by our environment.

Additional resources have also been provided for child care, breast and cervical cancer screening, drug treatment, bilingual education, worker safety, and many other important areas. This progress is promising, and I look forward to working with my colleagues on both sides of the aisle to address the unmet health, education, and labor needs that remain. I urge my colleagues to support the Labor-Health and Human Services-Education Appropriations bill.

These needs are especially critical for communities of color, where the majority of new AIDS cases are occurring, and I am particularly pleased that funding for the Minority HIV/AIDS Initiative is increased by $37 million. Greater access to voluntary counseling & testing, stronger linkages between prevention & treatment, improved access to AIDS drugs, and a reduction in new HIV infections worldwide are vital, and will require significantly more resources than we currently provide.

We must continue to increase these resources, and commit ourselves to ensuring that the third decade of the AIDS epidemic is the last decade of the AIDS epidemic. The increases that are provided in this bill are an important step forward.

Mr. OBEY. Mr. Chairman, I yield the balance of my time to the distinguished gentlewoman from New York (Mrs. MALONEY).

The CHAIRMAN. The gentlewoman from New York (Mrs. MALONEY) is recognized for 1 minute.

Mrs. MALONEY of New York. Mr. Chairman, 1 month after September 11, Americans continue to contemplate the vulnerability of human life. So I think it is very fitting that we pass a bill today which does so much to preserve and prolong human life.

The bill increases funding for medical research, and keeps within reach the goal of doubling funding for NIH within 5 years. It includes report language that reinforces Congress' commitment to fully fund the NIH Parkinson's disease research agenda for fiscal

year 2002. The bill reaffirms the President's commitment to stem cell research. The plan is far too limited, but it is a small step forward. I am pleased that it includes a substantial increase for education, although the bill should have funded the school repair and renovation program.

I applaud the gentleman from Florida (Chairman YOUNG), the gentleman from Ohio (Mr. REGULA), and the ranking member, the gentleman from Wisconsin (Mr. OBEY), for forging this bill in a bipartisan spirit at a very difficult time. They set an example for the appropriations process this fall, and for American unity and resolve.

Mr. REGULA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I have just two things. I would like to read from the Administration letter. It says: ''The Administration appreciates that the House has retained the current language provision concerning Federal funding for needle exchange programs and the Hyde language regarding the Federal funding of abortions.''

So I want to make clear that this is the same language as has been in the past.

I also want to point out that we do have now the statement of administration policy. It has been coordinated by OMB with all the agencies, and it is a good statement supporting the provisions of this bill. So it truly is a bipartisan bill. It has the support of the leadership on the other side of the aisle and it has the support of our leadership and the support of the White House.

I would urge when we get to the final vote, that all the Members of this body support it. It is truly, as Mr. Natcher used to say, a people's bill.

Mr. BLUMENAUER. Mr. Chairman, my goal in Congress has been the promotion of livable communities. A community that is safe, healthy and economically secure must make the education of our children a priority. The well-being of our families depends on the federal government adequately funding health, education and worker protection programs.

Today's Labor-HHS Appropriations bill is a step in the right direction. It triples the President's proposed rate of new educational investment and significantly increases funding for health care and worker protection programs.

The bill increases education funding by $7.0 billion over last year's level, and $4.7 billion over the President's request. Over the last 5 years, the average annual rate of new educational investment has been 13%. The Bush budget proposed to cut this rate in half to only 5.5%, but the bill passed today increases this to almost 17%—the highest in a decade. Today's bill increases Title 1 funding, special education funding and teacher training and class size reduction funding by over $1 billion. These vital funds will help schools to hire up to 20,000 teachers to reduce class sizes and provide intensive, high quality and sustained professional development to as many as 825,000 teachers.

I applaud the Appropriations committee for approving a bill that does so much for health care in America. The bill increases health programs in the Department of Health and Human Services by $3.4 billion, which is a 10% increase above last year's level. We can all celebrate the increase in funding for Head Start and bioterrorism preparedness.

The bill restores proposed enrollment cuts in Head Start with an increase of $276 million over FY01 levels, preventing potential cuts of as many as 2,500 children from current Head Start enrollment levels. We must not neglect our children at this very important stage in their development. Our communities will also feel the security of an increased investment in the prevention of bioterrorism, a renewed threat to our nation. It is important, now more than ever, that we are prepared with the vaccines and drugs necessary to prevent exorbitant injury and loss of life in the event of a bioterrorist attack.

I am particularly pleased that the bill will increased our commitment to fighting HIV/AIDS, and helping the victims of this terrible disease. The FY02 bill will increase Center for Disease Control AIDS prevention and tracking funds by $53 million, and provide $112 million more than the FY01 level for Ryan White grants.

I am also encouraged by several of the labor provisions included in the bill. Funding for the Department of Labor is increased by 5%, rather than cut by 3% as was proposed by the Administration, providing growth in the major employment, training, and worker protection programs. Some of those improvements include the bill's restoration of the 180 employees that the White House budget proposed to cut from the Occupational Safety and Health Administration (OSHA).

The bill increases Jobs Corps funding $75 million over last year, reversing the President's proposal to flat fund the program. It also restores funding to FY01 levels for the International Labor Organization, reversing the President's proposal to cut $76 million our of this program that works to prevent child and slave labor.

I am pleased that the committee provides $365 million in advance funding for the Corporation for Public Broadcasting. We all are aware of the value of public broadcasting and that value is even more apparent during our quest for information and news in the wake of the September 11, 2001 terrorist attacks.

Of critical importance to Public Broadcasters is the Federal mandate that all public TV stations expand from traditional analog to modern digital transmission by May 2003. I appreciate the language in this bill providing an additional $25 million for digitalization. Without federal assistance for digital conversion, one-third of the 347 member stations the Public Broadcasting System are considered at risk of possibly losing their public television signal once the transition period ends and analog transmission is no longer possible.

These are all important programs for advancing quality of life goals, and supporting all of our citizens. I urge support for this bill.

Mrs. CHRISTENSEN. Mr. Chairman, I rise in support of the bipartisan agreement represented by H.R. 3061. The Labor, Health and Human Services and Education appropriations bill.

I particularly want to applaud Chairman REGULA and Ranking Member OBEY on the yeoman's job they have done to bring this bill to the floor.

This bill provides significant increases for education above the President's request, and restores and increases funding in many critical health programs above the original request as well. Among these, I am especially pleased that Healthy Start will receive a 13% increase.

Our Minority HIV/AIDS initiative was not funded at its requested level of $540 million. The committee however did provide an increase of $37.3 million above last years funding, an increase of about 11%. For that increase, which is reflected across the board in all of the Departmental agencies, which have responsibility for HIV and AIDS, we are grateful. While it is short of what we determined would be needed, it has the potential to reach many infected and affected people within communities of color and other hard to reach populations, who have been disproportionately and devastatingly impacted by this disease.

What we still have major concerns about is the language, which does not go far enough to ensure that this program funding will go to build capacity in the most severely impacted communities of color.

We would ask that the leadership and those in the conference committee continue to work with us to ensure that the intent and the integrity of the Minority HIV/AIDS initiative—an initiative that would not only begin to bring the epidemic that exists in our communities under control, but also begin to repair and rebuild a now fragmented healthcare infrastructure. In the long run, this small amount of funding, with the appropriate targeting can greatly impact the health status not only of those special populations we seek to reach but the entire nation.

We look forward to addressing the language issue, as it will determine how effective this funding will be.

In the meantime, we again thank the Committee and the Subcommittee for their assistance and support.

Mr. SERRANO. Mr. Chairman, I rise in support of the H.R. 3061, making appropriations for the Departments of Labor, Health and Human Services, and Education and a number of related agencies for the fiscal year 2002.

I want to commend Chairman REGULA and Ranking Democrat OBEY and the Members of the Subcommittee on their fine, bipartisan work in crafting this bill. While I do not agree with every provision of the bill—no one does—I deeply appreciate the cooperation and restraint on both sides of the aisle that have brought use to consideration of the bill today.

This bill supports programs and services that are among the most important to our constituents, both in ordinary times and in times of crisis.

As we move forward from the dreadful attacks of September 11th, we must continue to support our children's education, the health and well-being of our people, and the ability of our workforce to thrive in the economy of the 21st Century. At the same time, we must help those whose lives have been disrupted in the aftermath of the attacks and strengthen our long-neglected public health system to meet

future challenges, as the anthrax cases in Florida demonstrate.

The bill would provide $14 Billion for the Department of Labor, including important increases in funding for the Job Corps, which has a successful site in my district, and the Employment Standards Administration (ESA) and Occupational Safety and Health Administration, which protect workers from exploitation and injury.

The Department of Health and Human Services would receive $53 billion in discretionary appropriations, including important initiatives in countering bioterrorism, increases for biomedical research, disease control and prevention, and health services. The $150 million increase in funding for community health centers is particularly welcome. Also receiving increases are the child care block grant, Head Start, and other important social services programs, although I wish we could have done more for LIHEAP.

The Education Department would receive $49 Billion, 17% above last year. The President and Members on both sides of the aisle recognize the crucial importance of reforming and funding better schools for our children. In many ways, our future depends on this. The increase in the Pell Grant to $4,000 is also to be applauded.

Mr. Chairman, this is a good bill. I might have put more money into it and distributed the funds a bit differently, but I am pleased to support it and urge my colleagues to do the same.

Mr. BENTSEN. Mr. Chairman, I rise in strong support of H.R. 3061, the Fiscal Year 2001 Labor, Health and Human Services, and Education Appropriations bill. This legislation would provide $395 billion for the Departments of Labor, Health and Human Services, and Education, and related agencies. I am especially pleased that this legislation would provide a 16 percent increase for education funding and 12 percent increase for biomedical research conducted through the National Institutes of Health (NIH).

With regard to education, I am pleased that this bill would dramatically increase funding for education programs by providing $7 billion over FY 2001 levels and $4.7 billion above the President's request. Over the last five years, the average annual rate of new educational investment has been 13 percent. This legislation would increase the education investment to 17 percent—the highest in a decade. While the bill does not include separate funding for the class-size reduction initiative, I am pleased that the program was redirected into teacher quality state grants. Under this legislation, these state grants will receive a $1 billion increase to help schools reduce class size and provide professional development for teachers and other school employees. Additionally, the committee's inclusion of $975 million for the President's Reading First initiation will enable schools to bring proven, research-based reading programs to students in the critical early learning years. The $1 billion increase for 21st Century After School Centers will provide students with a quality after school program. And for students continuing on to higher education, the increase in the Pell Grant maximum grant to $4,000 will enable low-income students to meet today's ever-increasing educational costs. Additionally, the bill wisely rejects proposed enrollment cuts to Head Start, preventing possible cuts for as many as 2,500 children from this critically important program.

I am also pleased that the committee included a 50 percent increase in the federal share of special education costs. Over a two-year period, the funds will raise the federal share toward special education costs to 18 percent from 12 percent. In 1975, Congress passed Public Law 94–142, the Individuals with Disabilities Education Act (IDEA), which committed the federal government to fund up to 40 percent of the educational costs for children with disabilities. However, the federal government's contribution has never exceeded 15 percent, a shortfall that has caused financial hardships and difficult curriculum choices in local school districts. According to the Department of Education, educating a child with a disability costs an average of $15,000 each year. However, the federal government only provides schools with an average of just $833. While I believe the funding increase in this legislation represents a step in the right direction, I believe we must abide by our commitment to fund 40 percent of IDEA costs, and I am hopeful that we will consider greater funding increases in the next fiscal year.

While the overall bill is a good one, there are many important programs that were level-funded or eliminated under this legislation. To that end, I look forward to working with my colleagues to continue funding for these programs at adequate levels, or in the case of school modernization, to work for its reinstatement. In total, though, this bill makes important investments in education, and will provide America's children with the resources they need to succeed and be productive members of our society.

As a Co-Chair of the Congressional Biomedical Research Caucus, I am pleased that this legislation provides $22.9 billion for the National Institutes of Health (NIH), an increase of 12 percent or $2.6 billion more than last year's budget. This $22.9 billion NIH budget is our fourth payment to double the NIH's budget over five years. I am disappointed that this $22.9 billion does not provide the $3.4 billion that we believe is necessary to maintain our goal of doubling the NIH's budget over five years. Earlier this year, I organized a bipartisan letter in support of this $3.4 billion increase for the NIH. I understand that the Senate Labor, Health, and Human Services, and Education Fiscal Year 2002 Appropriations bill includes a $3.4 billion increase for the NIH. It is my hope that the conference committee will adopt this higher NIH budget.

I am a strong supporter of maximizing federal funding for biomedical research through the NIH. I believe that investing in biomedical research is fiscally responsible. Today, only one in three meritorious, peer-reviewed grants which have been judged to be scientifically significant will be funded by the NIH. This higher budget will help save lives and provide new treatments for such diseases as cancer, heart disease, diabetes, Alzheimer's, and AIDS. Much of this NIH-directed research will be conducted at the teaching hospitals at the Texas Medical Center. In 2000, the Texas Medical Center received $289 million in grants from the NIH. I will continue to work to ensure the highest level of funding for the NIH.

I am also pleased that this bill provides $393 million for countering bioterrorism, including $100 more above last year's budget. In light of the recent terrorism acts, I believe we all believe that this investing in our national public health system is necessary and prudent. This budget provides $301 million for the Public Health and Social Services Emergency Fund which would support programs at the Office of Emergency Preparedness. As the representative for the Texas Medical Center, which was recently affected by devastating flooding by Tropical Storm Allison, I can attest to the need for such funding. During this natural disaster, the Office of Emergency Preparedness was one of the first federal agencies to provide relief to our area and I applaud their efforts to immediately act to help during disasters. This $393 million budget will also provide $93 million in bioterrorism research at the NIH.

In addition, I support the $4.1 billion budget for the Centers for Disease Control, a $214 million increase or 6 percent increase above last year's budget. The CDC is critically important to monitoring our public health and fighting disease. Of this $4.1 billion CDC budget, $1.1 billion will be provided to address HIV/AIDS programs and to combat tuberculosis. This CDC budget also provided $599 million to provide immunizations to low-income children. Immunizations have been shown to save lives and reduce health care costs. Investing in our children is a goal which we all share.

I urge my colleagues to support this legislation and vote for this important health, education and labor funding measure.

Mr. DAVIS of Illinois. Mr. Chairman, I rise today in strong support for forward funding of the LIHEAP program. Due to the nature of winters in Chicago and the east coast we can now implement safe guards for all our citizens. As we approach the coming winter months, preparation by forward funding can eliminate overwhelming burdens placed on low income families. The city of Chicago alone, has seen tremendous fatality rates due to excessively hot summers and extremely cold winters. The Department of Justice estimates that home heating oil prices could be 30% higher this winter from the previous winter and that natural gas prices could surge 40% higher. More than 150,000 of my constituents lives at or below the poverty level and with these circumstances are often faced with harsh and difficult decisions. Some of these citizens are forced to choose between medicine and cool air in the summer and between food and heath for their homes in the winter. According to the Roundtable Report to the Public Utilities Committee of the House of Representatives, the average winter bill for a typical family of four is 5.9% of their annual income. A family of four living at 125% of poverty pays between 20% to 37% of their annual income for winter heating cost. The low income families cannot afford to pay these high energy cost. Therefore, I am in strong support of Representative QUINN's amendment for an advance in the LIHEAP funding. We already know that many low income families will fall behind on their heating bills; however, we can offer an alternative by the passage of this amendment.

I urge its consideration and passage.

Mr. TANCREDO. Mr. Chairman, when my children were growing up and before they had

an understanding of the family budget, they would ask for things that we were sometimes unable to provide. They were usually extravagant things we simply could not afford. We didn't blame them for asking—they were just kids—they didn't know better.

What is our excuse? Is there a Member of the body who can't understanding the fiscal implications of declining Federal revenues combined with the cost of financing of a war?

How many of us I wonder will file down here and dutifully cast our vote for this bloated, extravagant, piece of profligate spending and then go home to tell our constituents that we are appalled by the fact that the Social Security surplus has been blown.

There is more than one kind of threat to the Nation—one stems from foreign terrorists and another from the fiscal irresponsibility of budget busting appropriations like this.

The 12.6 percent increase in this bill is unconscionable. I am not saying that the hundreds of programs funded in this bill are not all individually wonderful. They will surely bring about a totally literate society while concurrently wiping out poverty in America as one would be led to believe by listening to the rhetoric supporting it. What I am saying is that they are not as important as providing for the common defense. This after all is the thing for which we have sole and paramount responsibility—it is not our main responsibility to be the Nation's school board or health care provider.

And Mr. Chairman, I know it is hard to hear what I am going to say. It was hard to tell it to our kids but here it goes—we can't afford this bill. If we can't defeat it I hope the President will act as the adult here and veto the bill.

Mr. BEREUTER. Mr. Chairman, this Member wishes to add his strong support for H.R. 3061, the Labor, Health and Human Services and Education Appropriations Act for fiscal year 2002. This Member would like to commend the distinguished gentleman from Ohio [Mr. REGULA], the Chairman of the Appropriations Subcommittee on Labor, Health and Human Services and Education, and the distinguished gentleman from Wisconsin [Mr. OBEY], the ranking member of the House Appropriations Subcommittee on Labor, Health and Human Services and Education, for bringing this important bill to the House Floor today.

In particular, this Member supports the additional $25,000,000 provided to the Corporation for Public Broadcasting for digitalization. Public broadcasting has been issued a mandate to be on the air with a digital signal by 2003. By FY 2004 all stations will bear the additional costs of dual carriage of analog and digital signals. Nebraska ETV Network has worked closely with this Member and has informed me and shown evidence that they anticipate using the digital signal to offer multicating and interactive video that will enable the network to address even more needs of children and adult learners. The State of Nebraska has already committed significant resources to convert the nine-station Nebraska ETV Network to digital technology. The funding plan approved by Nebraska's legislature and governor to ensure the Network's compliance with the Federal mandate assumed a commitment from the Federal Government to help close the DTV funding gap. If we are to ensure that our local communities continue to receive the rich educational, cultural and informational programs and services offered by local public television stations, we must help them.

On another issue, the Member would like to commend his colleagues for their continued support of efforts to improve the delivery of health services in rural areas. Specifically, H.R. 3061 provides $142 million for the National Health Service Corps, which plays a critical role in maintaining the health-care safety net by placing primary health-care providers in our nation's most underserved rural and urban communities. The measure also appropriates $1.319 billion for the Consolidated Health Centers program—$150 million more than fiscal year 2001. Community Health Centers (CHCs) provide primary and preventive care to medically underserved and uninsured people, including 5.4 million rural residents. Certainly, this Member commends this effort and encourages the expansion community health center services to address the needs of rural and underserved communities.

This Member is especially pleased that the appropriations bill provides $35 million for the Medicare Rural Health Flexibility Program. Nebraska has been on the forefront of converting rural hospitals to critical access status. As of October 1, 2001, Nebraska has 53 Critical Access Hospitals which is the most in the country.

Furthermore, H.R. 3061 appropriates $52 million to the Rural Health Outreach and Network Development and Research Grant Program and $27.6 million to the Rural Telemedicine Grant program. These grants are available to rural communities working to provide health care services through new and creative strategies including telemedicine and trauma care services.

Additionally, this Member would like to take this opportunity to explain his ''nay'' vote on the amendment offered by the gentleman from Colorado [Mr. SCHAFFER], a vote taken with some reluctance but very careful consideration. Within this Member's home state of Nebraska, the number of children enrolled in special education programs has risen by 3,700 students from 1995–1999, a nine percent increase. This Member has always supported fulfilling the commitment made by Congress made in 1975, which this Member notes was prior to his service in U.S. House, to fund IDEA at 40 percent.

Currently, the Federal Government is funding an average of 12.6 percent of the per pupil expenditure for children with disabilities. The other 27.4 percent of our unfilled promise is a burden that state and local governments are having to include in their budgets. This Member has said for many years now that the one significant way that Congress can help decrease property taxes for his Nebraska constituents as well as to meet their other programmatic, construction or enhanced teacher salary priorities, is to keep the congressional promise to provide 40 percent of the costs of special education.

Of course, it would be ideal to have the full 40 percent funding of IDEA in the Labor, Health and Human Services and Education Appropriations Act. However, the Schaffer amendment would have severely cut appropriations for disadvantaged children through Title I, vocational education and TRIO in order to offset the increase in IDEA funding. The underlying bill (H.R. 3061) provides a $1.4 billion increase for IDEA, which is $400 million above the President's request. Furthermore, this Member notes that over the past two years, funding for IDEA has been increased by $2.7 billion.

Mr. Chairman, in closing, this Member urges his colleagues to support H.R. 3061.

Mr. CASTLE. Mr. Chairman, I am pleased to rise in strong support of H.R. 3061, the FY02 Labor, HHS and Education spending bill.

First, I want to thank Chairman REGULA for his yeoman's work on this legislation. Each year, the spending bill for the Departments of Labor, HHS, and Education is among the most difficult to complete and this year is no exception.

H.R. 3061 builds on investments in education which really began to take off in FY96. At the time, K–12 funding totaled $11.2 billion. Since then, K–12 funding has increased to $20 billion in FY01, and I am pleased to say that this investment continues even today.

More important, H.R. 3061 reflects the bipartisan education priorities that passed the House as part of the No Child Left Behind Act, and it increases funding for programs, like IDEA and Title I, which haven't always received sufficient funding in the past.

Since the enactment of IDEA, Congress has increased funding for State grants under this act from $251.7 million in FY1997 to $6.34 billion in FY2001, with the amount appropriated for State grants nearly tripling in just the last six years.

Under the leadership of former Members PORTER and GOODLING, we have increased funding by more than $4 billion—175% increase in the Federal contribution.

This year we will add an additional $1.4 billion, increasing the total to $7.7 billion. This is the highest level of Federal support ever provided for children with disabilities, with the level of Federal funding growing from 7 percent of the per pupil expenditure to 18 percent.

While this bill may not fully fund IDEA, I believe it takes a significant and responsible step in the right direction. More important, it gives the Education and the Workforce Committee the flexibility it needs to successfully reauthorize the program next year.

H.R. 3061 also helps address the problem of overidentification of special needs children in IDEA by fully funding the President's request on the reading first and early reading first programs. This more than triples our current investment in reading instruction.

We have seen tremendous increases in the number of students, and African American students in particular, diagnosed with learning disabilities and referred to special education. As former Chairman GOODLING used to say, we will never get to full funding until we address this problem.

If we are able to identify and intervene with these children—as proposed in reading first and early reading first—we take the first step in reducing the number of students who cannot read, reduce special education referrals, and pave the way to fully funding IDEA.

On Title I, AID to disadvantaged children, H.R. 3061 appropriates $10.5 billion, an increase of $1.9 billion. This funding will support

the reforms in the No Child Left Behind Act, which will require additional funds to turn around failing schools and ensure all students are proficient in reading and math.

Also critical to the successful implementation of the No Child Left Behind Act, the bill provides $400 million to help States develop and implement the annual reading and math assessments for students in grades 3–8. In so doing, H.R. 3061 puts a downpayment on our system of accountability—the heart of our education reform package.

In conclusion, I want to again thank Chairman REGULA and Chairman YOUNG for their excellent work on this legislation. They have managed to produce a balanced bill that will help our country fundamentally change the way we educate our children for the better.

K–12 FUNDING

[In billions of dollars]

Fiscal year	Funding level[1]
DEMOCRAT MAJORITY	
1990	8.5
1991	9.7
1992	10.7
1993	10.7
1994	11.0
1995	11.3
Note.—Average year increase 6 percent.	
Total spending, $61.9 billion.	
32.9 percent overall increase 1990–1995.	
REPUBLICAN MAJORITY	
1996	11.2
1997	12.5
1998	13.4
1999	15.7
2000	16.6
2001	19.7
Note.—Average year increase 12.1 percent.	
Total spending $89.1 billion.	
75.9 percent overall increase 1996–2001.	

[1] Includes Goals 2000, School-to-Work, ESEA and VocEd.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the order of the House of today, the bill shall be considered for amendment under the 5-minute rule.

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

The Clerk will read.

The Clerk read as follows:

H.R. 3061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

Mr. BASS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do have an amendment to offer. I had planned to offer a couple of amendments having to do with funding for IDEA, special education.

But I have to say that within the constraints of the budget, the distinguished subcommittee chairman, my friend, the gentleman from Ohio (Mr. REGULA), has done an extraordinary job in raising funding for this critical program by $1.375 billion. I believe that is the greatest increase that we have had from this body since I have been here.

It does not meet the objective of reaching 40 percent, or our mandate, within a specified period of 5 or even 10 years, but it recognizes, and certainly it is an extraordinarily commendable effort on the part of this subcommittee, and expresses the intent of this subcommittee chairman to meet this goal as quickly as possible.

We do have opportunities on the horizon. IDEA will be up for reauthorization next year. It is my hope that we can combine the process of reauthorization with an effort to set this Congress on a path to meeting the 40 percent funding goal in a set period of time.

I thank the chairman for his hard work in this area.

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

Mr. BASS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I want to add to that that the minority also is extremely supportive of this increase, and there truly is bipartisan support for the program.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TRAINING AND EMPLOYMENT SERVICES

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; the Women in Apprenticeship and Nontraditional Occupations Act; and the National Skill Standards Act of 1994; $3,485,147,000 plus reimbursements, of which $2,110,707,000 is available for obligation for the period July 1, 2002, through June 30, 2003; of which $1,353,065,000 is available for obligation for the period April 1, 2002, through June 30, 2003; and of which $20,375,000 is available for the period July 1, 2002, through June 30, 2005, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers: *Provided,* That $3,500,000 shall be for carrying out the National Skills Standards Act of 1994: *Provided further,* That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers.

For necessary expenses of the Workforce Investment Act, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Workforce Investment Act; $2,098,000,000 plus reimbursements, of which $1,998,000,000 is available for obligation for the period October 1, 2002, through June 30, 2003; and of which $100,000,000 is available for the period October 1, 2002, through June 30, 2005, for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out title V of the Older Americans Act of 1965, as amended, $440,200,000.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the remainder of title I is as follows:

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I; and for training, allowances for job search and relocation, and related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $11,000,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

In addition, for such purposes, $404,650,000, to become available only upon the enactment of authorizing legislation.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For authorized administrative expenses, $163,452,000, together with not to exceed $3,236,886,000 (including not to exceed $1,228,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980), which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund including the cost of administering section 51 of the Internal Revenue Code of 1986, as amended, section 7(d) of the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Immigration Act of 1990, and the Immigration and Nationality Act, as amended, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 2002, except that funds used for automation acquisitions shall be available for obligation by the States through September 30, 2004; and of which $163,452,000, together with not to exceed $773,283,000 of the amount which may be expended from said trust fund, shall be available for obligation for the period July 1, 2002, through June 30, 2003, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail authorized under 39 U.S.C. 3202(a)(1)(E) made available to States in lieu of allotments for such purpose: *Provided,* That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 2002 is projected by the Department of Labor to exceed 2,622,000, an additional $28,600,000 shall be available for

obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: *Provided further,* That funds appropriated in this Act which are used to establish a national one-stop career center system, or which are used to support the national activities of the Federal-State unemployment insurance programs, may be obligated in contracts, grants or agreements with non-State entities: *Provided further,* That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and to the ''Federal unemployment benefits and allowances'' account, to remain available until September 30, 2003, $464,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 2002, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs, $113,356,000, including $5,934,000 to administer welfare-to-work grants, together with not to exceed $48,507,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Pension and Welfare Benefits Administration, $109,866,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 2002, for such Corporation: *Provided,* That not to exceed $11,690,000 shall be available for administrative expenses of the Corporation: *Provided further,* That expenses of such Corporation in connection with the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as nonadministrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $367,650,000, together with $1,981,000 which may be expended from the Special Fund in accordance with sections 39(c), 44(d) and 44(j) of the Longshore and Harbor Workers' Compensation Act: *Provided,* That $2,000,000 shall be for the development of an alternative system for the electronic submission of reports as required to be filed under the Labor-Management Reporting and Disclosure Act of 1959, as amended, and for a computer database of the information for each submission by whatever means, that is indexed and easily searchable by the public via the Internet: *Provided further,* That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): *Provided further,* That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under title I of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the heading ''Civilian War Benefits'' in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 percent of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $121,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: *Provided,* That amounts appropriated may be used under section 8104 of title 5, United States Code, by the Secretary of Labor to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: *Provided further,* That balances of reimbursements unobligated on September 30, 2001, shall remain available until expended for the payment of compensation, benefits, and expenses: *Provided further,* That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary determines to be the cost of administration for employees of such fair share entities through September 30, 2002: *Provided further,* That of those funds transferred to this account from the fair share entities to pay the cost of administration of the Federal Employees' Compensation Act, $36,696,000 shall be made available to the Secretary as follows: (1) for the operation of and enhancement to the automated data processing systems, including document imaging, and conversion to a paperless office, $24,522,000; (2) for medical bill review and periodic roll management, $11,474,000; (3) for communications redesign, $700,000; and (4) the remaining funds shall be paid into the Treasury as miscellaneous receipts: *Provided further,* That the Secretary may require that any person filing a notice of injury or a claim for benefits under chapter 81 of title 5, United States Code, or 33 U.S.C. 901 et seq., provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.

ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

For necessary expenses to administer the Energy Employees Occupational Illness Compensation Act, $136,000,000, to remain available until expended: *Provided,* That the Secretary of Labor is authorized to transfer to any Executive agency with authority under the Energy Employees Occupational Illness Compensation Act, including within the Department of Labor, such sums as may be necessary in fiscal year 2002 to carry out those authorities: *Provided further,* That the Secretary may require that any person filing a claim for benefits under the Act provide as part of such claim, such identifying information (including Social Security account number) as may be prescribed.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, $1,036,115,000, of which $981,283,000 shall be available until September 30, 2003, for payment of all benefits as authorized by section 9501(d)(1), (2), (4), and (7) of the Internal Revenue Code of 1954, as amended, and interest on advances as authorized by section 9501(c)(2) of that Act, and of which $31,558,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, $22,590,000 for transfer to Departmental Management, Salaries and Expenses, $328,000 for transfer to Departmental Management, Office of Inspector General, and $356,000 for payment into miscellaneous receipts for the expenses of the Department of Treasury, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5) of that Act: *Provided,* That, in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation, interest, or other benefits for any period subsequent to August 15 of the current year.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $435,307,000, including not to exceed $88,694,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than 50 percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in

addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: *Provided*, That, notwithstanding 31 U.S.C. 3302, the Secretary of Labor is authorized, during the fiscal year ending September 30, 2002, to collect and retain fees for services provided to Nationally Recognized Testing Laboratories, and may utilize such sums, in accordance with the provisions of 29 U.S.C. 9a, to administer national and international laboratory recognition programs that ensure the safety of equipment and products used by workers in the workplace: *Provided further*, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees: *Provided further*, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of 10 or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs 10 or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $251,725,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; including up to $1,000,000 for mine rescue and recovery activities, which shall be available only to the extent that fiscal year 2002 obligations for these activities exceed $1,000,000; in addition, not to exceed $750,000 may be collected by the National Mine Health and Safety Academy for room, board, tuition, and the sale of training materials, otherwise authorized by law to be collected, to be available for mine safety and health education and training activities, notwithstanding 31 U.S.C. 3302; and, in addition, the Mine Safety and Health Administration may retain up to $1,000,000 from fees collected for the approval and certification of equipment, materials, and explosives for use in mines, and may utilize such sums for such activities; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $397,696,000, together with not to exceed $69,132,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund; and $10,280,000, which shall be available for obligation for the period of July 1, 2002, through June 30, 2003, for Occupational Employment Statistics.

OFFICE OF DISABILITY EMPLOYMENT POLICY

SALARIES AND EXPENSES

For necessary expenses for the Office of Disability Employment Policy to provide leadership, develop policy and initiatives, and award grants furthering the objective of eliminating barriers to the training and employment of people with disabilities, $33,053,000, of which $2,640,000 shall be for the President's Task Force on the Employment of Adults with Disabilities.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including the management or operation, through contracts, grants or other arrangements of Departmental bilateral and multilateral foreign technical assistance, and $51,708,000 for the acquisition of Departmental information technology, architecture, infrastructure, equipment, software and related needs which will be allocated by the Department's Chief Information Officer in accordance with the Department's capital investment management process to assure a sound investment strategy; $383,568,000; together with not to exceed $310,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund: *Provided*, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278 (1995), notwithstanding any provisions to the contrary contained in rule 15 of the Federal Rules of Appellate Procedure: *Provided further*, That no funds made available by this Act may be used by the Secretary of Labor to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months: *Provided further*, That any such decision pending a review by the Benefits Review Board for more than 1 year shall be considered affirmed by the Benefits Review Board on the 1-year anniversary of the filing of the appeal, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: *Provided further*, That these provisions shall not be applicable to the review or appeal of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed $186,903,000 may be derived from the Employment Security Administration Account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A, 4212, 4214, and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 2002. To carry out the Stewart B. McKinney Homeless Assistance Act and section 168 of the Workforce Investment Act of 1998, $24,800,000, of which $7,300,000 shall be available for obligation for the period July 1, 2002, through June 30, 2003.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $52,182,000, together with not to exceed $4,951,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of Executive Level II.

(TRANSFER OF FUNDS)

SEC. 102. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Labor in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

This title may be cited as the ''Department of Labor Appropriations Act, 2002''.

The CHAIRMAN. Are there any amendments to title I?

Mr. HILLEARY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage the chairman of the subcommittee in a colloquy.

I would ask the gentleman, in the bill language relating to H.R. 3621 he stated that the funding is provided for school improvement programs, including the

rural education program as ''redesignated and amended by H.R. 1 as passed by the House of Representatives on May 23, 2001.''

Is it the committee's intent, Mr. Chairman, that the funding for the rural education program follow the program structure and funding distribution as outlined in H.R. 1, title I, part (G), regarding rural schools?

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

Mr. HILLEARY. I yield to the gentleman from Ohio.

Mr. REGULA. Yes, Mr. Chairman, the gentleman is correct. The committee's intention is to provide funding for programs included in H.R. 1, the No Child Left Behind Act, as it was passed by the House this spring.

Mr. HILLEARY. Mr. Chairman, I thank the chairman for clearing up that ambiguity.

The CHAIRMAN. Are there other amendments to title I?

AMENDMENT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ISTOOK:

Page 18, line 8, after the dollar amount, insert the following: ''(reduced by $3,072,000)''.

Page 21, line 13, after the first dollar amount, insert the following: ''(reduced by $36,170,000) (increased by $33,000,000)''.

Page 22, line 25, after the dollar amount, insert the following: ''(increased by $33,000,000)''.

Page 23, line 4, after the dollar amount, insert the following: ''(increased by $33,000,000)''.

Page 39, line 1, after the dollar amount, insert the following: ''(reduced by $17,708,000)''.

Mr. REGULA. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. A point of order is reserved.

Mr. ISTOOK. Mr. Chairman, the effect of this amendment is to increase by $33 million the amount appropriated for abstinence education, as has been defined by this Congress in previous legislation.

Let me first state, Mr. Chairman, that I appreciate that the gentleman from Ohio (Chairman REGULA) in this base bill has increased the funding for abstinence education. My regret is that it is not to a level that many of us consider satisfactory, but that should not remove our appreciation for the fact that it has been increased.

We have had for many years, for decades, Mr. Chairman, Federal funding for so-called family planning or safe sex programs, as they are often called. But Mr. Chairman, that has not reversed the trend of increase in teen births out of wedlock.

However, in recent years, Federal funding began in 1995 and private funding began in the couple of years before that, and in recent years we have seen a very different approach that has taken place; that is, promoting abstinence as the surest and only way to prevent sexually-transmitted diseases, or to prevent the out-of-wedlock births among teenagers.

Indeed, President George W. Bush, when he was campaigning, made the commitment to bring the level of Federal funding for abstinence education to the same level as we are spending on the family planning and safe sex programs. That is what this amendment does. By the $33 million increase, it brings parity.

What we mean by that is we follow the definition of this Congress to say that we are talking about the funding for education that has as its exclusive purpose teaching the social, psychological, and health gains to be realized by abstaining from sexual activity, and teaching that abstinence from sexual activity outside marriage is the expected standard for all school-aged children, and the only certain way to avoid out-of-wedlock pregnancies, to avoid sexually-transmitted diseases, and to avoid other associated health problems.

Indeed, only with the advent of abstinence education have we seen in the last couple of years a reversal of the long-standing and deplorable trend in this country of increases in teenage unwed births.

□ 1445

Earlier this year, for the first time, grants were made to applicants by the Department of Health and Human Services, putting out the first 20 million in competitive grants for this purpose. They were overwhelmed. It was the greatest tide of applications they have ever seen for any program. Over 359 entities across the country seeking some $165 million applied for a program that only had $20 million available to it.

We need to increase the amount of money we are putting into abstinence education for the benefit of our kids, for the benefit of our Nation, which pays exorbitant costs with out-of-wedlock births and supporting the social problems that come from them, and we need to start reinforcing what we teach our children at home, what we teach our children at church, but too often is undercut by the messages sent by the Federal Government.

Rather than defunding the Federal Government's programs relating to so-called safe sex, we are seeking parity. We are seeking equity which was what the commitment was by President Bush; and indeed, since the original budget was submitted by the Bush administration, the amount that we made available for this bill has gone up by some $2 billion which created the room to make this comparatively minor increase in abstinence education funding.

The Office of Management and Budget has submitted, we have made it available to the Members, their letter supporting this increase in funding to abstinence education. Let us bring the account up from the 40 million it has in the bill to 73 million which will be the effect of this amendment. It is money that we can easily afford to fund. It keeps the commitment certainly of Mr. Bush, but more importantly than that, it keeps in place the values that we teach our kids and says we want to reinforce them and not to be undercutting them.

So, Mr. Chairman, I certainly move the adoption of this amendment that brings parity in the funding of these accounts and within the scope of a bill as large as this one is a comparatively minor adjustment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Ohio (Mr. REGULA) insist on his point of order?

Mr. REGULA. Mr. Chairman, yes, I do.

The CHAIRMAN. The gentleman will state his point of order.

Mr. REGULA. Mr. Chairman, the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK) proposes to amend portions of the bill not yet read. The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment proposes to increase the level of budget authority in the bill.

The CHAIRMAN. Are there any other Members seeking to be heard on the point of order?

Mr. ISTOOK. Mr. Chairman, I wish to be heard.

The CHAIRMAN. The gentleman from Oklahoma is recognized.

Mr. ISTOOK. Mr. Chairman, it is our understanding from the parliamentarian that it is necessary that the amendment be offered at a place in the bill where the first adjustment, the first offset is being made which is the point at which we have offered it in this bill.

Furthermore, it is dollar for dollar the same as the amount that is contained in those sections of the bill involving any sort of transfer.

I would ask the Chair to overrule the point of order.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order? If not, the Chair will rule.

To be considered en bloc pursuant to clause 2(f) of rule XXI an amendment must not propose to increase the levels of budget authority or outlays in the bill. Because the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK) proposes a net increase in the level of budget authority or outlays in the bill as argued by the chairman of the subcommittee on appropriations, it may not avail itself of clause 2(f) to address portions of the bill not yet read.

For that reason, the point of order is sustained.

PARLIAMENTARY INQUIRY

Mr. ISTOOK. Mr. Chairman, would the Chair yield for a parliamentary inquiry?

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. ISTOOK. Mr. Chairman, the inquiry is when the amounts are dollar for dollar the same as within the bill, upon reliance upon what documents can the Chair maintain that it is anything else than dollar for dollar the same amounts. If the Chair is referring to some extraneous document, I think we would like to be aware of that.

The CHAIRMAN. The gentleman from Oklahoma has the burden of proof to show that his amendment and budget authority and outlays is neutral.

Mr. ISTOOK. Mr. Chairman, I offer the fact that on the face of the amendment, it is dollar for dollar the same. If there is anything that says it is not the same, then this body is entitled to know, that we might proceed in order and make sure that valid issues can be undertaken.

The CHAIRMAN. Even if the gentleman's argument is correct, the outlays and budget authority must be neutral. The committee is arguing that, in fact, they are not. The Chair sustains the position of the committee.

Mr. ISTOOK. Mr. Chairman, nobody has given what they purport to be a differing amount of budget authority or outlay.

The CHAIRMAN. The gentleman has the burden of proof. If he has a CBO score, the Chair would be happy to receive it.

Mr. ISTOOK. Mr. Chairman, as a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ISTOOK. Mr. Chairman, if the Chair is referring to any document or source that purports that the BA is any different than the dollar for dollar that is in here, my parliamentary inquiry is upon what does the Chair rely?

The CHAIRMAN. The Chair is relying on assertions of the Committee on Appropriations. The burden of proof lies in the hands of the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, when the Chair says relying upon assertions, the only assertion that has been presented on the floor is the raising of the point of order contesting whether that is the case as opposed to a factual assertion that is the case. If the Chair is relying upon a factual assertion made by the committee or anyone else, that is what I seek to learn.

The CHAIRMAN. If the gentleman wishes to challenge the assertions of the committee, he must have evidence from the CBO.

Mr. ISTOOK. Mr. Chairman, the committee has not made an assertion. The committee has posed a question to the Chair. The Chair has said it has received an assertion but has not told us the source. It has not said that assertion came on the floor in a document, through something extraneous, through this regular order.

The CHAIRMAN. The assertion of the subcommittee is from the gentleman from Ohio (Mr. REGULA), the subcommittee chairman.

Mr. ISTOOK. Mr. Chairman, parliamentary inquiry.

Does that mean that any time that the presenter of a bill on the floor raises a point of order asking the Chair whether something is in order between budget authority and outlay, that the Chair will automatically assume that the point of order is well taken? That seems to be the position that has been asserted.

The CHAIRMAN. The Chair would restate that the gentleman has the burden of proof. The gentleman from Oklahoma (Mr. ISTOOK) has the burden of proof.

Mr. ISTOOK. Mr. Chairman, so the burden of proof is not on the person raising the point of order? Is not that a shift of the burden of proof?

The CHAIRMAN. In this particular case it is on the offerer of the amendment.

Mr. ISTOOK. Mr. Chairman, parliamentary inquiry. Does the burden rest upon the person raising a point of order?

The CHAIRMAN. The offerer of any amendment always has the burden of proof to show that; the burden of proof in showing that their amendment would be in order.

Mr. ISTOOK. Mr. Chairman, does that mean that any person contesting any dollar amendment can always raise a point of order that it is not the same within budget authority and that point of order will automatically be sustained absent some outside authority?

The CHAIRMAN. The Chair would state that if it is a factual contention the offerer of the amendment must, in fact, provide the burden of proof.

Mr. ISTOOK. Mr. Chairman, I have contended that these are the same amounts, and you are saying that the factual assertion of a Member has no standing because of an arbitrary action.

The CHAIRMAN. It is long-standing precedent of the House shown on page 802 of the manual that the offerer of the amendment has the burden of proof under clause 2 of rule XXI.

Mr. ISTOOK. So, therefore, there is no burden of proof resting upon the person who raises a point of order under the Chair's ruling?

The CHAIRMAN. When there is a factual contention the burden of proof is on the offerer of the amendment.

Mr. ISTOOK. I thank the Chairman. We will reoffer the amendment as many times as are necessary to make sure that it is in order.

The CHAIRMAN. Are there further amendments to title I?

The Clerk will read.

The Clerk read as follows:

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, X, XII, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V and sections 1128E and 1820 of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, the Native Hawaiian Health Care Act of 1988, as amended, the Cardiac Arrest Survival Act of 2000, and the Poison Control Center Enhancement and Awareness Act, $5,691,480,000, of which $35,000,000 from general revenues, notwithstanding section 1820(j) of the Social Security Act, shall be available for carrying out the Medicare rural hospital flexibility grants program under section 1820 of such Act: *Provided*, That of the funds made available under this heading, $250,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: *Provided further*, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: *Provided further*, That fees collected for the full disclosure of information under the ''Health Care Fraud and Abuse Data Collection Program,'' authorized by section 1128E(d)(2) of the Social Security Act, shall be sufficient to recover the full costs of operating the program, and shall remain available until expended to carry out that Act: *Provided further*, That no more than $15,000,000 is available for carrying out the provisions of Public Law 104–73: *Provided further*, That of the funds made available under this heading, $264,170,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: *Provided further*, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: *Provided further*, That $649,000,000 shall be for State AIDS Drug Assistance Programs authorized by section 2616 of the Public Health Service Act: *Provided further*, That, notwithstanding section 502(a)(1) of the Social Security Act, not to exceed $116,145,000 is available for carrying out special projects of regional and national significance pursuant to section 501(a)(2) of such Act. For special projects of regional and national significance under section 501(a)(2) of the Social Security Act, $10,000,000: *Provided further*, That such amount shall not be counted toward compliance with the allocation required in section 502(a)(1) of such Act: *Provided further*, That such amount shall be used only for making competitive grants to provide abstinence education (as defined in section 510(b)(2) of such Act) to adolescents and for evaluations (including longitudinal evaluations) of activities under the grants and for Federal costs of administering the grants: *Provided further*, That grants shall be made only to public and private entities

which agree that, with respect to an adolescent to whom the entities provide abstinence education under such grant, the entities will not provide to that adolescent any other education regarding sexual conduct, except that, in the case of an entity expressly required by law to provide health information or services the adolescent shall not be precluded from seeking health information or services from the entity in a different setting than the setting in which the abstinence education was provided: *Provided further*, That the funds expended for such evaluations may not exceed 3.5 percent of such amount.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

Such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended. For administrative expenses to carry out the guaranteed loan program, including section 709 of the Public Health Service Act, $3,792,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: *Provided*, That for necessary administrative expenses, not to exceed $2,992,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

To carry out titles II, III, VII, XI, XV, XVII, XIX, and XXVI of the Public Health Service Act, sections 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal Mine Safety and Health Act of 1977, sections 20, 21, and 22 of the Occupational Safety and Health Act of 1970, title IV of the Immigration and Nationality Act, and section 501 of the Refugee Education Assistance Act of 1980; including insurance of official motor vehicles in foreign countries; and hire, maintenance, and operation of aircraft, $4,077,060,000, of which $175,000,000 shall remain available until expended for equipment and construction and renovation of facilities, and of which $137,527,000 for international HIV/AIDS shall remain available until September 30, 2003, and in addition, such sums as may be derived from authorized user fees, which shall be credited to this account: *Provided*, That in addition to amounts provided herein, up to $93,964,000 shall be available from amounts available under section 241 of the Public Health Service Act to carry out the National Center for Health Statistics surveys: *Provided further*, That none of the funds made available for injury prevention and control at the Centers for Disease Control and Prevention may be used to advocate or promote gun control: *Provided further*, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: *Provided further*, That the Congress is to be notified promptly of any such transfer: *Provided further*, That not to exceed $10,000,000 may be available for making grants under section 1509 of the Public Health Service Act to not more than 15 States.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CANCER INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cancer, $4,146,291,000.

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to cardiovascular, lung, and blood diseases, and blood and blood products, $2,547,675,000.

NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to dental disease, $339,268,000.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to diabetes and digestive and kidney disease, $1,446,705,000.

NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE

For carrying out section 301 and title IV of the Public Health Service Act with respect to neurological disorders and stroke, $1,306,321,000.

Mr. SANDERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had an amendment that I am going to withdraw because I appreciate the work done by the chairman and ranking member on this issue. But I think when we talk about health care, it is important to raise the point about an aspect of health care that is not getting the attention that it needs, and that I would hope that in conference committee the chairman and the ranking member could help us address it. Mr. Chairman, that deals with the crisis in dental care in the United States of America.

I am more than aware of the overall crisis in health care. I strongly support a national health care program that would guarantee health care to every man, woman, and child. I think that we need to make fundamental changes in our health care system. But having said that, it is imperative to talk about something that is very rarely talked about. And that is all over the United States of America, we have children, we have adults, we have senior citizens, who simply cannot gain access to a dental office and get their teeth adequately dealt with.

I held a hearing in Montpelier, Vermont several months ago; and I was stunned to learn in my own city of Burlington we have low-income children who have teeth rotting in their mouths who cannot gain access to a dental office.

There are many reasons for the dental crisis. Number one, we do not have enough dentists in this country; and many of our dentists are getting old and are retiring. And we are not bringing enough younger people into the dental profession. Second of all, the kind of reimbursement rates we have for dental care on the Medicaid are inadequate. Thirdly, the dental clinics all over this country are not giving adequate support to dentistry.

□ 1500

So, Mr. Chairman, if I may ask the chairman of the committee, my friend, the gentleman from Ohio (Mr. REGULA), if he could give me some assurance that in conference committee we can pay more attention than we have to the dental crisis which exists among low-income people in this country.

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

Mr. SANDERS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I think the bill has been pretty sensitive to research; but I believe what the gentleman is addressing is the providing of dental care, and that really would, I think, be a Ways and Means jurisdiction more so than our committee.

Mr. SANDERS. Reclaiming my time, Mr. Chairman, I would respectfully suggest to my friend that there are provisions in this bill which provide grants through the Rural Outreach Grants Program, which include dental programs, although primarily it is not dental. But I would hope that at conference committee time an effort could be made to expand funding or add funding to that in order to make sure that low-income kids in this country do not continue to have teeth rotting in their mouths.

Mr. REGULA. If the gentleman will continue to yield, I understand the problem. I dealt with the Bureau of Indian Affairs for many years, and they have probably as much in the way of dental problems as any group in our society. So I am sympathetic to it. However, it is a matter of where we get the resources to do that.

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

Mr. SANDERS. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply respond by relating this story. I announced the opening of a dental clinic in a four-county area in my district last year. When I was at that clinic, one woman told me that she had a son who was very, very sick. Her husband was also very, very ill and could not work, so she was on Medicaid. She desperately needed a dentist to take the braces off that child's teeth. She could not find one, even though she had called over 30 dentists. As a result, she held the kid down, while the father took the braces off with a pair of pliers.

In my view, that should not happen to any American. I am for anything anywhere that can increase dental care providers and services, and I will do anything that is possibly within our reach to try to deal with the problem. Unfortunately, as the gentleman says, most of what needs to be done is within the Medicaid area, over which this committee does not have jurisdiction.

Mr. SANDERS. Reclaiming my time once again, Mr. Chairman, I thank the

gentleman from Wisconsin for his comments.

I will withdraw my amendment, Mr. Chairman, with the hope that all of us can focus on a major crisis that exists all over this country, perhaps most clearly in rural America, and with the hope that we can work together to begin effectively addressing this.

Mr. QUINN. Mr. Chairman, I move to strike the last word, and I thank the gentleman from Ohio for allowing me the opportunity to talk just for a few minutes about the Low-Income Home Energy Assistance Program, otherwise known as LIHEAP. I want to thank the subcommittee for the $1.7 billion in regular and the $300 million in emergency appropriations for LIHEAP in this bill. This is a generous increase over the President's request, and I believe it will make a significant difference in the lives of many poor people this winter.

The amendment I would have submitted, but which I will withdraw and have withdrawn, would have made advance appropriations for $2 million for LIHEAP for fiscal year 2003, guaranteeing the State LIHEAP administrators a firm figure upon which to plan their advances for next winter. Although there is language in the 2002 budget resolution allowing advance appropriations for LIHEAP, the Committee on Rules this past week did not grant a waiver and the amendment was ruled out of order.

We all know that these LIHEAP funds are most efficiently used when the State LIHEAP administrators know how much money they are going to get before they open up their programs. Winter heating programs need to be prepared for in August before the appropriations have been made. We seem to fight this battle and have the discussion each year. Winter heating seasons, particularly when the appropriations process has been delayed beyond the beginning of the fiscal year, need to begin before the funding generally arrives.

Mr. Chairman, advance appropriations would allow the LIHEAP administrators to know prior to the beginning of the fiscal year what resources they will have to work with. They could therefore plan for a certain amount of money, determine how many applicants they will be able to help, stretch each dollar to its maximum extent, and provide a measure of reassurance for households who very well may have to choose between heat and food.

This is of particular concern this year. I would like to remind my colleagues that the LIHEAP cases were up 30 percent last winter, but most States were only able to help about 15 percent of their applicants. In the emergency appropriations bill passed this summer, there was $300 million in LIHEAP funding. This money should have been distributed immediately to help the families with children and the elderly who were unable to pay for their heating bills from last winter.

The Department of Health and Human Services has signed off on the money; but because OMB has not released the funding, these people are in even worse situation than they were this past summer. Still behind in their bills, still cut off, some of them, from heat, gas, and electricity, and winter is at our doorstep.

I would like to urge the House to press for the release of these emergency LIHEAP funds by OMB immediately and also to allow advance appropriations for this vital and important program next year.

I want to thank the chairman, on behalf of the Northeast-Midwest coalition here in the House, made up of States in our region, Members of both parties, for his attention to this matter.

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

Mr. QUINN. I yield to the gentleman from Mississippi.

Mr. WICKER. Mr. Chairman, I would simply say there has been no greater advocate for the LIHEAP program than my friend from New York, and I appreciate his efforts and I appreciate his remarks. His compliments were directed toward the chairman of the subcommittee; but I think also it is fair to say that the ranking member and the chairman have worked closely together, and I appreciate his acknowledgment of the generosity of the bill as it is with regard to LIHEAP. I would reiterate that the bill includes the highest funding level ever provided for the LIHEAP program at $2 billion.

So I thank the gentleman for his efforts. I am sure he will persevere in the particular idea which he had for us today.

Mr. QUINN. Reclaiming my time, Mr. Chairman, I thank the gentleman very much. We appreciate the cooperation we received from both sides of the aisle in the subcommittee and the full committee.

Mr. SCHIFF. Mr. Chairman, I move to strike the last word to engage in a colloquy with my colleague from California.

Mr. Chairman, I had intended to offer an amendment designed to correct an inequity in current law which penalizes students who attend low-cost colleges. Since 1973, the Federal Pell Grant program has helped nearly 80 million low- and middle-income students pay for college. At just one community college in my district, Glendale Community College, about 3,500 students receive Pell grants each year. And while their tuition may be less than $1,000 for an academic year, the full cost of attendance for a 9-month academic year is estimated to be over $5,600; and that is for a student living at home with parents or relatives.

Unfortunately, these students and others at community colleges in California do not receive the full Pell grant award. At these colleges, books can often surpass the cost of tuition; and add to that other costs and fees of higher education, and there is an enormous burden on the lowest-income students. The tuition sensitivity provision unfairly penalizes these students in States like California, which have kept tuition low by strong State support for higher education. These are the poorest students at the least expensive schools.

My colleagues might be wondering why they have not heard of the tuition-sensitivity provision. The answer is that right now this rule only affects California students. However, as the Pell grant increases, the tuition-sensitivity rule will limit financial aid to students in other States, like Texas, North Carolina, Arkansas, Arizona, New Mexico, and Oklahoma, just to name a few.

By repealing the tuition-sensitivity trigger, we assure fairness and equity; we incentivize States to support higher education, not back away from funding. I want to thank my colleague, the gentleman from California (Mr. McKEON), for all his work on this issue and his willingness to work together in the reauthorization process. He has done an extraordinary job for the students of California.

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

Mr. SCHIFF. I yield to the gentleman from California.

Mr. McKEON. Mr. Chairman, I thank the gentleman, my good friend and neighbor from California, for yielding; and I appreciate the opportunity to discuss this very important issue.

I want to assure my friend that I am very much aware of the Pell grant tuition-sensitivity provisions in current law that limit the ability of California's lowest-income community college students from receiving the maximum Pell grant award. As the chairman of the Subcommittee on 21st Century Competitiveness, which has jurisdiction over higher-education issues, I have long been a strong supporter of addressing the tuition-sensitivity provision.

The tuition-sensitivity provision in the Higher Education Act precludes students, as the gentleman said, from the lowest-cost institutions, like those attending California community colleges, from receiving their full Pell grant eligibility. This affects almost 180,000 students from the California community college system alone.

I want to assure my friend that he has my full commitment to work diligently to find a solution to this problem. I am eager to work with him and others as we move into the reauthorization of the Higher Education Act in the next Congress to ensure that all students have access to quality education.

Mr. SCHIFF. Reclaiming my time, Mr. Chairman, I thank my colleague for all his effort on behalf of the students in California and around this country. I very much look forward to working with him. I also want to thank the chairman and the ranking member for their consideration today.

The CHAIRMAN. Are there other amendments to title II?

If not, the Clerk will read.

The Clerk read as follows:

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(INCLUDING TRANSFER OF FUNDS)

For carrying out section 301 and title IV of the Public Health Service Act with respect to allergy and infectious diseases, $2,337,204,000: *Provided*, That the Director may transfer up to $25,000,000 to International Assistance Programs, ''Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis,'' to remain available until expended.

NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to general medical sciences, $1,706,968,000.

NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For carrying out section 301 and title IV of the Public Health Service Act with respect to child health and human development, $1,088,208,000.

NATIONAL EYE INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to eye diseases and visual disorders, $566,725,000.

NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For carrying out sections 301 and 311 and title IV of the Public Health Service Act with respect to environmental health sciences, $557,435,000.

NATIONAL INSTITUTE ON AGING

For carrying out section 301 and title IV of the Public Health Service Act with respect to aging, $873,186,000.

NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES

For carrying out section 301 and title IV of the Public Health Service Act with respect to arthritis and musculoskeletal and skin diseases, $440,144,000.

NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS

For carrying out section 301 and title IV of the Public Health Service Act with respect to deafness and other communication disorders, $334,161,000.

NATIONAL INSTITUTE OF NURSING RESEARCH

For carrying out section 301 and title IV of the Public Health Service Act with respect to nursing research, $116,773,000.

NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM

For carrying out section 301 and title IV of the Public Health Service Act with respect to alcohol abuse and alcoholism, $379,026,000.

NATIONAL INSTITUTE ON DRUG ABUSE

For carrying out section 301 and title IV of the Public Health Service Act with respect to drug abuse, $900,389,000.

NATIONAL INSTITUTE OF MENTAL HEALTH

For carrying out section 301 and title IV of the Public Health Service Act with respect to mental health, $1,228,780,000.

NATIONAL HUMAN GENOME RESEARCH INSTITUTE

For carrying out section 301 and title IV of the Public Health Service Act with respect to human genome research, $423,454,000.

NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND BIOENGINEERING

For carrying out section 301 and title IV of the Public Health Service Act with respect to biomedical imaging and bioengineering, $39,896,000.

NATIONAL CENTER FOR RESEARCH RESOURCES

For carrying out section 301 and title IV of the Public Health Service Act with respect to research resources and general research support grants, $966,541,000: *Provided*, That none of these funds shall be used to pay recipients of the general research support grants program any amount for indirect expenses in connection with such grants: *Provided further*, That $97,000,000 shall be for extramural facilities construction grants, of which $5,000,000 shall be for beginning construction of facilities for a Chimp Sanctuary system as authorized in Public Law 106–551.

JOHN E. FOGARTY INTERNATIONAL CENTER

For carrying out the activities at the John E. Fogarty International Center, $56,021,000.

NATIONAL LIBRARY OF MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to health information communications, $273,610,000, of which $4,000,000 shall be available until expended for improvement of information systems: *Provided*, That in fiscal year 2002, the Library may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

NATIONAL CENTER FOR COMPLEMENTARY AND ALTERNATIVE MEDICINE

For carrying out section 301 and title IV of the Public Health Service Act with respect to complementary and alternative medicine, $99,288,000.

NATIONAL CENTER ON MINORITY HEALTH AND HEALTH DISPARITIES

For carrying out section 301 and title IV of the Public Health Service Act with respect to minority health and health disparities research, $157,204,000.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For carrying out the responsibilities of the Office of the Director, National Institutes of Health, $232,098,000, of which $53,540,000 shall be for the Office of AIDS Research: *Provided*, That funding shall be available for the purchase of not to exceed 29 passenger motor vehicles for replacement only: *Provided further*, That the Director may direct up to 1 percent of the total amount made available in this or any other Act to all National Institutes of Health appropriations to activities the Director may so designate: *Provided further*, That no such appropriation shall be decreased by more than 1 percent by any such transfers and that the Congress is promptly notified of the transfer: *Provided further*, That the National Institutes of Health is authorized to collect third party payments for the cost of clinical services that are incurred in National Institutes of Health research facilities and that such payments shall be credited to the National Institutes of Health Management Fund: *Provided further*, That all funds credited to the National Institutes of Health Management Fund shall remain available for one fiscal year after the fiscal year in which they are deposited.

BUILDINGS AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For the study of, construction of, and acquisition of equipment for, facilities of or used by the National Institutes of Health, including the acquisition of real property, $311,600,000, to remain available until expended, of which $26,000,000 shall be for the John Edward Porter Neuroscience Research Center: *Provided*, That notwithstanding any other provision of law, single contracts or related contracts, which collectively include the full scope of the project, may be employed for the development and construction of the first and second phases of the John Edward Porter Neuroscience Research Center: *Provided further*, That the solicitations and contracts shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18: *Provided further*, That the Director may transfer up to $75,000,000 to International Assistance Programs, ''Global Fund to Fight HIV/AIDS, Malaria, and Tuberculosis,'' to remain available until expended.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $3,131,558,000.

AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

HEALTHCARE RESEARCH AND QUALITY

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $168,435,000; in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data shall be credited to this appropriation and shall remain available until expended: *Provided*, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed $137,810,000.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $106,821,882,000, to remain available until expended.

For making, after May 31, 2002, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 2002 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or in the case of section 1928 on behalf of States under title XIX of the Social Security Act for the first quarter of fiscal year 2003, $46,601,937,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under section 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of

Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $81,924,200,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, XIX, and XXI of the Social Security Act, titles XIII and XXVII of the Public Health Service Act, and the Clinical Laboratory Improvement Amendments of 1988, not to exceed $2,361,158,000, to be transferred from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as authorized by section 201(g) of the Social Security Act; together with all funds collected in accordance with section 353 of the Public Health Service Act and section 1857(e)(2) of the Social Security Act, and such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended: *Provided*, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act shall be credited to and available for carrying out the purposes of this appropriation: *Provided further*, That $18,200,000 appropriated under this heading for the managed care system redesign shall remain available until expended: *Provided further*, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2002 from Medicare+Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act: *Provided further*, That, for the current fiscal year, not more than $680,000,000 may be made available under section 1817(k)(4) of the Social Security Act (42 U.S.C. 1395i(k)(4)) from the Health Care Fraud and Abuse Control Account of the Federal Hospital Insurance Trust Fund to carry out the Medicare Integrity Program under section 1893 of such Act.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2002, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

PAYMENTS TO STATES FOR CHILD SUPPORT ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), $2,447,800,000, to remain available until expended; and for such purposes for the first quarter of fiscal year 2003, $1,100,000,000, to remain available until expended.

For making payments to each State for carrying out the program of Aid to Families with Dependent Children under title IV–A of the Social Security Act before the effective date of the program of Temporary Assistance to Needy Families (TANF) with respect to such State, such sums as may be necessary: *Provided*, That the sum of the amounts available to a State with respect to expenditures under such title IV–A in fiscal year 1997 under this appropriation and under such title IV–A as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not exceed the limitations under section 116(b) of such Act.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for the last 3 months of the current fiscal year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

LOW INCOME HOME ENERGY ASSISTANCE

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $1,700,000,000.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $300,000,000: *Provided*, That these funds are for the unanticipated home energy assistance needs of one or more States, as authorized by section 2604(e) of the Act and notwithstanding the designation requirement of section 2602(e) of such Act: *Provided further*, That these funds are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $450,224,000: *Provided*, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act for fiscal year 2002 shall be available for the costs of assistance provided and other activities through September 30, 2004: *Provided further*, That up to $10,000,000 is available to carry out the Trafficking Victims Protection Act of 2000.

For carrying out section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), $10,000,000.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $2,199,987,000 shall be used to supplement, not supplant state general revenue funds for child care assistance for low-income families: *Provided*, That $19,120,000 shall be available for child care resource and referral and school-aged child care activities: *Provided further*, That, in addition to the amounts required to be reserved by the States under section 658G, $272,672,000 shall be reserved by the States for activities authorized under section 658G, of which $100,000,000 shall be for activities that improve the quality of infant and toddler care: *Provided further*, That $10,000,000 shall be for use by the Secretary for child care research, demonstration, and evaluation activities.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $1,700,000,000: *Provided*, That notwithstanding subparagraph (B) of section 404(d)(2) of such Act, the applicable percent specified under such subparagraph for a State to carry out State programs pursuant to title XX of such Act shall be 10 percent.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(INCLUDING RESCISSIONS)

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Adoption and Safe Families Act of 1997 (Public Law 105–89), the Abandoned Infants Assistance Act of 1988, part B(1) of title IV and sections 413, 429A, 1110, and 1115 of the Social Security Act, and sections 40155, 40211, and 40241 of Public Law 103–322; for making payments under the Community Services Block Grant Act, section 473A of the Social Security Act, and title IV of Public Law 105–285, and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, section 5 of the Torture Victims Relief Act of 1998 (Public Law 105–320), sections 40155, 40211, and 40241 of Public Law 103–322, and section 126 and titles IV and V of Public Law 100–485, $8,275,442,000, of which $43,000,000, to remain available until September 30, 2003, shall be for grants to States for adoption incentive payments, as authorized by section 473A of title IV of the Social Security Act (42 U.S.C. 670–679) and may be made for adoptions completed in fiscal years 2000 and 2001; of which $620,000,000 shall be for making payments under the Community Services Block Grant Act; and of which $6,475,812,000 shall be for making payments under the Head Start Act, of which $1,400,000,000 shall become available October 1, 2002, and remain available through September 30, 2003: *Provided*, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes: *Provided further*, That the Secretary shall establish procedures regarding the disposition of intangible property which permits grant funds, or intangible assets acquired with funds authorized under section 680 of the Community Services Block Grant Act, as amended, to become the sole property of such grantees after a period of not more than 12 years after the end of the grant for purposes and uses consistent with the original grant.

Funds appropriated for fiscal year 2002 under section 429A(e), part B of title IV of the Social Security Act shall be reduced by $6,000,000.

Funds appropriated for fiscal year 2002 under section 413(h)(1) of the Social Security Act shall be reduced by $15,000,000.

PROMOTING SAFE AND STABLE FAMILIES

For carrying out subpart 2 of part B of title IV of the Social Security Act, $305,000,000. In addition, for such purposes, $70,000,000 to carry out such subpart.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, $4,885,600,000;

For making payments to States or other non-Federal entities under title IV–E of the Social Security Act, for the first quarter of fiscal year 2003, $1,754,000,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, and section 398 of the Public Health Service Act, $1,144,832,000.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six sedans, and for carrying out titles III, XVII, and XX of the Public Health Service Act, and the United States-Mexico Border Health Commission Act, $333,036,000, together with $5,851,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: *Provided,* That of this amount $50,000,000 shall be available for minority AIDS prevention and treatment activities; and $25,000,000 shall be available for an Information Technology Security and Innovation Fund for Department-wide activities involving cybersecurity, information technology security, and related innovation projects: *Provided further,* That no funds shall be obligated for minority AIDS prevention and treatment activities until the Department submits an operating plan to the House and Senate Committees on Appropriations.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $35,786,000: *Provided*, That, of such amount, necessary sums are available for providing protective services to the Secretary and investigating non-payment of child support cases for which non-payment is a Federal offense under 18 U.S.C. section 228: *Provided further,* That, for the current fiscal year, not more than $130,000,000 may be made available under section 1817(k)(3)(A) of the Social Security Act (42 U.S.C. 1395i(k)(3)(A)) from the Health Care Fraud and Abuse Control Account of the Federal Hospital Insurance Trust Fund for purposes of the activities of the Office of Inspector General with respect to the Medicare and Medicaid programs.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $28,691,000, together with not to exceed $3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act and title III of the Public Health Service Act, $2,500,000: *Provided,* That in addition to amounts provided herein, funds from amounts available under section 241 of the Public Health Service Act may be used to carry out national health or human services research and evaluation activities: *Provided further,* That the expenditure of any funds available under section 241 of the Public Health Service Act are subject to the requirements of section 205 of this Act.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan, for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), such amounts as may be required during the current fiscal year.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to support activities related to countering potential biological, disease and chemical threats to civilian populations, $300,619,000: *Provided,* That this amount is distributed as follows: Centers for Disease Control and Prevention, $231,919,000, of which $52,000,000 shall remain available until expended for the National Pharmaceutical Stockpile; and Office of Emergency Preparedness, $68,700,000.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399L(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds appropriated in this Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level II.

SEC. 205. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

(TRANSFER OF FUNDS)

SEC. 206. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfer: *Provided,* That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

SEC. 207. The Director of the National Institutes of Health, jointly with the Director of the Office of AIDS Research, may transfer up to 3 percent among institutes, centers, and divisions from the total amounts identified by these two Directors as funding for research pertaining to the human immunodeficiency virus: *Provided*, That the Congress is promptly notified of the transfer.

SEC. 208. Of the amounts made available in this Act for the National Institutes of Health, the amount for research related to the human immunodeficiency virus, as jointly determined by the Director of the National Institutes of Health and the Director of the Office of AIDS Research, shall be made available to the ''Office of AIDS Research'' account. The Director of the Office of AIDS Research shall transfer from such account amounts necessary to carry out section 2353(d)(3) of the Public Health Service Act.

SEC. 209. None of the funds appropriated in this Act may be made available to any entity under title X of the Public Health Service Act unless the applicant for the award certifies to the Secretary that it encourages family participation in the decision of minors to seek family planning services and that it provides counseling to minors on how to resist attempts to coerce minors into engaging in sexual activities.

SEC. 210. None of the funds appropriated by this Act (including funds appropriated to any trust fund) may be used to carry out the Medicare+Choice program if the Secretary denies participation in such program to an otherwise eligible entity (including a Provider Sponsored Organization) because the entity informs the Secretary that it will not provide, pay for, provide coverage of, or provide referrals for abortions: *Provided*, That the Secretary shall make appropriate prospective adjustments to the capitation payment to such an entity (based on an actuarially sound estimate of the expected costs of providing the service to such entity's enrollees): *Provided further*, That nothing in this section shall be construed to change the Medicare program's coverage for such services and a Medicare+Choice organization described in this section shall be responsible for informing enrollees where to obtain information about all Medicare covered services.

SEC. 211. Notwithstanding any other provision of law, no provider of services under title X of the Public Health Service Act shall be exempt from any State law requiring notification or the reporting of child abuse, child molestation, sexual abuse, rape, or incest.

SEC. 212. (a) Except as provided by subsection (e) none of the funds appropriated by this Act may be used to withhold substance abuse funding from a State pursuant to section 1926 of the Public Health Service Act (42 U.S.C. 300x–26) if such State certifies to the Secretary of Health and Human Services by May 1, 2002 that the State will commit additional State funds, in accordance with subsection (b), to ensure compliance with State laws prohibiting the sale of tobacco products to individuals under 18 years of age.

(b) The amount of funds to be committed by a State under subsection (a) shall be equal to 1 percent of such State's substance abuse block grant allocation for each percentage point by which the State misses the retailer compliance rate goal established by the Secretary of Health and Human Services under section 1926 of such Act.

(c) The State is to maintain State expenditures in fiscal year 2002 for tobacco prevention programs and for compliance activities at a level that is not less than the level of such expenditures maintained by the State for fiscal year 2001, and adding to that level the additional funds for tobacco compliance activities required under subsection (a). The State is to submit a report to the Secretary on all fiscal year 2001 State expenditures and all fiscal year 2002 obligations for tobacco prevention and compliance activities by program activity by July 31, 2002.

(d) The Secretary shall exercise discretion in enforcing the timing of the State obligation of the additional funds required by the

certification described in subsection (a) as late as July 31, 2002.

(e) None of the funds appropriated by this Act may be used to withhold substance abuse funding pursuant to section 1926 from a territory that receives less than $1,000,000.

SEC. 213. (a) In order for the Centers for Disease Control and Prevention to carry out international HIV/AIDS and other infectious disease, chronic and environmental disease, and other health activities abroad during fiscal year 2002, the Secretary of Health and Human Services is authorized to—

(1) utilize the authorities contained in subsection 2(c) of the State Department Basic Authorities Act of 1956, as amended, subject to the limitations set forth in subsection (b), and

(2) enter into reimbursable agreements with the Department of State using any funds appropriated to the Department of Health and Human Services, for the purposes for which the funds were appropriated in accordance with authority granted to the Secretary of Health and Human Services or under authority governing the activities of the Department of State.

(b) In exercising the authority set forth in subsection (a)(1), the Secretary of Health and Human Services—

(1) shall not award contracts for performance of an inherently governmental function; and

(2) shall follow otherwise applicable Federal procurement laws and regulations to the maximum extent practicable.

SEC. 214. The Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative and occupational health professionals.

SEC. 215. Of the funds appropriated for the National Institutes of Health for fiscal year 2002, $2,875,000,000 shall not be available for obligation until September 30, 2002.

This title may be cited as the ''Department of Health and Human Services Appropriations Act, 2002''.

Mr. REGULA (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WELDON of Florida:

At the end of title II, insert after the last section (preceding the short title) the following section:

SEC. 2___. Of the amounts made available in this title under the heading ''HEALTH RESOURCES AND SERVICES ADMINISTRATION—HEALTH RESOURCES AND SERVICES'', $60,000,000 of the amount made available for carrying out part A of title XXVI of the Public Health Service Act is transferred and made available under such heading for the State AIDS Drug Assistance Programs authorized by section 2616 of such Act, in addition to other amounts available under such heading for such State AIDS Drug Assistance Programs.

Mr. OBEY. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) reserves a point of order on the amendment.

The gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Chairman, my amendment shifts $60 million from title II of the Ryan White CARE Act to title I of the Ryan White CARE Act.

What my amendment does is to recognize that fully funding of the AIDS Drug Assistance Program, or ADAP, should receive highest priority. This is a question of life-sustaining drugs versus programs and other services for those with AIDS. One thing we do know, programs and services are of little use if AIDS patients do not have access to life-sustaining drugs.

We have all been visited by those who run the ADAP programs in our States expressing concerns about the shortfall in funding for this critical program. We know that last year hundreds of AIDS patients were unable to access basic lifesaving medication not in Africa, but here in the United States.

As I have shared on this floor before, as a practicing physician prior to coming to Congress in 1995, I provided medical care to hundreds of HIV/AIDS patients. I was one of only two physicians in my community that took care of more than 400,000 people who provided care for AIDS patients, and I know how critical access to life-sustaining drugs can be.

After Medicaid, ADAP is the single most important Federal program for Americans living with AIDS and HIV. ADAP is the component of title II of the Ryan White CARE Act that provides AIDS medications to Americans living with HIV that have no other source of medical coverage.

According to the National Organizations Responding to AIDS, or NORA, the Federal-State partnership in title II ADAP has significantly contributed to the decline in AIDS deaths since 1995. NORA, which is comprised of 175 organizations concerned about AIDS, recommends that a $124 million increase over last year's ADAP appropriation is necessary to ensure that every American infected with AIDS is provided access to life-saving AIDS medications.

The House appropriations bill funds about half of this shortfall.

The ADAP working group wrote: ''We will absolutely be in very serious difficulties if this appropriation isn't raised.''

□ 1515

Mr. Chairman, a lack of the needed $60 million above what is currently in the House bill means more than 5,000 Americans with HIV, on top of those already on the waiting list for ADAP, will not have access to the important life-sustaining combination drug therapies.

Allowing Americans with HIV to stand on waiting lists for access to HIV medications is simply not acceptable. Every State, territory, congressional district, and individual living with HIV with no other access to AIDS medication is dependent on ADAP. Women and those in minority communities living with HIV–AIDS disproportionately rely on ADAP for their AIDS medications.

My amendment closes the $60 million shortfall in ADAP. Unlike ADAP, title I is limited and only serves 51 cities across the country. One of those cities, San Francisco, receives twice the amount per AIDS case as every other city in the country. While title I services provide support for some AIDS patients, not all of these services have the same life-saving impact as ADAP.

Also, while the majority of the programs funded through title I Large Cities Program are worthwhile, many of them are not as critical as the ADAP program. Also of concern is the fact that the Senate recently asked the HHS Inspector General to review some of the very questionable programs that these funds are being used to support. I have received some of these reports on these questionable programs, and I think any reasonable person would conclude that ADAP should receive higher priority.

It is clear to me that with the shift in funding, there is plenty of room to accommodate important title I programs likes Primary Care, while shifting $60 million to purchasing life-sustaining drugs. I urge my colleagues to vote in support of my amendment. The failure to shift this funding will leave 6,400 individuals, primarily women and minorities, waiting in line for life-sustaining AIDS drugs.

Mr. Chairman, I encourage my colleagues to vote ''yes'' on this amendment.

The CHAIRMAN. Does the gentleman from Wisconsin (Mr. OBEY) insist on his point of order?

Mr. OBEY. Mr. Chairman, my understanding is that this amendment is really in the form of a limitation; and, therefore, it should be coming at the end of the bill. I think I would be within my rights if I made a point of order at this point. But out of courtesy to the gentleman and in order to save time, I will withdraw the reservation.

The CHAIRMAN. The point of order is withdrawn.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me simply say that I oppose the amendment of the gentleman from Florida for one very simple reason: it is very easy for any individual Member to second guess what this Committee has done and come to the floor and say we should have put $10 million here rather than having put $10 million there. I have seen many a Member come to the floor;

and no matter how high we have had an individual account, some have said to me, frankly, no matter what the committee puts in, I will offer an amendment to add $10 million or $20 million because that way they get their day in court.

Mr. Chairman, I suggest in this instance we should not do that. The gentleman is trying to take $60 million out of an account that has received a $15 million increase. He is trying to put the money into an account that has received a $60 million increase. This account has already been increased four times as much as the account that the gentleman is trying to take money out of.

Secondly, the treatment grants that the gentleman seeks to cut in fact under this amendment are being cut below last year's level. I do not believe that we ought to do that. I would urge Members of the House to respect the many hours of hearings that we have held on these subjects. These are all judgment calls. I respect the gentleman's right to offer the amendment, but I would urge that Members stick with the committee.

There will be amendments today that I am very much in favor of personally, but which I will oppose because we have an understanding that we are going to try to resist all amendments from either side of the aisle in order to keep the delicately balanced bipartisan bill, which it is at this point; and I would not want to begin to unravel that. Besides, substantively I believe the gentleman is in error in seeking to make the reduction that he is in this account. I would urge defeat of the amendment.

Mr. WELDON of Florida. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for not insisting on his point of order.

Mr. Chairman, I do not plan on asking for a recorded vote on this amendment because I understand there is a very delicate balance here; and I have another amendment that I will probably ask for a recorded vote on. But I just raise the point to say that the accounts where I am trying to move money out of, there is one particular account where I think there has been a fair amount of money spent very unwisely; and the account that I am trying to put this money into I think is a very good use of the limited resources that we have. That is why I seek to offer the amendment.

Mr. OBEY. Mr. Chairman, reclaiming my time, I appreciate that. That again illustrates what Will Rogers said when he said when two people agree on everything, one of them is unnecessary.

The gentleman's opinion may very well be the sound one; ours may very well be the sound one. But in this instance, this bill is the unanimous product of the Committee; and I think we have made the best judgment about where the money ought to go under the circumstances, and I would urge that we not cut this program. This treatment program would be cut below last year's level; and given the problem that we have with this issue, I do not think that we ought to be doing that.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman is not going to ask for a recorded vote, but just to reiterate what he recognizes, too, this is a delicately balanced bill. We tried to balance all of the priorities. This is a good example of it.

The Ryan White program serves a lot of people. This amendment would cut out services to about 11,000 people; and it does focus on the big cities. I think what the gentleman is expressing concern for is right. It is just that we do not have enough money to do everything that we would like to do. I congratulate the gentleman for his concern and for the other areas that he sees as underserved by ADAP.

Ms. PELOSI. Mr. Chairman, I rise in strong opposition to this amendment to take money from primary care services delivered by Title I and move it to the drug purchasing ADAP program. Delivering drugs to the people who need them requires the strong infrastructure established under Title I. Without that infrastructure, we will have a bigger pool of money with which to buy drugs, but fewer people able to take advantage of these life-saving medications. The amendment will merely provide a windfall to the pharmaceutical companies that manufacture these drugs while hurting the people who need them.

The AIDS cocktail involves a complex daily drug regimen. To be effective, drugs must be taken in a consistent manner following every instruction exactly. Failure to do so can result in the medication becoming ineffective in a person. In addition, these medications can have severe side effects, including liver problems, dramatically increased cholesterol, and diabetes. People taking these medications need access to the primary care and support services provided by Title I to ensure proper compliance and effective treatment for any side effects.

Title I benefits the majority of people living with HIV in this country. More than 75% of Americans with HIV reside in the 51 areas that receive Title I funding. Without this funding, the public health systems in these areas will face a major challenge that they are unable to meet. The Ryan White CARE Act was created to prevent such a situation. Also, the CARE Act was designed to provide comprehensive medical services to people with HIV. This amendment will undermine that goal by focusing on only one aspect of treatment.

AIDS medications have been remarkably successful and allowed people to live much longer with a better quality of life. However, this success also means that more people than ever are living with HIV and AIDS in the US and require the services delivered through Title I of the CARE Act. Many who are HIV-positive also have other pressing health concerns, such as Hepatitis C, mental disorders and substance abuse problems. To deal with these challenges, people rely on the overall health infrastructure provided by Title I and cannot be helped by merely receiving AIDS drugs.

I urge my colleagues to oppose the Weldon Amendment.

Mr. NADLER. Mr. Chairman, I rise in strong opposition to the Weldon amendment. This misguided amendment is the very essence of robbing Peter to pay Paul. While I support the worthy goal of increasing the appropriation for the Aids Drug Assistance Program, I cannot do so at the expense of Title I of the Ryan White program.

No one can argue with Dr. WELDON that ADAP funding must be significantly increased. ADAP is a vital program that is severely underfunded. But his answer is truly perverse. He attacks the very infrastructure needed to deliver these important services. If he slashes funding for Title I, he will only make it harder for people living with HIV and AIDS to receive the medication they need under ADAP.

Let's look at what Title I does. Title I directs funding to the metropolitan areas that are home to about 74 percent of all individuals diagnosed with AIDS in the United States. The areas eligible for Title I funding are magnets for individuals from all of the surrounding areas who are in need of the critical primary care and supportive services provided under this program. Whether it's primary health care, dental care, substance abuse treatment, legal services, transitional housing, transportation, or nutritional care, Title I provides the bedrock safety net that people living with HIV and AIDS depend on. The bottom line is that people will die without these services.

If Dr. WELDON wants to increase funding for ADAP, as he should, the answer is not to attack Title I. The answer is to increase the total appropriation. Despite a request for flat funding from the President, I am pleased that the committee provided for a modest increase in Ryan White funding. However, the need is far greater still. Title I alone would require a 30 million dollar increase just to keep pace with inflation. With the modest 17 million dollar increase provided, services will already have to be scaled back and needs will go unmet. To further cut 60 million dollars from this program would be simply devastating.

Indeed, ADAP is significantly underfunded, as well. But the success of the ADAP program, which has kept thousands of people alive, makes the need for Title I money all the greater. As people live longer, they rely on the services provided by Title I. This amendment might temporarily plug one hole, but it would create a much larger one elsewhere. Vote against this dangerous amendment.

Mr. JACKSON of Illinois. Mr. Chairman, I rise in strong opposition to the amendment of the gentleman from Florida.

The gentleman's amendment proposes to take $60 million in funding from Title I of the Ryan White CARE Act and transfer it to the AIDS Drug Assistance Program.

While both of these are critical components of the Ryan White CARE Act, we cannot support moving money from one critical program in the CARE Act to another critical program.

Our nation's response to the HIV/AIDS crisis must be comprehensive and integrated. While the ADAP program needs additional funds, these additional resources should not come from money approved for other bipartisan-supported CARE Act programs, such as Title I, which provides relief to metropolitan areas—like New York and Chicago—that are disproportionately affected by HIV/AIDS. Title I funds support comprehensive HIV health care and treatment and essential services for low-income uninsured and underserved persons living with HIV/AIDS.

Title I provides funds to the most impacted cities for the delivery of critical medical and support service and medications. We cannot take medical services away to provide the increase for ADAP. Funding for the needed increase for ADAP must come from another source, not a medical and support service delivery program.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. WELDON).

The amendment was rejected.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today to call attention to the need for an additional $5 million for fiscal year 2002 to the Department of Labor's International Bureau of Labor Affairs, also known as ILAB, for programs that promote workplace-based HIV–AIDS education and prevention programs and the well-being of children orphaned by HIV–AIDS in developing countries.

More than 36 million people are living with HIV–AIDS worldwide, and more than 10 million children in sub-Saharan Africa alone have lost their parents to this disease. The number of AIDS orphans could climb to more than 40 million by 2010. Mr. Chairman, 40 million orphans in Africa is equal to the number of children east of the Mississippi River in this country. This amount of money equates to less than 13 cents per year per orphan to improve their lives and help make them productive members of their society.

The global HIV–AIDS pandemic is an extremely serious issue that demands our continued attention, and one way to address the crisis is to promote workplace-based education and prevention programs. The ILAB has undertaken an innovative program to address HIV–AIDS through the workplace as part of its efforts to promote safer, healthier, and more productive work environments.

ILAB has already launched a workplace pilot project in the Republic of Malawi in southern Africa. Increased funding will enable ILAB to expand workplace HIV–AIDS education and prevention programs into other developing countries. It will also enable a joint initiative with the Department of Labor's International Child Labor Program to develop programs aimed at children affected by HIV–AIDS.

Mr. Chairman, this is a relatively simple transfer of dollars. The funding for this program comes from the account that contains Job Corps, which receives $75 million more than requested, more than double for fiscal year 2002. This is more than Job Corps can reasonably manage within 1 year, and so we are asking that $15 million be considered. It is only a general funds transfer if it is considered in conference, but it is very important that the intended destination is discussed during floor statements today.

The Congressional Budget Office indicated that a $15 million decrease and $5 million increase was the only way this would work with management and Department outlays. We certainly know that there is a serious and strategic need. This international HIV–AIDS workplace education program has developed a strategic plan for workplace-based HIV–AIDS education focusing on the following three components: prevention education stressing behavioral responsibility, gender issues, and concepts relating to care and support; workplace policy development addressing issues of stigma and discrimination; and capacity building activities for government, employers, and labor to strengthen the response to this crisis.

In the year 2000, IHWEP launched a workplace education pilot project in the Republic of Malawi, implemented by the nongovernmental organization Project HOPE, which is based in Millwood, Virginia.

A task force cochaired by Senators FRIST and KERRY have deemed the issue of AIDS orphans a high priority. These young people are heads of households now that they have no parents; and it provides them with care, vocational training, as well as microfinance opportunities. It aims to enable child-headed households to develop an income-generating skill and reduce the likelihood that they will resort to working in areas where their health and safety may be compromised.

Mr. Chairman, I would sincerely ask that the conference committee consider this request. It is of grave need.

Mr. CARSON of Oklahoma. Mr. Chairman, I move to strike the last word.

Mr. Chairman, today I rise to thank the gentleman from Florida (Chairman YOUNG) and the ranking member, the gentleman from Wisconsin (Mr. OBEY), for their leadership on this complex and difficult appropriations bill; and particularly to express my appreciation for the increase of $10 million to the State Survey and Certification program funded under the Centers for Medicare and Medicaid Services.

The State Survey and Certification program provides States with money to conduct inspections of facilities serving Medicare and Medicaid beneficiaries, and fund the Nursing Home Oversight Improvement Program. The need for adequate funding of these two programs has become painfully clear when we are reminded that 5,283 nursing homes, one out of three nursing homes, were cited for an abuse violation in the last 2 years.

At a time when the Department of Health and Human Services has estimated almost half of all 65-year-olds will use a nursing home at some point during their lives, this is unacceptable and immoral. Today there are 1.5 million people who live in nursing homes, and this figure is expected to rise to 6.6 million by the year 2050. Our loved ones should not be made to fear inadequate care and abuse when entering a nursing home for the first time.

Additional funding for this program is sorely needed. This additional funding that we will agree to today will be distributed to the States to cover survey and complaint visit workloads.

When the daughter of someone living in a nursing home notices that her mother is not receiving adequate care, she should immediately call her State Department of Health to report a complaint or evidence of abuse. However, in my home State of Oklahoma, as in many other States, these complaints are not investigated in a timely manner.

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The State Department of Health simply does not have adequate funding to hire and train enough inspectors to investigate all of the complaints submitted. And most family members are left without any other possible recourse, unable to afford home health care or staying home from work to care for their loved one themselves. How, then, can we justify pouring Federal money into these facilities as so much of our taxpayer dollars do flow into nursing homes when the government cannot ensure the safety of the residents?

To ensure their safety, we must continue to increase funding to CMS's State survey and certification program. An increase of only $10 million for fiscal year 2002 is a good start but is certain not to address the many needs that will expand in years to come.

Again, I thank the chairman and ranking member for their work on this issue and for increasing funding to this important program by $10 million. Nevertheless, I ask that you continue to work for increased funding of this vitally important program in the conference committee and in future fiscal years. Knowing the commitment of both of these gentlemen to this important issue, I know that they will work with me to see that this is done.

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

Mr. CARSON of Oklahoma. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I simply want to thank the gentleman for his

interest in this program. I know he has been most interested in seeing that we appropriate as much money as possible for the inspection of nursing homes and I appreciate his leadership on this issue.

Mrs. ROUKEMA. Mr. Chairman, I move to strike the last word and engage Chairman REGULA in a colloquy.

Mr. Chairman, in H.R. 3061, the elementary school counseling program is funded in this bill at $30 million, which is last year's appropriations level. The counseling program is the only Federal program designed to increase student access to qualified school-based mental health professionals. It is a vital program and particularly relevant and timely in the wake of the World Trade Center tragedies and the increasing violence levels in our schools.

Mr. Chairman, experts tell us that the psychiatric consequences of traumas of this kind, social traumas of this kind, may not show up for weeks or months in the form of post-traumatic stress disorder or other serious mental and emotional problems. I am particularly concerned about the effects this will have on our children. As the gentleman may well remember, the National Institute for Mental Health, following the Oklahoma City bombing, did a great in-depth study and it demonstrated that it took months, if not years, for the development of mental health problems in children not directly affected by the traumatic event.

Mr. Chairman, I am concerned that our schools are not adequately equipped to address the mental health needs of our students. Even before September 11, our Nation was experiencing an urgent need for school-based mental health services, and this is certainly evidenced by problems such as bullying, aggressive behavior, substance abuse and violence in the schools. We know that. We have all been familiar with it.

I would like to particularly point out to the chairman and to our colleagues here that back in January of this year, Dr. David Satcher, the Surgeon General, released a report on youth violence which identified mental health services as a necessary component of effective programs to prevent youth violence.

Mr. Chairman, children spend a large percentage of their time in school. Teachers and other professionals have the chance to identify potential problems and get children the help they need. Mental health programs in a school environment make good sense. With a small increase in funding for school-based mental health services, we will see dramatic, far-reaching effects.

To conclude, I would like to state to the chairman, clearly there are many objective reasons to assert the need for increased funding. Indeed, other programs in this bill have increased funding, including a new mentoring program which is funded at the same level as the counseling program. I would simply like to ask the chairman if he could work in conference to increase funding for this program to ensure that the mental health needs of our Nation's children are appropriately addressed. Again, let me say, this is a cost-effective investment. Providing mental health services now will avert far more significant problems and far more costly problems in the future.

Mr. REGULA. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from Ohio.

Mr. REGULA. I thank the gentlewoman for her comments and assure her that I will work in conference to increase funding for the elementary school counseling program.

Mrs. ROUKEMA. I thank the chairman. I appreciate his attention and this colloquy.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to first associate myself with the remarks of the gentlewoman from New Jersey whose leadership in the area of mental health parity has been well known and whose work in this area is something I applaud greatly.

It is also a great pleasure for me, Mr. Chairman, to rise in strong support of this bipartisan bill. Before I get into the substance of this legislation, I would like to commend both our chairman, Chairman REGULA, as well as our ranking member, our Democratic leader on this committee, our ace-in-the-hole, DAVID OBEY, for the fantastic work that he has done to make this a very open and inclusive process.

Also, Mr. Chairman, as a new member of the committee, I would like to acknowledge the work of the staff who have managed to put a very difficult piece of legislation into proper order. I especially want to thank Cheryl Smith and David Reich and Christina Hamilton all for their good work as well as to acknowledge my own staff member, Matt Braunstein, for the great work he has done in offering his enthusiasm and dedication to this effort.

On the issues, Mr. Chairman, I would like to be noted for speaking up as the gentlewoman from New Jersey has just done in the area of mental health. Right now, according to the World Health Organization, mental illnesses are the second most disabling family of diseases in industrialized nations, trailing only cardiovascular diseases. According to the Surgeon General, more than 54 million Americans, about 20 percent, have a mental disorder in any given year, although fewer than 8 million even seek treatment. This is obviously because of insurance barriers as well as the overwhelming stigma that continues to exist when it comes to diseases of the brain, which are somehow not equated to diseases of the rest of the body for some strange reason.

Mr. Chairman, it is my opinion that the mental health and emotional stability of our country represents the next big public health challenge that we have as a Nation, especially in the wake of the September 11 attack. It is for these reasons that I have been so honored to work with our colleagues on this bill to see that we had a $20 million increase in the mental health block grant. This is especially important, because it is consistent with President Bush's New Freedom Initiative as well as the Supreme Court's Olmsted decision which talks about community-based services for those in need.

There is also, Mr. Chairman, an initiative which I cosponsored with Ranking Member OBEY to have a $5 million set-aside for the seniors mental health initiative. Senior citizens are growing in this country as a percentage of our overall population. Yet our country is not prepared to meet the unique challenges of our senior citizen population as it grows. As it was said, 20 percent of our population experiences mental disorders and it is not surprising that much of this occurs within our senior population, given the enormous depression that they face with loss of loved ones and with loss of their own health. They need the assistance and support to cope with these challenges, and I hope this initiative will begin the way towards this problem.

Mr. Chairman, in addition to these initiatives in the area of mental health, I want to acknowledge a few other areas in the bill that I strongly support. Among them is the area of family literacy. Mr. Chairman, we know with the 21st Century Learning Centers that we are able to address the needs of as many as 8 million ''latchkey'' children who are left alone unsupervised. The 21st Century Learning Centers give them a place to go as well as a place to grow, and that is why I am so pleased that we are able to increase the funding for this program, thereby allowing school districts like mine in Rhode Island, like Pawtucket, Providence and Central Falls, to all be able to continue their after-school programming.

In addition to family literacy, the Even Start program, which is also about family literacy, is being well funded in this program. Even Start is about making sure that parents are able to read and write, because if the parent is able to read and write, their children have a much better crack at being able to read and write themselves. That is why adult literacy should really be viewed as family literacy, because when you help the parents, you certainly help the children as well. That is why I am so supportive of

this committee's work to increase this funding by $10 million.

Finally, Mr. Chairman, I think that we did a great job increasing funds for IDEA, the Individuals with Disabilities Education Act, particularly part C. This is the toddler's program. This is the area where if we invest early, we gain a great deal of return for our investment down the road.

For all these reasons, I support this important bill and ask that its adoption be supported unanimously by this House of Representatives.

Ms. NORTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had an amendment at the desk which I intend to withdraw out of appreciation for the way in which Chairman REGULA and Ranking Member OBEY have preserved the Porter initiative to combat obesity and overweight in the American population.

Originally Mr. Porter, our former colleague, for the first time placed $125 million in the 2001 budget for a program directed against obesity and overweight in children. My amendment would have sought full funding. I am very appreciative that the chairman and ranking member have kept this initiative from being defunded by placing $85 million in the 2002 budget.

This is a major legacy of our former colleague, John Porter. It is something he worked on for some years and in his last year I worked with him. This initiative marks the first time the Congress has given more than token funding to the most serious, widespread health problem in the United States today, and that is overweight and obesity. Fifty percent of Americans are either overweight or are obese.

At the time that this matter was on the floor last year, Chairman Porter engaged in a colloquy with me on this provision. In that colloquy, to quote briefly from it, I asked the chairman if he would agree that some of the $125 million in this Labor-HHS bill be spent on the activities specified in the LIFE bill legislation. That was my legislation, Mr. Chairman, Lifetime Improvement in Food and Exercise.

Chairman Porter answered: I support the LIFE bill and believe that some of the $125 million in additional funding I have included in this appropriation bill for the CDC should be directed toward the initiatives of the LIFE legislation.

The major difference in the LIFE legislation is that it applies beyond children to Americans of all ages. Americans of all ages, of all races, of all backgrounds and educational groups are experiencing this epidemic in obesity and overweight.

I am pleased that the funding for the education part of this initiative has already begun. The LIFE bill would also promote training by health professionals to recognize the signs of obesity and then to recommend prevention activities and actual strategies so that people engage in exercise and other activities designed to mitigate this extraordinary problem we have in our country.

The importance of this initiative springs from the fact that it is the major contributor to some of the most serious preventable diseases in the American population, everything from high cholesterol and Type II diabetes to arthritis and cancer. The fact that there has been a 100 percent increase in obesity among children in the last 15 years ought to itself make us all pause. It means that these children are on their way to death early unless somehow we can put our country on a different path, a path where people get out and walk, a path where there is less in fatty foods and caloric foods and more in the kind of ordinary, everyday exercise that can mean the difference now between life and death.

I am very appreciative but not very surprised that the Chair and the ranking member of this committee would understand that to get this kind of funding finally and then to have it evaporate in a single year would have done a disservice to this very serious health problem. I am very appreciative for what they have done. I would like to work with them in future years so that we can, in fact, get this matter up to full funding. That way we will see it save much in Medicare and Medicaid, not to mention the health care bill of Americans in general.

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The CHAIRMAN. Are there additional amendments to title II?

AMENDMENT OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WELDON of Florida:

At the end of title II, insert after the last section (preceding the short title) the following section:

SEC. 2____. Of the amounts made available in this title under the heading ''CENTERS FOR DISEASE CONTROL AND PREVENTION—DISEASE CONTROL, RESEARCH, AND TRAINING'', $40,000,000 of the amount made available for communicable disease activities (HIV/AIDS, tuberculosis, and sexually transmitted diseases) is transferred and made available under the heading ''HEALTH RESOURCES AND SERVICES ADMINISTRATION—HEALTH RESOURCES AND SERVICES'' for child-health activities under title V of the Social Security Act (relating to the Maternal and Child Health Services Block Grant), in addition to other amounts available under such Health Resources heading for such child-health activities.

Mr. OBEY. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Chairman, my amendment addresses the silent epidemic that is hitting our Nation's children at an alarming rate. Autism is the most prevalent developmental disorder in America. A couple of decades ago, autism struck a few children out of every 10,000. Today it hits as many as 1 in 250. Over 500,000 Americans are autistic.

My amendment increases funding for the Maternal and Child Health Block Grant program by $40 million. This will provide States with funding for early diagnosis and intervention for children with autism and other developmental disorders. Early diagnosis and intervention is critical in helping these children reach their greatest potential.

For point of reference, it is important to note that the number of Americans suffering from autism is more than half the total number of Americans living with HIV and AIDS. However, you would not know this from looking at the budgets of CDC and NIH. Last year, the CDC spent $12 per person for every person with autism. Conversely, CDC spent about $800 per person for every person with HIV–AIDS.

Children are diagnosed with autism through no fault of their own, and we spend almost nothing to figure out why they are autistic.

We have an opportunity to provide $40 million for autism early intervention. My amendment shifts $40 million from CDC's HIV prevention account to the Maternal and Child Health Block Grant. Even with the adoption of my amendment, CDC's HIV prevention budget receives an $80 million increase.

I am concerned about some of the activities that are being funded by the CDC. If the CDC can fund questionable activities, it says to me there is too much money in that account. I believe that shifting $40 million of the $120 million increase to assist lower income families would be a better use of these funds.

What type of questionable programs am I talking about? I ask Members to weigh these activities against helping lower income parents with their autistic children.

Some of the questionable programs receiving taxpayer assistance include recently in St. Louis, Missouri, the mayor had to get $50,000 worth of offensive billboards pulled down. Why? Because they were too offensive for the community. They were paid for with CDC's HIV prevention funds.

On August 21, there was a workshop where people could come and learn about sex techniques and share stories about their sexual experiences and turn-ons. This was funded through the CDC with funds from Stop AIDS Project, San Francisco.

On August 23, there was a GUYWATCH in San Francisco, a program for homosexuals under the age of 25 where they can come and ''meet other young guys.''

Also several television ad campaigns across the country funded with Federal

tax dollars have been pulled because they offended most viewers. If people want to sponsor and attend such programs, that is their business. However, if they want to use taxpayer dollars for it, I think we need to look into it and weigh it against other priorities.

Most reasonable people would say we have other more important priorities. Prior to coming to Congress in 1995, I treated hundreds of AIDS patients. I was one of only two physicians in my community of more than 400,000 who took care of these AIDS patients. I have been at the bedside of dying AIDS patients. I have gotten up in the middle of the night to provide medical care for them. I have compassion for them and their needs.

I would not be offering this amendment if I did not feel the cause required it. I believe that a $80 million increase rather than a $120 million increase should be more than enough for this program. I encourage my colleagues to support the amendment.

The CHAIRMAN. Does the gentleman from Wisconsin insist on his point of order?

Mr. OBEY. Mr. Chairman, as was the case with the gentleman's previous amendment, I think it is drafted in such a way that it makes it clear it is a limitation, and therefore ought to be offered at the end of the bill. So I think the point of order would hold if I were to insist upon it.

Again, I would simply at this point reserve my reservation and I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, let me simply say to the gentleman, he has talked to me about his concern about providing additional funding for autism. I very much agree with that; and, as a matter of fact, I agree with some of the comments he just made about some of the wasteful uses of some of the funds in the program that he is discussing cutting. About 4 years ago, I made a similar objection myself.

I would urge the gentleman to withdraw the amendment, with the assurances that both the gentleman from Ohio (Mr. REGULA) and I and the rest of the conferees will try in conference to gain additional financial support for programs directed at autism, and a number of others, for that matter.

I think the gentleman is correct in bringing it to our attention. I hesitate to support the proposal as the gentleman is offering it, because in addition to the limitations on the AIDS program that he is talking about, we would also be reducing funding that would go for dealing with diseases such as TB. That almost got out of the bottle a few years ago. I do not want to see that happen again.

I would just urge the gentleman to respect the agreement that the gentleman from Ohio (Mr. REGULA) and I have to oppose all amendments, no matter how meritorious we might find parts of them. We would both be happy to work with the gentleman in conference to try to accomplish what the gentleman is trying to accomplish.

Mr. WELDON of Florida. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for his comments and his willingness to work with me on this issue. His points, I think, are very well taken.

I personally have been very grieved over the years that I have worked here to see the tremendous amount of money that we spend on HIV and the relatively minimal amount of money we spend on autism. Actually the number of people with HIV and AIDS is about twice the number of autism, but if you look at the people who are actually falling into the AIDS category, it is about the same for both diseases. What is particularly grievous is that many private insurance companies do not cover the care that these kids need.

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

Mr. OBEY. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I agree that this is a concern. I had a conversation with the sponsor of the amendment, and I understand the need for this funding. We have a tough time balancing off all the different problems that afflict us in terms of disease and research. I do want to talk to the NIH folks and see if we could get a little more urgency on the part of NIH in doing research. Of course, we will also, in the conference, see if we cannot get some additional funding for this program.

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

Mr. WELDON of Florida. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my first order of business is to rise to support this legislation and to acknowledge the chairman of this committee, the gentleman from Florida (Mr. YOUNG); and the ranking member of the full committee, the gentleman from Wisconsin (Mr. OBEY); and the subcommittee chair, the gentleman from Ohio (Mr. REGULA); as well the gentleman from Wisconsin (Mr. OBEY), the ranking subcommittee member on this legislation.

Allow me, Mr. Chairman, to first acknowledge that this is a monumental piece of legislation, so I rise to emphasize the issues that are important not only to Texas, but to my home community.

The increase in the education funding is of crucial concern in the fact that I just attended this past week a high school that had 3,042 students in one school. We are in need of assisting the education of our children, to create for them an opportunity, and I applaud the increase of the education funding generally.

We as well face an increasing epidemic in HIV-AIDS, particularly African-American and Hispanic women, the rising numbers, and the increase in dollars in the Ryan White treatment dollars will help reach in underserved communities as well as serve those who have been exposed or who are subject to the AIDS epidemic.

We have had an energy explosion or a concern with our energy needs, and the funding for LIHEAP is a very important addition.

Might I also say that I rise in support of the substance abuse and mental health funding as well. The increase that this committee has provided, along with the increased dollars for Medicare grants to States, is very important to the State of Texas. Even as we speak, there is a dispute in Texas as to whether public hospitals can be held liable for serving the indigents, who happen to be immigrants who may not be documented.

We know that our responsibility is to care for the ill. We want to use Federal funds responsibly. Texas needs those dollars, and as well we use our local funds to serve those who come to our doors who need good health care. We know that there is no grounds to hold these public hospitals liable, and we hope to resolve that matter very quickly.

I rise as well to indicate my concern with the issues of September 11, as so many of us have done, but to put particular emphasis on the children.

Tomorrow, the Congressional Children's Caucus, that I chair and that the gentlewoman from Florida (Ms. ROS-LEHTINEN) co-chairs, will hold a briefing on a very important issue; and that is the impact of September 11 on the children of those who died, a guardian, single parent, two parents, that may have been lost.

I was intending to offer two amendments to indicate the importance of focusing on the needs of those children. Right now we do not even have an accounting of those children. We know that there are about 500 children of police and fire parents who were lost, 500 children being impacted. We know that in one city in New Jersey, 25 dads were alleged to have been lost.

I had intended to offer an amendment of $375 million to fund the promoting safe and stable families. The primary goal of promoting safe and stable families is to prevent the unnecessary separation of children from their families.

We know that those children who lost parents cannot be reunited with their parents, their birth parents, but Congress can assist these children in obtaining appropriate living arrangements by targeting critical adoption services.

My other amendment was to add $20 million in grants to the States for adoption incentive programs to be able to help move those adoptions along faster.

I had intended also to put into this legislation the language of H. Con. Res. 228, a bipartisan sense of Congress bill supported by Republicans and Democrats to move to the front of the line those children who suffered the loss of a parent, a guardian, or two parents in the September 11 tragedy.

I want to applaud the organizations today who appeared at the Lincoln Memorial, child survival organizations, focusing on the loss and impact 1 month after this terrible impact of the children.

□ 1600

Mr. Chairman, I would hope that this Congress, and certainly I know the gentleman from Wisconsin (Mr. OBEY) has been a great champion of children and mental health needs, would support the idea of moving these children up so that they could utilize the Federal benefits that they might be eligible for and that this Congress would be sensitive to the needs of the terrible loss of September 11 with children as our concern.

I am not going to offer these amendments, because I would like to work with the leaders of this particular bill and work with them through the conference that the dollars that have been allotted, that they will be certainly available for these children as they are made eligible.

Mr. REGULA. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I think the gentlewoman is addressing what is a serious problem. This is just one of the many fall-outs of September 11. There will be more yet to come, and I think we need to be sensitive to it. Probably as time flows along, the problems that the gentlewoman is discussing will become even more evident. It is an authorizing problem, as the gentlewoman realizes, and I am sure that the gentlewoman's amendment will be before the authorizing committee for a hearing. But we are well aware of it. Any portion that we deal with here, we have tried to put adequate funding in.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman. I would simply like to close, Mr. Chairman, by saying that there will be an important briefing tomorrow where we will hear from parents who are taking care of children who have lost one parent. I believe this bill is a strong bill, but it is very important that we look at those needs that impacted the children pursuant to the September 11 terrible tragedy.

Mr. Chairman, I rise to reject the spirit that animates both this rule and the larger debate we will hold here regarding Labor/HHS appropriations. While I appreciate the image of bipartisanship this open rule suggests, the actions of the rules committee allowing the Gentlelady from Pennsylvania to offer her controversial amendment casts a shadow over that image.

For the leadership to allow this controversial school spending provision as a ride to this spending package with full knowledge that the parties had previously agreed to waive the layover on the bill is the essence of divisiveness, and gives all too clear an indication as to the divisive directions the Leadership wishes to drive this country.

The Chairman of the committee has been quoted as saying that the structure for this rule "goes back to agreements that were struck several months ago." Mr. Chairman, I submit to you that this is precisely the wrong reason to go forward in this fashion. These are new times we live in, and we are faced with daunting struggles in the weeks ahead. Bipartisanship does not connote a carte blanche for those in authority to abuse their position. The work is supposed to invoke a spirit of cooperation that ought to animate our proceedings, conduct, and consciousness in this different time. This rule does not achieve this lofty, yet attainable goal.

In pursuit of this goal I will offer two amendments to this bill. The first calls for increased funding the Promoting Safe and Stable Families program under subpart 2 of part B of Title IV of the Social Security Act. The primary goals of Promoting Safe and Stable Families are to prevent the unnecessary separation of children from their families, and ensure permanency for children by reuniting them with their parents, by adoption or by another permanent living arrangement.

The children who have lost their parents or guardian in the September 11, 2001 tragedies cannot be reunited with their birth parents, but the Congress can assist these children in obtaining the appropriate living arrangements by targeting critical adoption services. These children are in need of foster care assistance, adoption assistance, medical, nutritional and psychological care. These service are needed now.

Under this amendment, states could determine the specific needs of children and families affected by these attacks, and use these funds to address those needs expeditiously, within the broad parameters of the existing program.

The second amendment increases by $20,000,000 the grants to the States for adoption incentive payments as authorized by Section 473 A of Title IV of the SSA (42 USC 670–679) and may be made for adoptions completed in FY 2001 and 2002.

Unlike the rider to this appropriations bill, these amendments are timely and promote both the immediate needs of children and families affected by the tragedies of September 11 and the spirit of cooperation our nation desperately needs.

Mr. Chairman, I rise in support of H.R. 3061, the Labor Health and Human Services and Education Appropriations Act for Fiscal Year 2002.

On October 2, the President sent a letter to the Republican and Democratic leaders of the House and Senate and the chairman and ranking member of the House and Senate Appropriations committees in which he stated that he supported the bipartisan agreement to set FY 2002 discretionary spending levels at $686 billion. Mr. Chairman, this is the first time in several years that the Labor, Health and Human Services and Education Appropriation bill reached a bipartisan agreement in the committee and with the administration.

I want to applaud the Chairman and Ranking member for their hard work on this bill.

The Labor Health and Human Services and Education Appropriations Act for Fiscal Year 2002 will touch the lives of many American citizens including our children. This legislation provides critical funding for Fiscal Year 2002 for a host of programs that improve the lives. At a time when our nation has been shaken through tragedy, this legislation is yet another sign of our strength and resolve to go forward with the American way of life.

Mr. Chairman, I want to point out some of the key provisions of this bill, which I believe to be critical during these difficult times.

Mr. Chairman, the bill language calls for $375,000,000 to fund the Promoting Safe and Stable Families program under subpart 2 of part B of Title IV of the Social Security Act. The primary goals of Promoting Safe and Stable Families are to prevent the unnecessary separation of children from their families, and ensure permanency for children by reuniting them with their parents, by adoption or by another permanent living arrangement.

The children who have lost their parents or guardian in the September 11, 2001 tragedies cannot be reunited with their birth parents, but the Congress can assist these children in obtaining the appropriate living arrangements by targeting critical adoption services. These children are in need of foster care assistance, adoption assistance, medical, nutritional and psychological care. These services are needed now.

Congress should target additional funds towards addressing the specific child welfare needs of children and families affected by the September 11 attacks.

The types of services that are offered under the Promoting Safe and Stable Families program are very broad. Those services include family preservation, family support, family reunification, adoption promotion and support. Further, states have wide discretion in the use of these funds.

Therefore, states could determine the specific needs of children and families affected by these attacks, and use these funds to address those needs expeditiously, within the broad parameters of the existing Promoting Safe and Stable Families program.

I encourage the adoption of report language in the bill that would urge the head of each federal agency responsible to put the highest possible priority on delivery, and to the maximum extent possible, to do so within 60 days

of the date of the determination of the death of the child's parent or guardian.

Also, Mr. Chairman, this legislation provides additional funding for the fight against HIV/AIDs in developing countries. During the August recess, I lead a congressional delegation to Guatemala and Honduras, along with the Global Health Council and USAID. There, I visited health clinics and centers that are working to reduce malnutrition and improve the health of children in their communities. While I was impressed by the resourcefulness and commitment of our friends and neighbors as they work to care for the most vulnerable children, such progress will not continue without continued support from the U.S. Mr. Chairman, I am pleased that this legislation allows the transfer up to $75,000,000 to International Assistance programs through the "Global Fund to Fight HIV/AIDs, Malaria, and Tuberculosis." Mr. Chairman, these funds are to remain available until expended.

Mr. Chairman, this bill provides additional funding the Low Income Home Energy Assistance program in the amount of $300,000,000. The funds provided in this bill for the Low Income Home Energy Assistance program are needed because of the increase in unemployed Americans. Low-income households are having an increasingly difficult time paying their home energy bills. Last year, Mr. Chairman, the number of households receiving energy assistance increased by 30% from 3.9 million to almost 5 million. Twelve states reported increases of more than 40%.

EXPLANATION OF REPORT LANGUAGE: PAGE 42 OF THE BILL PROMOTING SAFE AND STABLE FAMILIES

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Therefore, states could determine the specific needs of children and families affected by these attacks, and use these funds to address those needs expeditiously, within the broad parameters of the existing Promoting Safe and Stable Families program.

The report language in the bill should urge the head of each federal agency responsible to put the highest possible priority on delivery, and to the maximum extent possible, to do so within 60 days of the date of the determination of the death of the child's parent or guardian.

EXPLANATION OF THE AMENDMENT: #1

Explanation: this amendment increases by $20,000,000 the grants to the States for adoption incentive payments as authorized by Section 473A of Title IV of the SSA (42 U.S.C. 670–679) and may be made for adoptions completed in FY 2001 and 2002.

The offset is provided by reducing $20,000,000 from the Community Services Block Grant Act.

The additional $20,000,000 is targeted to assist the states with adoptions initiated after September 11, 2001 and where the child lost a parent as a result of the attack on America.

The CHAIRMAN. Are there additional amendments to title II?

The Clerk will read.

The Clerk read as follows:

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965, as redesignated and amended by H.R. 1 of the 107th Congress, as passed by the House of Representatives on May 23, 2001, and section 418A of the Higher Education Act of 1965, $12,547,900,000, of which $5,667,700,000 shall become available on July 1, 2002, and shall remain available through September 30, 2003, and of which $6,758,300,000 shall become available on October 1, 2002 and shall remain available through September 30, 2003, for academic year 2002–2003: *Provided*, That $8,037,000,000 shall be available for basic grants under section 1124: *Provided further*, That $1,684,000,000 shall be available for concentration grants under section 1124A: *Provided further*, That $779,000,000 shall be available for targeted grants under section 1125.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VI of the Elementary and Secondary Education Act of 1965, as redesignated and amended by H.R. 1 of the 107th Congress, as passed by the House of Representatives on May 23, 2001, $1,130,500,000, of which $982,500,000 shall be for basic support payments under section 8003(b), $50,000,000 shall be for payments for children with disabilities under section 8003(d), $35,000,000 shall be for construction under section 8007, $55,000,000 shall be for Federal property payments under section 8002, and $8,000,000, to remain available until expended, shall be for facilities maintenance under section 8008.

AMENDMENT OFFERED BY MR. SCHAFFER

Mr. SCHAFFER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHAFFER:

In title III under the heading ''EDUCATION FOR THE DISADVANTAGED'', after the first dollar amount insert ''(reduced by $50,000,000)''.

In title III under the heading ''SCHOOL IMPROVEMENT PROGRAMS'', after the first dollar amount insert ''(reduced by $410,000,000)''.

In title III under the heading ''BILINGUAL AND IMMIGRANT EDUCATION'', after the first dollar amount insert ''(reduced by $240,000,000)''.

In title III under the heading ''SPECIAL EDUCATION'', after the first dollar amount insert ''(increased by $1,100,500,000)''.

In title III under the heading ''VOCATIONAL AND ADULT EDUCATION'', after the first dollar amount insert ''(reduced by $154,000,000)''.

In title III under the heading ''HIGHER EDUCATION'', after the first dollar amount insert ''(reduced by $183,000,000)''.

In title III under the heading ''EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT'', after the first dollar amount insert ''(reduced by $63,500,000)''.

Mr. REGULA. Mr. Chairman, I reserve a point of order, because we have not seen the amendment as yet.

Mr. OBEY. Mr. Chairman, could we have a copy of the amendment?

The CHAIRMAN. The Clerk will distribute copies.

The gentleman from Colorado (Mr. SCHAFFER) is recognized for 5 minutes on his amendment.

Mr. SCHAFFER. Mr. Chairman, the amendment that I offer is one that moves a little over $1 billion to the IDEA program, the Individuals With Disabilities in Education Act. This is a provision that almost all of us in the Congress, Mr. Chairman, have spoken about at one time or another and have professed our support for increasing this line item to eventual full funding.

Back in the 1970s when the IDEA statute was established by the Congress, the statute called for 40 percent funding at the Federal level, and that was a promise and a commitment that we made. Just over 6 years ago, that funding level was down as far as 12 percent, and this Congress in recent years has tried to bump that percentage up. Today, I believe we are around 13 or 14 percent.

This amendment would make a substantial jump in the right direction, but still leave us woefully short of the 40 percent obligation that this Congress has committed to and to which school districts around the country are expecting us to provide funding.

Since we have not done that, Mr. Chairman, what occurs is the mandates associated with the Individuals with Disabilities in Education Act cause every school administrator in the country to effectively steal funds from other important priorities within their budgets, to steal funds from funds that might be used, for example, for teacher pay raises, maybe for capital construction, for investments in technology, for new computers, to reduce class sizes. A number of priorities that might be identified by local administrators and local officials go unrealized because of the expensive Federal mandates associated with this law and the paltry percentage of Federal funding that is put forward to meet those mandates. Again, far under, far below the 40 percent promised by this Congress.

On three separate occasions in recent years, this House passed resolutions, sense of Congress resolutions expressing our support for full funding of IDEA. While we continue to say and vote and speak throughout the course of our campaigns, throughout the course of our business here on the floor that we are in favor of full funding of IDEA, we just do not seem to do it.

Well, this amendment is one that tests our sincerity. It is one that shows the world that we are serious about the promises that we have made and that

in the end, schoolchildren matter more than the size and the comfort of bureaucracies here in Washington, D.C. This amendment moves $1.1 billion from seven or eight different line items in the remainder of title III, and it does so in a way that still leaves in more funds than even the administration has requested. In no case are the funds taken from any line item in a way that will render them underfunded according to the request made by the Government itself, by the administration, by those who represent the bureaucracy of our country.

This is an important undertaking, Mr. Chairman, once again, not only because of the growing need for IDEA resources and funds and those individuals who are directly affected by the programs, but, as I say, because our failure to fully fund our obligation and our commitment and, at the same time, leave the expensive mandates in place, causes all children and all schools to suffer; and that is why I offer the amendment. That is why I look forward to the broad-based bipartisan support that I expect based on previous comment and testimony on the amendment. I, on that basis, urge the adoption of the amendment.

The CHAIRMAN. Does the gentleman from Ohio (Mr. REGULA) insist on his point of order?

Mr. REGULA. Mr. Chairman, I withdraw my point of order.

Mr. TIAHRT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in strong support of this amendment to increase IDEA funding by more than $1 billion. Year after year we pass resolutions asserting Congress's commitment to fully fund the Individuals with Disabilities in Education Act. Many of our fellow colleagues join with me at this podium and assert our responsibility to live up to our promise to our school districts. We declare that the Individuals with Disabilities in Education Act is the highest priority among Federal elementary and secondary education programs, the highest priority. Yet year after year, we increase funding for other programs that are less vital to our local school districts.

My home State of Kansas can expect to see about one-fourth of the promised $69 million this year for IDEA mandates. Anyone who has spoken with school officials in their district knows that this is inadequate. While school districts are forced to rob Peter in order to pay Paul to meet IDEA mandates at the expense of both children with and without disabilities, Congress has increased funding for Department of Education programs that I consider are not vital to our children's education.

I do not know how many Members have toured special education facilities. I have. I have toured Levy Special Education Center in Wichita, Kansas, and seen the special education children. I have met with special education teachers and listened to their frustration about the lack of funding, combined with the burden of increased paperwork.

Twenty-five years ago with the passage of IDEA, the Federal Government mandated that our local school systems educate all children, even those with severe mental and physical disabilities. IDEA has placed an extreme financial burden on our public schools which could be partially alleviated by keeping our commitment to fully fund the 40 percent of the program, the 40 percent originally promised. To not do so we are completely ignoring the needs of our local school districts.

I challenge my fellow colleagues to live up to our responsibility and support the effort today to put more money in IDEA. I encourage my colleagues to support this amendment.

Mr. GOODE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to commend the gentleman from Ohio (Mr. REGULA), the chairman of the subcommittee, and the gentleman from Wisconsin (Mr. OBEY), the ranking member, for all that they have done for IDEA. They have increased funding significantly in this bill, but more is needed. So I am very happy to rise in support of the amendment offered by the gentleman from Colorado (Mr. SCHAFFER).

In the fifth district of Virginia, school superintendents and school board members have addressed the issue of funding for special education more than any other school issue. These additional funds would bring so much more flexibility to jurisdictions in the fifth district of Virginia and across the United States. I hope it will be the pleasure of this body to support this amendment and to help IDEA funding get closer to the 40 percent.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, reluctantly, I rise in opposition to this amendment. I think that the IDEA program is an excellent one; and I know that the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce, had this discussed when they did H.R. 1. He said that we need to withhold until it is reauthorized. It will be up for reauthorization next year. I think there will probably be refinements made in the program that will enable it to even better serve those who are in need.

I want to point out that the committee was very sensitive to this. We increased the amount by $1.37 billion; it is a 22 percent increase over last year. The total is $7.739 billion. We were, in fact, $375 million over the President's request on the IDEA program.

So it is not a lack of sensitivity; and, of course, this tends to free up money that goes into the regular school program. I think adding money is not necessarily going to enhance the experience of the children in the IDEA program; it simply would free up money for the general school program that is now taken out of the regular school budget.

I have to say that the offsets here, I believe, have a substantial impact. It first takes money from the education for the disadvantaged, and in the President's statement he points out that there is a real need in this field as part of title I so that the students can profit from the efforts that will be taken under title I.

Likewise, it takes out money from immigrant education; and, again, if these individuals are going to be members of our society, they need an ability to get education through our system. Otherwise, they will be on the welfare rolls.

The school improvement programs, again, are something that are affected by the offsets in this program, and I think the one that I am concerned particularly about is vocational and adult education. We are finding a lot of people are having to refine their job opportunities because they are laid off from a factory; they are laid off from all different types of things. It is almost a daily occurrence to read in the newspaper where 5,000 are laid off by a major industry. These people need the ability to get new skills to participate in our economy in this Nation so that they can pay their mortgages, send their children to school, to universities and colleges.

To take money out of vocational and adult education I think is a misdirected priority at the moment, given what is happening in the economy. We need to give people the opportunity to participate in the economy, and the issues here that are being used to pay for this additional funding, which will go to the schools' budgets and not necessarily change the experience of any children in the IDEA program, is not as high a priority in my judgment as providing for the education for disadvantaged, as providing for vocational and adult education, and higher education.

□ 1615

We have increased the Pell Grants to help young people get a chance to get a college education.

We are living in a far more sophisticated society than was true many years ago. Therefore, people who want to participate effectively in our economy need higher education; they need retraining, as offered by vocational and adult education.

So I think, looking at the total sum of the priorities, that this is a balanced bill. I hope that the Committee on Education and the Workforce next year will take a look at this program in the reauthorization process and make sure

it is even more effective than it is now in meeting the needs of the children that are part of the IDEA program.

For this reason, I would urge the Members to reject this amendment.

Mr. RYAN of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. RYAN of Wisconsin. First of all, Mr. Chairman, I would like to thank the chairman and the ranking member for all their work on this fine piece of legislation. They have put in a lot of time and hours, and they have listened to a lot of Members with respect to this very complicated piece of legislation.

Mr. Chairman, I believe this is a wise amendment, and it is for this reason: In 1975, Congress passed a very important piece of legislation. That legislation is what we call special education, the Individuals with Disabilities Act.

But at that time, that legislation said the Federal Government would fund 40 percent of special education and the States would cover the rest of it. Well, Mr. Chairman, that has not occurred. We are, at best, funding 12 to 15 percent of special education, a Federal mandate on our local schools which now, since those days, has become the largest unfunded Federal mandate on our local school districts.

In the State of Wisconsin, from which I come and which I represent, we have a revenue cap. What that means in States like Wisconsin and other States across the country with the revenue cap, that means $1 that is used to chase an unfunded Federal mandate is $1 that is taken away from every other resource allocation made by a local school district. It is $1 taken away from all of these other programs.

It suffocates local control, it artificially props up property taxes, and it disallows us from having the ability at home in our districts, in our school districts, in our LEAs, from making the resource decisions to cater our needs and problems per the problems of our school districts.

So with that in mind, Mr. Chairman, I think it is very important that this Congress works very, very hard to try and meet that unfunded Federal mandate, because if we do so, our school districts can address all of these issues. They can address bilingual education, they can address all of the programs that are being used to pay for in this amendment. It will be up to the school districts.

These programs are important programs. This amendment does keep the funding of these programs at or above the President's request. So I think it is a very reasonable and commonsense amendment.

I just think it is very important, Mr. Chairman, that we finally recognize that Washington all too often penalizes our local decision-making. It forces unfunded mandates on our schools, and in States especially where we have revenue caps it basically makes a choice between higher property taxes or not or between taking money out of every other education program in a school district or putting it into special education.

We should not have to force school districts into that kind of decision-making. A vote for this amendment is a vote to elevate the percentage of special education from Washington from 15 percent to 21 percent, basically even half of the mandate, not even far enough. But it is a vote for local control, it is a vote for local resource allocation.

With that, I thank the chairman and the ranking member for all of their work on this. I just think it is important that we make a statement on behalf of local control. This is a great way of doing so.

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

Mr. RYAN of Wisconsin. I yield to the gentleman from Colorado.

Mr. SCHAFFER. Mr. Chairman, I thank the gentleman from Wisconsin for yielding to me.

I appreciate those last remarks. It is within that context that I want to address some of the comments that the chairman made.

Mr. Chairman, without a doubt, we are moving $1.1 billion away from programs that are funded over and above the request of our President. Now, the characterization of these being cuts is one that I flatly dispute, because these programs are still receiving increases over and above what they are budgeted in the current fiscal year. In fact, we are, in many of these programs, increasing still above what the President had requested.

As to whether doing so causes some kind of harm or endangers students, I just do not think our President would do that. I think our President has suggested a funding level that is reasonable and just, and took into full consideration the impact that his funding increases would have on America's children.

The President did suggest on several occasions his support for moving toward full funding of IDEA. Although our promise to the American people, to America's schoolchildren, their teachers, their administrators, was that we would fund this Federal mandate at 40 percent, my amendment increases the amount the committee has suggested by $1 billion. That only gets us to 21 percent. We still have a long way to go to maintain the promises that we have made. I hope we can do that. But we are not hurting anyone in accomplishing the fulfillment of our obligations.

Mr. REGULA. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. REGULA. Mr. Chairman, I just want to point out or reiterate, since the President has been mentioned here, that we are $375 million above the President's request for IDEA, and this represents a 22 percent increase in this fund. So it is not as if we were not sensitive to the needs in IDEA.

But also, we were sensitive to the needs of the unemployed, of the economically handicapped and disadvantaged, and immigrant education. So it is a matter of balance here. We have tried to balance out all of these things in allocating the resources in the bill. I hope that the Members will support the bill and vote against this amendment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. OBEY. Mr. Chairman, the gentleman from Wisconsin indicated that he wanted to thank the gentleman from Ohio (Mr. REGULA) and I for what we have done in the bill. I think the gentleman from Ohio (Mr. REGULA) and I would rather have less thanks and more support.

I have two things I would like to say, Mr. Chairman. First of all, with respect to the duty that I think individual Members owe the Committee, and vice versa. When the Committee produces a bill, there is a report, a printed report. The bill is printed. The House has several days' notice before the bill comes to the floor.

Yet, in contrast, I have seen at least four amendments offered today on which the Committee has essentially been blindsided. Individual Members keep amendments in their pockets until the last possible moment. Then they bring them to the floor with no notice to the Committee, so that we might work with them to fashion an amendment that might be acceptable to both sides.

It just seems to me if committees are expected to exhibit certain respect for individual Members, I think individual Members owe that same respect to the Committee. I would urge Members to respond accordingly.

Secondly, let me point out that this is one of those amendments that I suspect no matter what we had put in this bill for IDEA, we would have been told, oh, it is not enough. This Committee is one-upped every time we turn around.

I want to read to the Members. People have suggested that the Administration is in support of this amendment. That is most definitely not true. I want to read a statement from the Secretary of Education:

''We believe that solutions to these challenges; namely, in IDEA, should be addressed within the context of a thorough review of IDEA and as part of a comprehensive package of reforms.'' In other words, they do not think that we should be providing large amounts of money without reforms to the program.

I want to point out what this amendment does. This amendment cuts title I. We hear about how much IDEA is not reaching all the children that it is supposed to reach. I recognize that. It would cost $17 billion to fully fund IDEA. It would cost $27 million to fully fund title I, because title I is only reaching one-third of the children who are eligible for service. Yet, this bill would cut that program to finance a program which is already $375 million above the President.

I would point out that on IDEA, since 1996, this Committee has raised the funding for that program from $2.3 billion to $7.7 billion. That is not bad. That is not bad.

I would point out that only one-third of eligible kids in title I are now served. Why do we not have an amendment on the floor raising that to $27 billion? It seems to me it would be just as equitable.

I want to point out also that there are 8,200 schools in this country who have low-income kids at least 35 percent of their enrollment, low-income kids who do not get a dime in title I money. If we are going to start talking about inadequacies, we ought to raise that program, too.

I do not see why we ought to cut vocational education, why we ought to cut title I, why we ought to cut bilingual education when we have 3.6 million kids in this country who need to understand how to read English and speak English. I do not know why we should cut education research when there is still so much debate in this country about how children learn. It would be nice if all of us could get off our biases and get into some facts. The way we do that is with additional education research.

So I would say the amendment, in terms of what it wants to increase, is fine. But the source of money for that increase I think is ill-advised, to put it kindly. In my view, the Committee has struck a reasonable balance. There are people in the Senate, there are people in the Senate in my party who want to see IDEA increased far above this level, and who also want to see title I fully funded over the next 4 years so we pay for 100 percent of eligibility.

Is anybody here willing to put that $27 billion on the table? This Committee has tried to be responsible. We have held down the gentleman's wish list on that side of the aisle and our wish list on this side of the aisle.

I would much prefer that we be able to provide every dollar for IDEA that is suggested in this amendment, but not at the expense of title I, not at the expense of vocational education, not at the expense of educational research, not at the expense of TRIO programs.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. OBEY) has expired.

(By unanimous consent, Mr. OBEY was allowed to proceed for 1 additional minute.)

Mr. OBEY. Mr. Chairman, I would urge Members again to recognize that we have hammered out over a 7-month period a bipartisan bill which does not meet anybody's idea of what is pluperfect, but represents a reasonable compromise between all of us. I urge Members to stick with that judgment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. SCHAFFER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SCHAFFER. Mr. Chairman, I demand a recorded vote.

THE CHAIRMAN. An insufficient number has apparently arisen. . . .

Mr. SCHAFFER. Mr. Chairman, I make a point of order that a quorum is not present.

The CHAIRMAN. The Chair will count for a quorum.

Evidently a quorum is not present.

Pursuant to the provisions of clause 6, rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 376]

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

□ 1652

The CHAIRMAN. Four hundred twelve Members have recorded their presence. A quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The Chair did not finally announce that a recorded vote had been refused. Therefore, under the circumstances, the gentleman's request is pending. The Chair will count for a recorded vote.

A sufficient number has arisen.

A recorded vote is ordered. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 76, noes 349, not voting 5, as follows:

[Roll No. 377]

AYES—76

Akin
Armey
Bartlett
Barton
Bass
Brady (TX)
Brown (SC)
Bryant
Burr
Cannon
Cantor
Chabot
Cox
Culberson
Davis, Jo Ann
Deal
DeLay
DeMint
Doolittle
Flake
Forbes
Gibbons
Gilman
Goode
Graham
Graves
Green (WI)
Grucci
Gutknecht
Hall (TX)
Harman
Hayworth
Hefley
Herger
Hoekstra
Hostettler
Issa
Jenkins
Johnson (IL)
Jones (NC)
Kelly
Kennedy (MN)
Kerns
Largent
Manzullo
McInnis
Miller, Gary
Myrick
Norwood
Paul
Pence
Petri
Pitts
Pombo
Radanovich
Ramstad
Rehberg
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schaffer
Sensenbrenner
Sessions
Shadegg
Simmons
Souder
Stearns
Sununu
Tancredo
Taylor (NC)
Thornberry
Tiahrt
Toomey
Vitter
Weldon (FL)

NOES—349

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burton
Buyer
Callahan
Calvert
Camp
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gilchrest
Gillmor
Gonzalez
Goodlatte
Gordon
Goss
Granger
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stump
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiberi
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—5

Blunt
Kingston
Meeks (NY)
Miller (FL)
Velázquez

□ 1701

Mr. HALL of Texas changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mrs. CLAYTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this particular bill gives us an opportunity obviously to talk about many important issues, and the issue of AIDS obviously is very important. I want to bring to the attention of the House that those of us who live in rural areas are beginning to see an increased rise of AIDS in our areas, and the resources we have now allocated to this horrific disease are skewed more to urban areas. I am not proposing an amendment, I just want to bring to the committee's attention that the Ryan White program, which is a very good resource, is skewed to large populations.

Those of us who live in smaller communities, 50,000 and less, have far more difficulty in being able to get those resources. I ask the chairman if we could look for opportunities in the report language to be more fair in the distribution of those resources.

Mr. REGULA. Mr. Chairman, will the gentlewoman yield?

Mrs. CLAYTON. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we have recognized the problem; and we have increased those programs, as the gentlewoman has probably noticed. It has been a difficult issue to balance out all of the demands that confront us in this bill. We have tried to be fair in beefing up that program.

Mrs. CLAYTON. Mr. Chairman, I am very appreciative of what the gentleman has done. I am only saying as a rural-urban allocation, those of us who live in rural communities do not benefit from the program in the same way. I urge the gentleman to work with us during the conference report language to correct some of that disparity.

Mr. REGULA. Mr. Chairman, if the gentlewoman would continue to yield, we are aware of that; and will work with the gentlewoman.

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman.

Mr. GREEN of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I congratulate the gentleman from Ohio (Mr. REGULA), the subcommittee chairman, and the gentleman from Florida (Chairman YOUNG) in support of the bill. I appreciate the funding for the Community Access Program which was placed in the bill, the CAP program.

The Census Bureau estimates that for a second year running there has been a decline in the number of uninsured Americans, with 39 million Americans without health insurance. As the Census Bureau also reports, the slowing economy, higher levels of unemployment, and the uncertain future could cause significant growth in the number of uninsured Americans.

The CAP program is used to support a variety of programs to improve access for all levels of care, for the uninsured and the underinsured. CAP helps fill the gaps in our health safety net by improving infrastructure and communication among agencies to ensure that care is continuous.

With better information, agencies can provide preventive, primary, and emergency clinical health services in an integrated and coordinated manner. Each community designs a program which best addresses the needs of the uninsured and underinsured and the providers in their community.

For example, in Florida in Broward County, they use CAP funds to form an informational health line and referral system to publicize health care prevention and points of access for health care services. They purchased new software so that various providers could improve eligibility determinations for public services.

Chicago, Illinois, focused on a CAP grant which institutes disease management best practices because of the county's disproportionately high mortality rates from diabetes and cancer. The CAP program has worked, and is able to reach more than 300,000 residents in Chicago.

Mr. Chairman, in its two short years in existence, this program is very successful; 75 communities around the country have received these funds. I thank the chairman of the full committee and the ranking member, and also the subcommittee for including this provision in the bill.

The CHAIRMAN. Are there additional amendments to title III?

The Clerk will read.

The Clerk read as follows:

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles I–B, E and G, II, III–A, IV, V and VII–A of the Elementary and Secondary Education Act of 1965, as redesignated and amended by H.R. 1 of the 107th Congress, as passed by the House of Representatives on May 23, 2001; the Stewart B. McKinney Homeless Assistance Act; the Civil Rights Act of 1964; section 10105, part B of title IX and part A of title XIII of the Elementary and Secondary Education Act of 1965; and part B of title VIII of the Higher Education Act of 1965; $7,673,084,000, of which $2,178,750,000 shall become available on July 1, 2002, and remain available through September 30, 2003, and of which $1,960,000,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002–2003.

INDIAN EDUCATION

For expenses necessary to carry out, to the extent not otherwise provided, title III, part A of the Elementary and Secondary Education Act of 1965, as redesignated and amended by H.R. 1 of the 107th Congress, as passed by the House of Representatives on May 23, 2001, $123,235,000.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that the remainder of the bill through title V be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the remainder of the bill through title V is as follows:

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual, foreign language and immigrant education activities authorized by title III–A of the Elementary and Secondary Education Act of 1965, as redesignated and amended by H.R. 1 of the 107th Congress, as passed by the House of Representatives on May 23, 2001, $700,000,000.

SPECIAL EDUCATION

For carrying out the Individuals with Disabilities Education Act, $8,860,076,000, of which $3,516,885,000 shall become available for obligation on July 1, 2002, and shall remain available through September 30, 2003, and of which $5,072,000,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003, for academic year 2002–2003: *Provided*, That $9,500,000 shall be for Recording for the Blind and Dyslexic to support the development, production, and circulation of recorded educational materials.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Assistive Technology Act of 1998, and the Helen Keller National Center Act, $2,942,117,000, of which $60,000,000 shall remain available through September 30, 2003: *Provided*, That the funds provided for title I of the Assistive Technology Act of 1998 (''the AT Act'') shall be allocated notwithstanding section 105(b)(1) of the AT Act: *Provided further*, That each State shall be provided $50,000 for activities under section 102 of the AT Act: *Provided further*, That $40,000,000 shall be used to support grants for up to three years to States under title III of the AT Act, of which the Federal share shall not exceed 75 percent in the first year, 50 percent in the second year, and 25 percent in the third year, and that the requirements in section 301(c)(2) and section 302 of that Act shall not apply to such grants.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $13,000,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $55,376,000, of which $5,376,000 shall be for construction and shall remain available until expended: *Provided*, That from the total amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $95,600,000: *Provided*, That from the total amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Technical Education Act and the Adult Education and Family Literacy Act and title VIII–D of the Higher Education Act of 1965, as amended, $2,006,060,000, of which $1,191,310,000 shall become available on July 1, 2002 and shall remain available through September 30, 2003 and of which $808,750,000 shall become available on October 1, 2002, and shall remain available through September 30, 2003: *Provided*, That of the amount provided for Adult Education State Grants, $70,000,000 shall be made available for integrated English literacy and civics education services to immigrants and other limited English proficient populations: *Provided further*, That of the amount reserved for integrated English literacy and civics education, notwithstanding section 211 of the Adult Education and Family Literacy Act, 65 percent shall be allocated to States based on a State's absolute need as determined by calculating each State's share of a 10-year average of the Immigration and Naturalization Service data for immigrants admitted for legal permanent residence for the 10 most recent years, and 35 percent allocated to States that experienced growth as measured by the average of the 3 most recent years for which Immigration and Naturalization Service data for immigrants admitted for legal permanent residence are available, except that no State shall be allocated an amount less than $60,000: *Provided further*, That of the amounts made available for the Adult Education and Family Literacy Act, $9,500,000 shall be for national leadership activities under section 243 and $6,560,000 shall be for the National Institute for Literacy under section 242.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 4 of part A, section 428K, part C and part E of title IV of the Higher Education Act of 1965, as amended, $12,410,100,000, which shall remain available through September 30, 2003.

The maximum Pell Grant for which a student shall be eligible during award year 2002–2003 shall be $4,000: *Provided*, That notwithstanding section 401(g) of the Act, if the Secretary determines, prior to publication of the payment schedule for such award year, that the amount included within this appropriation for Pell Grant awards in such award year, and any funds available from the fiscal year 2001 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act of 1965, as amended, $49,636,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, section 121 and titles II, III, IV, V, VI, VII, and VIII of the Higher Education Act of 1965, as amended, section 1543 of the Higher Education Amendments of 1992, and the Mutual Educational and Cultural Exchange Act of 1961; $1,908,151,000, of which $5,000,000 for interest subsidies authorized by section 121 of the Higher Education Act of 1965, shall remain available until expended: *Provided*, That $10,000,000, to remain available through September 30, 2003, shall be available to fund fellowships for academic year 2003–2004 under part A, subpart 1 of title VII of said Act, under the terms and conditions of part A, subpart 1: *Provided further*, That $1,000,000 is for data collection and evaluation activities for programs under the Higher Education Act of 1965, including such activities needed to comply with the Government Performance and Results Act of 1993.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $242,474,000, of which not less than $3,600,000 shall be for a matching endowment grant pursuant to the Howard University Endowment Act (Public Law 98–480) and shall remain available until expended.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For Federal administrative expenses authorized under section 121 of the Higher Education Act of 1965, $762,000 to carry out activities related to existing facility loans entered into under the Higher Education Act of 1965.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 344 of title III, part D of the Higher Education Act of 1965 shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title III, part D of the Higher Education Act of 1965, as amended, $208,000.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act of 1994, including part E; the National Education Statistics Act of 1994, including sections 411 and 412; title II–B and C, title IV–A and title VII–A of the Elementary and Secondary Education Act of 1965, as redesignated and amended by H.R. 1 of the 107th Congress, as passed by the House of Representatives on May 23, 2001, $445,620,000: *Provided*, That $77,500,000 of the funds provided for the national education research institutes shall be allocated notwithstanding section 912(m)(1)(B–F) and subparagraphs (B) and (C) of section 931(c)(2) of Public Law 103–227.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $427,212,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $79,934,000.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General, as authorized by section 212 of the Department of Education Organization Act, $38,720,000.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

SEC. 304. Not to exceed 1 percent of any discretionary funds (pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, as amended) which are appropriated for the Department of Education in this Act may be transferred between appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfer: *Provided*, That the Appropriations Committees of both Houses of Congress are notified at least 15 days in advance of any transfer.

This title may be cited as the ''Department of Education Appropriations Act, 2002''.

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $71,440,000, of which $9,812,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: *Provided*, That, notwithstanding any other provision of law, a single contract or related contracts for development and construction, to include construction of a long–term care facility at the United States Naval Home, may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18 and 252.232–7007, Limitation of Government Obligations.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $324,450,000: *Provided*, That none of the funds made available to the Corporation for National and Community Service in this Act for activities authorized by part E of title II of the Domestic Volunteer Service Act of 1973 shall be used to provide stipends or other monetary incentives to volunteers or volunteer leaders whose incomes exceed 125 percent of the national poverty level.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 2004, $365,000,000: *Provided*, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: *Provided further*, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex: *Provided further*, That in addition to the amounts provided above, $25,000,000, to remain available until expended, shall be for digitalization, pending enactment of authorizing legislation.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. ch. 71), $39,482,000, including $1,500,000, to remain available through September 30, 2003, for activities authorized by the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a): *Provided*, That notwithstanding 31 U.S.C. 3302, fees charged, up to full-cost recovery, for special training activities and other conflict resolution services and technical assistance, including those provided to foreign governments and international organizations, and for arbitration services shall be credited to and merged with this account, and shall remain available until expended: *Provided further*, That fees for arbitration services shall be available only for education, training, and professional development of the agency workforce: *Provided further*, That the Director of the Service is authorized to accept and use on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $6,939,000.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF LIBRARY SERVICES: GRANTS AND ADMINISTRATION

For carrying out subtitle B of the Museum and Library Services Act, $168,078,000, of which $11,081,000 shall be for projects authorized by section 262 of such Act, notwithstanding section 221(a)(1)(B).

MEDICARE PAYMENT ADVISORY COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1805 of the Social Security Act, $8,000,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended), $1,000,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $2,830,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $221,438,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 percent of the water stored or supplied thereby is used for farming purposes.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $10,635,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $8,964,000.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $146,000,000, which shall include amounts becoming available in fiscal year 2002 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $146,000,000: *Provided*, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $150,000, to remain available through September 30, 2003, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board for administration of the Railroad Retirement Act and the Railroad Unemployment Insurance Act, $97,700,000, to be derived in such amounts as determined by the Board from the railroad retirement accounts and from moneys credited to the railroad unemployment insurance administration fund.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $6,042,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: *Provided*, That none of the funds made available in any other paragraph of this Act may be transferred to the Office; used to carry out any such transfer; used to provide any office space, equipment, office supplies, communications facilities or services, maintenance services, or administrative services for the Office; used to pay any salary, benefit, or award for any personnel of the Office; used to pay any other operating expense of the Office; or used to reimburse the Office for any service provided, or expense incurred, by the Office.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 217(g), 228(g), and 1131(b)(2) of the Social Security Act, $434,400,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $332,840,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 2003, $108,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $21,270,412,000, to remain available until expended: *Provided*, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

In addition, $200,000,000, to remain available until September 30, 2003, for payment to the Social Security trust funds for administrative expenses for continuing disability reviews as authorized by section 103 of Public Law 104–121 and section 10203 of Public Law 105–33. The term ''continuing disability reviews'' means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For making benefit payments under title XVI of the Social Security Act for the first quarter of fiscal year 2003, $10,790,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two passenger motor vehicles, and not to exceed $35,000 for official reception and representation expenses, not more than $7,035,000,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act, from any one or all of the trust funds referred to therein: *Provided*, That not less than $1,800,000 shall be for the Social Security Advisory Board: *Provided further*, That unobligated balances at the end of fiscal year 2002 not needed for fiscal year 2002 shall remain available until expended to invest in the Social Security Administration information technology and telecommunications hardware and software infrastructure, including related equipment and non-payroll administrative expenses associated solely with this information technology and telecommunications infrastructure: *Provided further*, That reimbursement to the trust funds under this heading for expenditures for official time for employees of the Social Security Administration pursuant to section 7131 of title 5, United States Code, and for facilities or support services for labor organizations pursuant to policies, regulations, or procedures referred to in section 7135(b) of such title shall be made by the Secretary of the Treasury, with interest, from amounts in the general fund not otherwise appropriated, as soon as possible after such expenditures are made.

From funds provided under the first paragraph, not less than $200,000,000 shall be available for conducting continuing disability reviews.

In addition to funding already available under this heading, and subject to the same terms and conditions, $433,000,000, to remain available until September 30, 2003, for continuing disability reviews as authorized by section 103 of Public Law 104–121 and section 10203 of Public Law 105–33. The term ''continuing disability reviews'' means reviews and redeterminations as defined under section 201(g)(1)(A) of the Social Security Act, as amended.

In addition, $100,000,000 to be derived from administration fees in excess of $5.00 per supplementary payment collected pursuant to section 1616(d) of the Social Security Act or section 212(b)(3) of Public Law 93–66, which shall remain available until expended. To the extent that the amounts collected pursuant to such section 1616(d) or 212(b)(3) in fiscal year 2002 exceed $100,000,000, the amounts shall be available in fiscal year 2003 only to the extent provided in advance in appropriations Acts.

From funds previously appropriated for this purpose, any unobligated balances at the end of fiscal year 2001 shall be available to continue Federal-State partnerships which will evaluate means to promote Medicare buy-in programs targeted to elderly and disabled individuals under titles XVIII and XIX of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $19,000,000, together with not to exceed $56,000,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

In addition, an amount not to exceed 3 percent of the total provided in this appropriation may be transferred from the ''Limitation on Administrative Expenses'', Social Security Administration, to be merged with this account, to be available for the time and

purposes for which this account is available: *Provided*, That notice of such transfers shall be transmitted promptly to the Committees on Appropriations of the House and Senate.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $15,000,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

SEC. 504. The Secretaries of Labor and Education are authorized to make available not to exceed $20,000 and $15,000, respectively, from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for ''Salaries and expenses, Federal Mediation and Conciliation Service''; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for ''Salaries and expenses, National Mediation Board''.

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

SEC. 506. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in this Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state: (1) the percentage of the total costs of the program or project which will be financed with Federal money; (2) the dollar amount of Federal funds for the project or program; and (3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

SEC. 508. (a) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for any abortion.

(b) None of the funds appropriated under this Act, and none of the funds in any trust fund to which funds are appropriated under this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term ''health benefits coverage'' means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 509. (a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

SEC. 510. (a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.208(a)(2) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term ''human embryo or embryos'' includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 511. (a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act (21 U.S.C. 812).

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 512. None of the funds made available in this Act may be obligated or expended to enter into or renew a contract with an entity if—

(1) such entity is otherwise a contractor with the United States and is subject to the requirement in section 4212(d) of title 38, United States Code, regarding submission of an annual report to the Secretary of Labor concerning employment of certain veterans; and

(2) such entity has not submitted a report as required by that section for the most recent year for which such requirement was applicable to such entity.

SEC. 513. None of the funds made available in this Act may be used to promulgate or adopt any final standard under section 1173(b) of the Social Security Act (42 U.S.C. 1320d–2(b)) providing for, or providing for the assignment of, a unique health identifier for an individual (except in an individual's capacity as an employer or a health care provider), until legislation is enacted specifically approving the standard.

The CHAIRMAN. Are there amendments to the open portion of the bill through title V?

The Clerk will read.

The Clerk read as follows:

TITLE VI—EXTENSION OF MARK-TO-MARKET PROGRAM FOR MULTIFAMILY ASSISTED HOUSING

SEC. 601. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Mark-to-Market Extension Act of 2001''.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

TITLE VI—EXTENSION OF MARK-TO-MARKET PROGRAM FOR MULTIFAMILY ASSISTED HOUSING

Sec. 601. Short title and table of contents.
Sec. 602. Purposes.
Sec. 603. Effective date.

Subtitle A—Multifamily Housing Mortgage and Assistance Restructuring and Section 8 Contract Renewal

Sec. 611. Definitions.
Sec. 612. Mark-to-market program amendments.
Sec. 613. Consistency of rent levels under enhanced voucher assistance and rent restructurings.
Sec. 614. Eligible inclusions for renewal rents of partially assisted buildings.
Sec. 615. Eligibility of restructuring projects for miscellaneous housing insurance.
Sec. 616. Technical corrections.

Subtitle B—Office of Multifamily Housing Assistance Restructuring

Sec. 621. Reauthorization of Office and extension of program.
Sec. 622. Appointment of Director.
Sec. 623. Vacancy in position of Director.

Sec. 624. Oversight by Federal Housing Commissioner.
Sec. 625. Limitation on subsequent employment.
Subtitle C—Miscellaneous Housing Program Amendments
Sec. 631. Extension of CDBG public services cap exception.
Sec. 632. Use of section 8 enhanced vouchers for prepayments.
Sec. 633. Prepayment and refinancing of loans for section 202 supportive housing.
Sec. 634. Technical correction.

SEC. 602. PURPOSES.

The purposes of this title are—

(1) to continue the progress of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (referred to in this section as ''that Act'');

(2) to ensure that properties that undergo mortgage restructurings pursuant to that Act are rehabilitated to a standard that allows the properties to meet their long-term affordability requirements;

(3) to ensure that, for properties that undergo mortgage restructurings pursuant to that Act, reserves are set at adequate levels to allow the properties to meet their long-term affordability requirements;

(4) to ensure that properties that undergo mortgage restructurings pursuant to that Act are operated efficiently, and that operating expenses are sufficient to ensure the long-term financial and physical integrity of the properties;

(5) to ensure that properties that undergo rent restructurings have adequate resources to maintain the properties in good condition;

(6) to ensure that the Office of Multifamily Housing Assistance Restructuring of the Department of Housing and Urban Development continues to focus on the portfolio of properties eligible for restructuring under that Act;

(7) to ensure that the Department of Housing and Urban Development carefully tracks the condition of those properties on an ongoing basis;

(8) to ensure that tenant groups, nonprofit organizations, and public entities continue to have the resources for building the capacity of tenant organizations in furtherance of the purposes of subtitle A of that Act; and

(9) to encourage the Office of Multifamily Housing Assistance Restructuring to continue to provide participating administrative entities, including public participating administrative entities, with the flexibility to respond to specific problems that individual cases may present, while ensuring consistent outcomes around the country.

SEC. 603. EFFECTIVE DATE.

Except as provided in sections 616(a)(2), 633(b), and 634(b), this title and the amendments made by this title shall take effect or are deemed to have taken effect, as appropriate, on the earlier of—

(1) the date of the enactment of this title; or

(2) September 30, 2001.

Subtitle A—Multifamily Housing Mortgage and Assistance Restructuring and Section 8 Contract Renewal

SEC. 611. DEFINITIONS.

Section 512 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding at the end the following new paragraph:

''(19) OFFICE.—The term 'Office' means the Office of Multifamily Housing Assistance Restructuring established under section 571.''.

SEC. 612. MARK-TO-MARKET PROGRAM AMENDMENTS.

(a) FUNDING FOR TENANT AND NONPROFIT PARTICIPATION.—Section 514(f)(3)(A) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) by striking ''Secretary may provide not more than $10,000,000 annually in funding'' and inserting ''Secretary shall make available not more than $10,000,000 annually in funding, which amount shall be in addition to any amounts made available under this subparagraph and carried over from previous years,''; and

(2) by striking ''entities), and for tenant services,'' and inserting ''entities), for tenant services, and for tenant groups, nonprofit organizations, and public entities described in section 517(a)(5),''.

(b) EXCEPTION RENTS.—Section 514(g)(2)(A) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking ''restructured mortgages in any fiscal year'' and inserting ''portfolio restructuring agreements''.

(c) NOTICE TO DISPLACED TENANTS.—Section 516(d) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking ''Subject to'' and inserting the following:

''(1) NOTICE TO CERTAIN RESIDENTS.—The Office shall notify any tenant that is residing in a project or receiving assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) at the time of rejection under this section, of such rejection, except that the Office may delegate the responsibility to provide notice under this paragraph to the participating administrative entity.

''(2) ASSISTANCE AND MOVING EXPENSES.—Subject to''.

(d) RESTRUCTURING PLANS FOR TRANSFERS OF PREPAYMENT PROJECTS.—The Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) in section 524(e), by adding at the end the following new paragraph:

''(3) MORTGAGE RESTRUCTURING AND RENTAL ASSISTANCE SUFFICIENCY PLANS.—Notwithstanding paragraph (1), the owner of the project may request, and the Secretary may consider, mortgage restructuring and rental assistance sufficiency plans to facilitate sales or transfers of properties under this subtitle, subject to an approved plan of action under the Emergency Low Income Housing Preservation Act of 1987 (12 U.S.C. 1715l note) or the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4101 et seq.), which plans shall result in a sale or transfer of those properties.''; and

(2) in the last sentence of section 512(2), by inserting '', but does include a project described in section 524(e)(3)'' after ''section 524(e)''.

(e) ADDITION OF SIGNIFICANT FEATURES.—Section 517 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) by striking subsection (c) (except that the striking of such subsection may not be construed to have any effect on the provisions of law amended by such subsection, as such subsection was in effect before the date of the enactment of this Act);

(2) in subsection (b)—

(A) in paragraph (7), by striking ''(7)'' and inserting ''(1)''; and

(B) by adding at the end the following new paragraph:

''(2) ADDITION OF SIGNIFICANT FEATURES.—

''(A) AUTHORITY.—An approved mortgage restructuring and rental assistance sufficiency plan may require the improvement of the project by the addition of significant features that are not necessary for rehabilitation to the standard provided under paragraph (1), such as air conditioning, an elevator, and additional community space. The Secretary shall establish guidelines regarding the inclusion of requirements regarding such additional significant features under such plans.

''(B) FUNDING.—Significant features added pursuant to an approved mortgage restructuring and rental assistance sufficiency plan may be paid from the funding sources specified in the first sentence of paragraph (1)(A).

''(C) LIMITATION ON OWNER CONTRIBUTION.—An owner of a project may not be required to contribute from non-project resources, toward the cost of any additional significant features required pursuant to this paragraph, more than 25 percent of the amount of any assistance received for the inclusion of such features.

''(D) APPLICABILITY.—This paragraph shall apply to all eligible multifamily housing projects, except projects for which the Secretary and the project owner executed a mortgage restructuring and rental assistance sufficiency plan on or before the date of the enactment of the Mark-to-Market Extension Act of 2001.''; and

(3) by inserting after paragraph (6) of subsection (b) the following:

''(c) REHABILITATION NEEDS AND ADDITION OF SIGNIFICANT FEATURES.—''.

(f) LOOK-BACK PROJECTS.—Section 512(2) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding after the period at the end of the last sentence the following: ''Notwithstanding any other provision of this title, the Secretary may treat a project as an eligible multifamily housing project for purposes of this title if (I) the project is assisted pursuant to a contract for project-based assistance under section 8 of the United States Housing Act of 1937 renewed under section 524 of this Act, (II) the owner consents to such treatment, and (III) the project met the requirements of the first sentence of this paragraph for eligibility as an eligible multifamily housing project before the initial renewal of the contract under section 524.''.

(g) SECOND MORTGAGES.—Section 517(a) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) in paragraph (1)(B), by striking ''no more than the'' and inserting the following: ''not more than the greater of—

''(i) the full or partial payment of claim made under this subtitle; or

''(ii) the''; and

(2) in paragraph (5), by inserting ''of the second mortgage, assign the second mortgage to the acquiring organization or agency,'' after ''terms''.

(h) EXEMPTIONS FROM RESTRUCTURING.—Section 514(h)(2) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by inserting before the semicolon the following: '', or refinanced pursuant to section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note)''.

SEC. 613. CONSISTENCY OF RENT LEVELS UNDER ENHANCED VOUCHER ASSISTANCE AND RENT RESTRUCTURINGS.

Subtitle A of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding at the end the following new section:

"SEC. 525. CONSISTENCY OF RENT LEVELS UNDER ENHANCED VOUCHER ASSISTANCE AND RENT RESTRUCTURINGS.

''(a) IN GENERAL.—The Secretary shall examine the standards and procedures for determining and establishing the rent standards described under subsection (b). Pursuant to such examination, the Secretary shall establish procedures and guidelines that are designed to ensure that the amounts determined by the various rent standards for the same dwelling units are reasonably consistent and reflect rents for comparable unassisted units in the same area as such dwelling units.

''(b) RENT STANDARDS.—The rent standards described in this subsection are as follows:

''(1) ENHANCED VOUCHERS.—The payment standard for enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).

''(2) MARK-TO-MARKET.—The rents derived from comparable properties, for purposes of section 514(g) of this Act.

''(3) CONTRACT RENEWAL.—The comparable market rents for the market area, for purposes of section 524(a)(4) of this Act.''.

SEC. 614. ELIGIBLE INCLUSIONS FOR RENEWAL RENTS OF PARTIALLY ASSISTED BUILDINGS.

Section 524(a)(4)(C) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by adding after the period at the end the following: ''Notwithstanding any other provision of law, the Secretary shall include in such budget-based cost increases costs relating to the project as a whole (including costs incurred with respect to units not covered by the contract for assistance), but only (I) if inclusion of such costs is requested by the owner or purchaser of the project, (II) if inclusion of such costs will permit capital repairs to the project or acquisition of the project by a nonprofit organization, and (III) to the extent that inclusion of such costs (or a portion thereof) complies with the requirement under clause (ii).''.

SEC. 615. ELIGIBILITY OF RESTRUCTURING PROJECTS FOR MISCELLANEOUS HOUSING INSURANCE.

Section 223(a)(7) of the National Housing Act (12 U.S.C. 1715n(a)(7)) is amended—

(1) by striking ''under this Act: *Provided*, That the principal'' and inserting the following: ''under this Act, or an existing mortgage held by the Secretary that is subject to a mortgage restructuring and rental assistance sufficiency plan pursuant to the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note), provided that—

''(A) the principal'';

(2) by striking ''except that (A)'' and inserting ''except that (i)'';

(3) by striking ''(B)'' and inserting ''(ii)'';

(4) by striking ''(C)'' and inserting ''(iii)'';

(5) by striking ''(D)'' and inserting ''(iv)'';

(6) by striking '': *Provided further*, That a mortgage'' and inserting the following ''; and

''(B) a mortgage'';

(7) by striking ''or'' at the end; and

(8) by adding at the end the following new subparagraph:

''(C) a mortgage that is subject to a mortgage restructuring and rental assistance sufficiency plan pursuant to the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) and is refinanced under this paragraph may have a term of not more than 30 years; or''.

SEC. 616. TECHNICAL CORRECTIONS.

(a) EXEMPTIONS FROM RESTRUCTURING.—

(1) IN GENERAL.—Section 514(h) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended to read as if the amendment made by section 531(c) of Public Law 106–74 (113 Stat. 1116) were made to ''Section 514(h)(1)'' instead of ''Section 514(h)''.

(2) RETROACTIVE EFFECT.—The amendment made by paragraph (1) of this subsection is deemed to have taken effect on the date of the enactment of Public Law 106–74 (113 Stat. 1109).

(b) OTHER.—The Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) in section 511(a)(12), by striking ''this Act'' and inserting ''this title'';

(2) in section 513, by striking ''this Act'' each place such term appears in subsections (a)(2)(I) and (b)(3) and inserting ''this title'';

(3) in section 514(f)(3)(B), by inserting ''Housing'' after ''Multifamily'';

(4) in section 515(c)(1)(B), by inserting ''or'' after the semicolon;

(5) in section 517(b)—

(A) in each of paragraphs (1) through (6), by capitalizing the first letter of the first word that follows the paragraph heading;

(B) in each of paragraphs (1) through (5), by striking the semicolon at the end and inserting a period; and

(C) in paragraph (6), by striking ''; and'' at the end and inserting a period;

(6) in section 520(b), by striking ''Banking and''; and

(7) in section 573(d)(2), by striking ''Banking and''.

Subtitle B—Office of Multifamily Housing Assistance Restructuring

SEC. 621. REAUTHORIZATION OF OFFICE AND EXTENSION OF PROGRAM.

Section 579 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

''(a) REPEALS.—

''(1) MARK-TO-MARKET PROGRAM.—Subtitle A (except for section 524) is repealed effective October 1, 2006.

''(2) OMHAR.—Subtitle D (except for this section) is repealed effective October 1, 2004.'';

(2) in subsection (b), by striking ''October 1, 2001'' and inserting ''October 1, 2006'';

(3) in subsection (c), by striking ''upon September 30, 2001'' and inserting ''at the end of September 30, 2004''; and

(4) by striking subsection (d) and inserting the following new subsection:

''(d) TRANSFER OF AUTHORITY.—Effective upon the repeal of subtitle D under subsection (a)(2) of this section, all authority and responsibilities to administer the program under subtitle A are transferred to the Secretary.''.

SEC. 622. APPOINTMENT OF DIRECTOR.

(a) IN GENERAL.—Section 572 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking subsection (a) and inserting the following new subsection:

''(a) APPOINTMENT.—The Office shall be under the management of a Director, who shall be appointed by the President from among individuals who are citizens of the United States and have a demonstrated understanding of financing and mortgage restructuring for affordable multifamily housing.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to the first Director of the Office of Multifamily Housing Assistance Restructuring of the Department of Housing and Urban Development appointed after the date of the enactment of this Act, and any such Director appointed thereafter.

SEC. 623. VACANCY IN POSITION OF DIRECTOR.

(a) IN GENERAL.—Section 572 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking subsection (b) and inserting the following new subsection:

''(b) VACANCY.—A vacancy in the position of Director shall be filled by appointment in the manner provided under subsection (a). The President shall make such an appointment not later than 60 days after such position first becomes vacant.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to any vacancy in the position of Director of the Office of Multifamily Housing Assistance Restructuring of the Department of Housing and Urban Development which occurs or exists after the date of the enactment of this Act.

SEC. 624. OVERSIGHT BY FEDERAL HOUSING COMMISSIONER.

(a) IN GENERAL.—Section 578 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended to read as follows:

"SEC. 578. OVERSIGHT BY FEDERAL HOUSING COMMISSIONER.

''All authority and responsibilities assigned under this subtitle to the Secretary shall be carried out through the Assistant Secretary of the Department of Housing and Urban Development who is the Federal Housing Commissioner.''.

(b) REPORT.—The second sentence of section 573(b) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking ''Secretary'' and inserting ''Assistant Secretary of the Department of Housing and Urban Development who is the Federal Housing Commissioner''.

SEC. 625. LIMITATION ON SUBSEQUENT EMPLOYMENT.

Section 576 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking ''2-year period'' and inserting ''1-year period''.

Subtitle C—Miscellaneous Housing Program Amendments

SEC. 631. EXTENSION OF CDBG PUBLIC SERVICES CAP EXCEPTION.

Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended by striking ''through 2001'' and inserting ''through 2003''.

SEC. 632. USE OF SECTION 8 ENHANCED VOUCHERS FOR PREPAYMENTS.

Section 8(t)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(2)) is amended by inserting after ''insurance contract for the mortgage for such housing project'' the following: ''(including any such mortgage prepayment during fiscal year 1996 or a fiscal year thereafter or any insurance contract voluntary termination during fiscal year 1996 or a fiscal year thereafter)''.

SEC. 633. PREPAYMENT AND REFINANCING OF LOANS FOR SECTION 202 SUPPORTIVE HOUSING.

(a) IN GENERAL.—Section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note) is amended by striking subsection (e).

(b) EFFECTIVENESS UPON DATE OF ENACTMENT.—The amendment made by subsection (a) of this section shall take effect upon the date of the enactment of this Act and the provisions of section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note), as amended

by subsection (a) of this section, shall apply as so amended upon such date of enactment, notwithstanding—

(1) any authority of the Secretary of Housing and Urban Development to issue regulations to implement or carry out the amendments made by subsection (a) of this section or the provisions of section 811 of the American Homeownership and Economic Opportunity Act of 2000 (12 U.S.C. 1701q note); or

(2) any failure of the Secretary of Housing and Urban Development to issue any such regulations authorized.

SEC. 634. TECHNICAL CORRECTION.

(a) IN GENERAL.—Section 101(a) of Public Law 100–77 (42 U.S.C. 11301 note) is amended to read as if the amendment made by section 1 of Public Law 106–400 (114 Stat. 1675) were made to ''Section 101'' instead of ''Section 1''.

(b) RETROACTIVE EFFECT.—The amendment made by subsection (a) of this section is deemed to have taken effect immediately after the enactment of Public Law 106–400 (114 Stat. 1675).

Mr. REGULA (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 102, line 2, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT NO. 6 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent to offer amendment No. 6 from the end of the bill at this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. TRAFICANT:

Page ____, after line ____, insert the following new section:

SEC. ____. No funds appropriated in this Act may be made available to any person or entity that violates the Buy American Act (41 U.S.C. 10a–10c).

Mr. TRAFICANT. Mr. Chairman, this amendment is a straight limitation. None of the funds appropriated in the act may be made available to any person or entity that has violated the Buy American Act.

Mr. Chairman, the House should pay attention to something that concerns me, and the appropriators especially. A notice has been posted that the windows of the Capitol will have installed a protective covering because of the September 11 terrorist attack and the increased focus on terrorism. The company that made the product that will be installed on the Capitol windows is from Belgium.

One of the big contracts given for the rebuilding of the Pentagon is to a French company; and I might remind Members when we had a problem with Khadafi, France would not let us use their air space or their airports. Our military has bought boots from China, and probably most of the flags Members see waving throughout America as a symbol of American patriotism were made in Chinese sweatshops.

Mr. Chairman, the amendment makes sense. But I believe the leaders of the Committee on Appropriations should start looking at procurement. We certainly do not have to be an isolationist Nation or protectionist Nation; but on military procurement, especially, I think we should almost demand American products in the end that someday we may face a nation who we depend on for a product that may not be all that friendly to us.

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

Mr. TRAFICANT. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we are prepared to accept this amendment on our side.

Mr. TRAFICANT. Mr. Chairman, I want to compliment the chairman, who is my neighbor. The subcommittee has done a tremendous job.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEARNS:

At the end of title V, insert after the last section (preceding the short title) the following section:

SEC. 5____. Of the amounts otherwise made available in this Act to the Corporation for Public Broadcasting for fiscal year 2002, $12,000,000 is transferred and made available under the account for the Public Health and Social Services Emergency Fund as an additional amount to support activities of the Centers for Disease Control and Prevention.

Mr. OBEY. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman reserves a point of order.

□ 1715

Mr. STEARNS. Mr. Chairman, this is a very simple amendment. Basically it tries to help the Centers for Disease Control and Prevention that relates to biological disease and chemical threats to the civilian population and it essentially takes about 3 percent from the Public Broadcasting Corporation and moves it over to the Centers for Disease Control and Prevention.

Just this last week, our headline news has had two frightening what-ifs, particularly in Florida. Three individuals have come in contact with a manufactured form of anthrax. Of course, one person lost his life. Americans, of course, felt this, as a collective body, sort of a shiver upon hearing about this news. Early this week, we saw the case in the D.C. Metro where somebody sprayed the crowd, unsuspecting crowd. It turns out that about 35 people on the train, they had to evacuate. This whole process of what could happen if anthrax is used in our country in a large population is a great concern. And so I think the Centers for Disease Control and Prevention should have sufficient funds to study this. I do not believe the CDC has had sufficient funds, and so this is a very small amount, about 3 percent, from the Public Broadcasting Corporation. We take from them and give to CDC, particularly for biological disease and chemical threat prevention studies. I think it is a modest amount.

Mr. Chairman, on this debate can I control the balance of my time?

The CHAIRMAN. The gentleman must use his time or yield it back.

Mr. STEARNS. Let me conclude by saying that perhaps all of you saw recently in the newspaper that the FCC now has allowed the Corporation for Public Broadcasting to advertise as a means of getting more revenues to their budget. Surely if PBS is going to use tax dollars to support itself, a small amount could be contributed to the Centers for Disease Control and Prevention, because really public broadcasting has now asked the FCC if we can start to advertise to get revenue, much like private corporations. So the Public Broadcasting System is out there doing the same thing that the private corporations are going to do. The FCC is going to allow it, they are going to be able to advertise to collect revenue, and these revenues will go to help support the Public Broadcasting System, and I think this is good. I think the Public Broadcasting System should have a certain amount of revenues from advertising. However, I do not think they need to continue to be on the public dole, that the government has to support them with taxpayer-supported money.

So I think this is a small effort to say we need to help the Centers for Disease Control and Prevention and, more importantly, have them take this money and use it to study things like the proliferation of anthrax and to prepare this Nation for some of the pitfalls that might occur because of that.

Mr. Chairman, I ask my colleagues to vote ''yes'' on the Stearns amendment.

The CHAIRMAN. Does the gentleman from Wisconsin insist on the point of order?

Mr. OBEY. Mr. Chairman, my understanding is that the point in the bill at which this amendment would be in order has already been passed and so clearly, under the House rules, the gentleman's amendment is not in order at this time. However, as a courtesy to him and in an effort to save time, I will not insist on the point of order. I would simply move to strike the last word.

The CHAIRMAN. The gentleman does not insist on the point of order and is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, this amendment is not what it appears to

be. It is a trojan horse amendment. We all are aware of the terrorism problem that has befallen this country and the world. This amendment, in essence, pretends to do something significant about it when, in fact, what it does about it is something that is minuscule and not at all long lasting. What this amendment really is is a subterranean attack on public television all over America.

The public television stations of this country are required by an FCC mandate to move to digital technology. This bill provides the money, at least the Federal share of the money, to help them do that. What this amendment would do is to cut in half the Federal money which is being provided in order to enable those stations to fulfill that Federal mandate. And what it does is it pretends that it is going to have a significant impact on programs run by the Centers for Disease Control by transferring $12 million to that agency.

In fact, this bill already contains $232 million for that agency, a 28 percent increase over last year, and by the time we have finished with the antiterrorism supplemental, there will be probably at least another $1 billion and maybe as much as $2 billion, not million but billion, for the very same purpose that this amendment purports to add money for this evening.

So I would suggest the real way, the real way, the effective way to deal with the problem of terrorist attacks on this country in the form of biological or chemical agents is to support the committee bill and to support the follow-on supplemental which will be provided to this House before the appropriation process is finished under the agreement that we have reached with the White House.

I would urge, under those circumstances, that Members not be deceived into thinking that this is a significant effort to deal with that problem. It is minuscule compared to the funding that will be needed and will be provided by Members on both sides of the aisle. And so I would urge rejection of the amendment, unless, of course, you want to insist on a Federal mandate without paying for it.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to this amendment because we have already added $100 million to the CDC on bioterrorism. Their total account is almost $400 million. In addition, the Secretary of Health and Human Services has been assured that CDC will receive a portion of the money in the $20 billion that we appropriated as a result of the events of September 11. So I think there is going to be a lot of money flowing to CDC for bioterrorism. In addition, we beefed up the public health account.

Now, public broadcasting, and it is public broadcasting, I do not always agree with what they do, but they have been required by FCC to go to digital. And, of course, eventually the public, as they purchase new television sets, will likewise be able to receive digital programming which will, of course, improve the quality of the broadcasting. While I may not be enthused about some of the things the Corporation for Public Broadcasting does, I think it is our responsibility since it is the FCC which is a Federal agency that has made this order, and since it is public broadcasting, to support them as this appropriation does.

If I thought there was a shortage in CDC, I would perhaps have a different approach. But, again, we have enormously beefed up the CDC money, plus the fact that they are going to get a very sizable sum from the $20 billion that we have already put in for emergency funding for national security.

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

Mr. REGULA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me point out that the President will send to this Congress tomorrow a request for $2 billion, not 12 million dollars but $2 billion to combat disease-related potential attacks from any source.

I would urge the House not to fall into the trap of using our concern over the incident that happened a month ago to screw up every other program that the government is engaged in. I mean, that is essentially what would happen if this amendment is adopted with respect to our obligation to help finance the mandate that the Federal Government created with respect to digitalization.

If the Members want to support a real effort to help CDC prepare this country, they will support that $2 billion request. They will not cut in half what we are trying to do here for digitalization for public television in order to create the appearance that we have done something significant which, in fact, would be a thimbleful in an ocean in terms of its impact.

Mr. REGULA. Mr. Chairman, reclaiming my time, that is correct. I am advised by our leadership, also, that there will be a $2 billion request by the Administration in additional emergency funding for the Centers for Disease Control to deal with bioterrorism, and that is a lot of money. I do not believe we should cripple the ability of the Corporation for Public Broadcasting to move into the 21st century in their ability to transmit to the public effectively. Obviously the FCC would not have made this requirement if it were not an important element of their ability to serve the public.

I, therefore, oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SANDERS:

At the end of title V, insert after the last section (preceding the short title) the following section:

SEC. 5 . None of the funds made available in this Act for the Department of Health and Human Services may be used to grant an exclusive or partially exclusive license pursuant to chapter 18 of title 35, United States Code, except in accordance with section 209 of such title (relating to the availability to the public of an invention and its benefits on reasonable terms).

Mr. REGULA. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Ohio reserves a point of order.

Mr. SANDERS. Mr. Chairman, this is a very simple amendment to lower the cost of prescription drugs in this country. It is tripartisan and is cosponsored by the gentleman from California (Mr. ROHRABACHER), the gentlewoman from Ohio (Ms. KAPTUR), the gentleman from Texas (Mr. PAUL) and the gentlewoman from New York (Mrs. MALONEY).

When I first introduced a version of this amendment in 1996, it received 180 votes. Last year, however, it passed 313–109. There is a lot of support for this amendment in this body. I offer it tonight again in the hope that the Senate will agree favorably to it and begin to lower the price of prescription drugs developed with the taxpayers' money through the National Institutes of Health. This amendment is supported by organizations representing millions of American citizens, including Families USA, the Alliance for Retired Americans, the National Committee to Preserve Social Security and Medicare, and Public Citizen.

Mr. Chairman, over the years, the taxpayers of this country have contributed billions of dollars to the National Institutes of Health for research into new and important drugs, and that research money has paid off. It has worked. Between 1955 and 1992, 92 percent of drugs approved by the FDA to treat cancer were researched and developed by the NIH. Today, many of the most widely used drugs in this country dealing with a variety of illnesses were developed through NIH research, and that is very good news for all of us.

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

Mr. SANDERS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, would the gentleman yield back the balance of his time if we said that we would accept the amendment?

Mr. SANDERS. If the gentleman would let me finish my statement, I have 2 more minutes. And he is going to accept it. I am happy to hear that.

□ 1730

Mr. OBEY. Mr. Chairman, what if we will not accept it if the gentleman finishes his speech?

Mr. SANDERS. Mr. Chairman, I will read fast. It will be done in a minute-and-a-half.

Mr. Chairman, I appreciate the chairman and ranking member agreeing to accept the amendment. But the point here is that the bad news, by and large, is that those drugs that were developed at taxpayer expense were given over to the pharmaceutical industry with no assurance that American consumers would not be charged outrageously high prices. The pharmaceutical companies constitute the most profitable industry in America, yet while their profits sore, millions of Americans cannot afford the prescription drugs they desperately need because of the high prices they are forced to pay. That is bad. But what is even worse is that many of these same drugs were developed with taxpayer dollars.

Imagine a situation where taxpayers contribute to develop a drug, and then the person who paid taxes to develop that drug cannot afford to buy it. That is an outrage.

There are many crises in terms of the high cost of prescription drugs in this country. This amendment deals with one narrow aspect of that problem. If taxpayers in America are going to contribute billions to develop drugs, then when those drugs are marketed by the pharmaceutical industry they must be sold at a reasonable price; and that is what this amendment does.

I could list, but I will not, the many, many drugs that receive Federal assistance that are now sold for outrageously high prices. It is time for the United States Congress to stand up to represent the taxpayers and consumers of this country and support this amendment.

Let me simply conclude by mentioning with gratitude that last year over 300 Members of this House overwhelmingly supported this amendment. I am very delighted and proud that the chairman and the ranking member are prepared to accept it and that I hope that we can go on tonight.

Mr. PAUL. Mr. Chairman will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Chairman, I thank the gentleman for yielding.

I am pleased that the amendment will be approved because I am a cosponsor of this amendment. I compliment the gentleman for bringing this to the floor.

Mr. SANDERS. Mr. Chairman, reclaiming my time, I thank the gentleman from Texas (Mr. PAUL) for his strong support.

The CHAIRMAN. Is there further discussion on the amendment?

Does the gentleman from Ohio (Mr. REGULA) insist on his point of order?

Mr. REGULA. Mr. Chairman, we withdraw our reservation and are prepared to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ISTOOK:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. The amounts otherwise provided by this Act are revised by increasing the amount made available in the second sentence under the heading ''Health Resources and Services'' for special projects of regional and national significance under section 501(a)(2) of the Social Security Act, reducing the aggregate amount made available under the heading ''Disease Control, Research, and Training'', and reducing the aggregate amount made available under the heading ''Payments to States for the Child Care and Development Block Grant'', by $33,000,000, $16,000,000, and $17,000,000, respectively.

Mr. OBEY. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Oklahoma (Mr. ISTOOK) is recognized for 5 minutes.

Mr. ISTOOK. Mr. Chairman, this deals with the matter that was offered earlier during the debate on this bill to make available an additional $33 million for Abstinence Education Grants.

The offset, of course, is different from what it was before. It is now under the Disease Control, Research, and Training program, which, among other things, provides funding for combatting sexually transmitted diseases, as well as other diseases.

Mr. Chairman, this is in response to the great crisis that we have had for decades regarding teen pregnancy, teen sexual activity, unwed births, and the tremendous catastrophic effect that it has had on America and on millions and millions of lives in America. For decades, since the 1970s, Mr. Chairman, we have been funding so-called safe sex programs, family planning programs, things using a euphemism for telling kids it is okay to have sex, as long as you are careful about it.

What has been the result during that time? Mr. Chairman, as Federal funding for these programs went up, teenage pregnancies and unwed births went up along with it. The more we sent a mixed message that says it is okay to have sex out of wedlock, it is okay, kids, just be safe about it, the more we undercut what Mom and Dad tell their kids, the more we undercut what they are taught at church, the more we found that we got more of the problem.

But only when first in private funding and then, in 1995, in Federal funding, did we start funding the abstinence programs that taught kids about waiting until marriage and upholding values, only then have we started to see this number come down in teenage unwed births.

That is what this is about, Mr. Chairman. We started funding that in 1995 at the rate of $50 million a year, and then, in the last year, we began adding to that at a rate of $70 million a year. To the chairman's credit, the bill in front of us would bring that number to $90 million, but it does not bring it to parity with what we have been spending to promote so-called safe sex, family planning. ''It is okay to do it as long as you try to be careful,'' and teenagers are not able to be careful that way, Mr. Chairman.

This is bringing parity, as the President has proposed. As we have the supportive letter from OMB to support that, this is bringing parity to the funding, saying that we ought to be spending at least as much on the message of abstinence as we are on the other message.

We defined what we meant by abstinence. Teaching that has as its exclusive purpose the social, psychological, and health gains to be realized by abstaining from sexual activity. Teaching that abstinence from sexual activity for teens outside marriage is the expected standard, and it is the only way to prevent unwanted pregnancy and the only way to prevent sexually transmitted diseases that have exploded along with the explosion of teen pregnancies.

Mr. Chairman, this is just saying let us have parity. This does not attack the programs that we have been funding for years, but it does say that it is about time that the average American, the typical American, the normal values of everyday people in this country, receive the same emphasis from their government as we have put on other things.

I ask Members to join me, Mr. Chairman, in supporting this amendment; in supporting the $33 million which we calculated and the President calculated would bring parity. Frankly, Mr. Chairman, I have got to tell you, it is probably still about $15 million short of that parity, but I am not asking for a higher number.

We asked early on in this session for this amount, this $73 million for the grants on top of the $50 million that goes to the States to do this. And there is huge demand for it. When the first grants were awarded this year under the grant program, only $20 million was available. Applicants applied for seven times that amount. The Department of Health and Human Services

was overwhelmed with the number of applications. They have never had such a response to a new program as they had for this.

Mr. Chairman, we need to put this funding in place. We have the hundreds of billions of dollars in this bill. We have the extra billions that were added in just the last week or two. It is not asking too much to say that we ought to be active in seeking the abstinence education.

Mr. Chairman, I move adoption of the amendment.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. OBEY. No, I do not, Mr. Chairman.

I move to strike the last word.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, the account that the gentleman is asking that we increase has been increased in this bill by 100 percent. The account that the gentleman would cut in order to finance the increase that he is asking for is the account that funds infectious disease control efforts at CDC; it is the account that funds the disease detectives who are right now at this very moment searching for anthrax; it is the account that funds breast and cervical screening; it is the account that funds TB control; it is the account that funds sexually transmitted diseases; and, in addition to that, the gentleman cuts the Child Care Block Grant account.

Now, I would point out that with respect to the item that the gentleman seeks to increase, he seeks to increase the funding that we are providing for abstinence programs. I fully support those programs. I voted for them in the past, and I have helped the gentleman get the funding for them. I would point out that the increase that the gentleman has gotten in this bill for those family planning programs is twice as high as the increase that we have provided in this bill for the traditional family planning programs.

So the gentleman has already gotten the better part of the deal. Now he is asking us to fund yet another increase. And I have no problem with that increase. I have no problem with it whatsoever. If the gentleman wants to cut back some tax cuts in order to pay for it, or if he wants to find some other reasonable accounts to cut, fine, I am all for it. But I am not for funding a greater than 100 percent increase in this account by reducing the other accounts before us.

I find it ironic that the previous amendment is trying to increase the activities that the gentleman is trying to cut with this amendment. This committee is being whipsawed. One minute we are being hit from the northeast, and the next minute we are being hit from the southwest.

We are in the center with this bill. We have got a bipartisan compromise, we have got reasonable increases for all of these programs, and I would urge that in the interests of maintaining the balance in this bill, that we oppose the gentleman's amendment.

If we can find some other way in conference to increase funding for this in a balanced way, I have no sweats about that. But I am certainly not interested in funding this increase at the expense of the decreases that I have just described.

Mr. REGULA. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, I rise in opposition because in part it takes money from very important programs, Child Care Development Block Grants. We are all concerned about child care. We have heard earlier today statements about the impact of September 11 on children, and that is just part of the needs that face this Nation.

Likewise, we have just had a discussion on the importance of the Center for Disease Control for research and training, again a response to the impact of events over the recent time.

I would want to point out that I do not quarrel with what the gentleman's goals are, and I think this program should be increased, and we recognize that. We went $10 million more than the President requested in his budget. We went $20 million more than last year.

It is not that we are ignoring this program. It is not that we do not think it has great potential. I talked to a lady in my district who is working with this program, and she pointed out to me a number of effective things that are being done in the schools. But I think it needs to be developed incrementally.

I believe that the money that we have put in, working to improve the program, will accomplish the goals; and I would hope that in the future we will have more evidence, such as what I have heard from one of my constituents, that will persuade us that we should have another sizable increase in the future.

But obviously if we are $10 million over the President and $20 million over last year, we are recognizing the value of this program, and when I have to balance this off against the Centers for Disease Control and all the items that the gentleman from Wisconsin mentioned that are part of the Child Care Development Block Grant, it just does not balance out in terms of equities.

We have tried to have a balanced bill here. We have tried to recognize all the different programs that are important. I think in adding $10 million over the President, $20 million over last year's budget, we are being fair in what is available for this program.

I would urge Members to vote against this amendment.

□ 1745

Mr. PENCE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK), my friend and colleague; but I would begin my brief remarks on this bill by commending the chairman and the ranking member for their very sincere commitment to abstinence education and acknowledging the increases in the current bill, $20 million over last year, as the chairman said, and $10 million even over the President's request.

But I, nevertheless, rise today in support of that noble, right, pure, and true belief that we as a people should reconsider our approach to family planning and to sex education and treatment in America today. The truth is that we have a problem. Mr. Chairman, 3 million teenagers a year are catching sexually transmitted disease. The United States has, Mr. Chairman, the highest teenage pregnancy rate of all developed countries in the world, despite billions of dollars spent over decades in traditional methods of birth control. Mr. Chairman, 1 million teenagers become pregnant each year, and one-third of those pregnancies end tragically in abortion.

Not only do we have a problem, Mr. Chairman, but we have a solution. Abstinence education, as the gentleman from Ohio (Mr. REGULA), the chairman of the subcommittee, just reflected passionately works. We know that it works. From the district that I serve in Indiana, we have seen church organizations and civic organizations come together to promote abstinence as an alternative. Here in Washington, D.C. where 15 percent of girls become sexually active in the eighth grade, according to statistics, there is a program known as the Best Friends Foundation, which has reduced that number to 5 percent in real terms. In the District of Columbia, 27 percent of girls age 15 to 19 become pregnant each year, but among the Best Friends girls in that age range, only 2.5 percent have ever become pregnant. Abstinence, as the gentleman from Oklahoma (Mr. ISTOOK) says and as the chairman and the ranking member reflect, abstinence works and we ought to be making a serious and concerted commitment.

Another example: in Rochester, New York, the Not Me Not Now program achieved remarkable results over a 4-year period. First intercourse incidents among 15-year-olds dropped from 47 percent to 32 percent, and among 17-year-olds it dropped from 54 percent to 40 percent. Mr. Chairman, these are real gains; these are real improvements. But we have a real need, despite the outstanding work of the committee on this important piece of legislation. I, along with the gentleman from Oklahoma (Mr. ISTOOK), believe that we can

and should do more; that, in fact, by adding $33 million to the annual title V SPRANS Community Abstinence Education program, we will do much to meet what is a real need in America today.

The title V program received 359 applications last year in its first year of operation in funding abstinence programs around America. That was the largest number of applications for a single new grant program that anyone at HHS can even remember. It would have required $165 million in authorization to fund all of the applicants. This modest increase of $73 million still will not meet the need; but it will move us closer to a new vision, a balanced vision when it comes to sex education in America today.

So again, with great respect to the chairman and to the ranking member for their commitment to abstinence education, which I acknowledge today, Mr. Chairman, is real and is heartfelt and is genuine; and with appreciation for the increased commitment to abstinence education in this bill I, nevertheless, very respectfully stand with the gentleman from Oklahoma (Mr. ISTOOK) and others to say that we can and should do more.

Mr. DOGGETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, abstinence education. With all due respect to the good intentions of the author of the amendment, as far as this amendment and the priority-setting that produced this amendment on the floor of Congress today, I think the whole matter is a true embarrassment.

The Pentagon held a memorial service this morning. It had a memorial service for the men and women that we lost on September 11. Their loved ones were not killed because of inadequate abstinence education; they were killed because of major security breaches in our airports, and it is high time that this Congress do something about it. Across our country, millions of Americans have honored the victims of September 11 with a moment of silence. Well, this House has acted with more than a moment; it has had a month of silence and inaction on the security issue that lies at the heart of this tragedy. We can talk about the pros and cons of abstinence education all night long, and I guess some would like to do that, but when are we going to talk about effective measures to ensure abstinence for terrorism?

I think that it is long past time to stop wasting our time talking about safe sex and start talking about safe flight. In the 30 days that have now passed since four airplanes were hijacked and crashed, the Congress has failed utterly to provide for airline security. This inaction borders on indifference, and it is a disgrace. If four crashes were not enough to make this body respond, what in the world will? Can we not devote at least as much time to this issue that every family in America is concerned about tonight as we devote to talking about abstinence?

One week after this attack, and this is part of a series of problems; it is not just this amendment, one week after this attack, what was this House doing? We were debating a family court in the District of Columbia. Two weeks after this attack, we were establishing National Character Counts Week. Three weeks after this tragedy, we were considering the farm bill and approving the Virgin River Dinosaur Footprint Preserve. This week, we are looking at Fast Track trading authority, more tax breaks for corporations, and abstinence.

When in the world is this Congress going to deal with what Americans are really concerned about: Will my wife get home safe tonight? Can the kids come home for Thanksgiving? Those are the issues that we ought to be establishing as our priorities.

We will not decrease terrorism by hoping that terrorists abstain from further attacks. We will not be able to trade our way into the hearts of the Taliban, and we will not make our families safer by spending millions of dollars on abstinence education instead of substituting skilled federal law enforcement on our airlines to search the bags and be there when we go through the screening process instead of some minimum-wage worker who could not get a job anywhere else. And of all times, on a day when we are more and more concerned about Anthrax, to fund this increased abstinence education by cutting the Centers for Disease Control borders on insanity in terms of the priorities of this Congress.

It has been 30 days, 30 days since September 11; and while most Americans would have said, if asked, and if they had been here on the floor of this Congress, do something about airline security, do something about bioterrorism, and leave all of this other stuff alone. This Congress is not doing it. This leadership will not permit us to debate the issue of aviation safety and the needs on bioterrorism tonight in this Congress because there is a hard-line idealogical commitment that if we add one worker to the federal workforce, even if they are to screen our bags, even if they are to screen the passengers, that that is somehow a bad thing.

Mr. Chairman, I think we need to put a stop to the old way of dealing with these problems and the old ideologies and recognize that we have a new world after September 11. It is time to reject those old ways. The failure to discuss airline security results from those old ways that some refused to abandon.

Mr. Chairman, at 4:28 this afternoon, another headline out: ''FBI Issues Terrorist Strikes Warning,'' which says that either inside or outside the United States, during the next several days, we may face additional terrorist attacks. Whether they are through Anthrax or through airlines, this Congress ought to be dealing with these security issues are a top priority.

The fact that our National Guard, and now our border guards, are being pulled off the border and put into the airports, the fact that this is happening results from the inaction of this Congress. The failure of this Congress to act, which caused one Member of the other body, Senator MCCAIN from Arizona, to say it last night, this in his words ''a farce''; and today is a continuation of that farce, resulting from our failure to deal with this security priority tonight.

Mr. HAYES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me say that the last time I checked, the item before this Congress at the moment was the Labor-HHS bill. I totally and thoroughly disagree with the gentleman's characterization of the activity of this Congress. Twenty-four hours a day, 7 days a week for the last 30 days we have been working very hard to deal with the issues that he says we are ignoring.

Back to the bill. I want to thank the gentleman from Ohio (Mr. REGULA) and to the gentleman from Wisconsin (Mr. OBEY) for their consideration in increasing spending for a very crucial issue, which is abstinence-until-marriage funding. I do not know of too many things from a security standpoint that is any more important than the health of our young people today. As we look at ways to increase the funding which will improve health conditions for our young people, I appreciate their concern, their approval of the funds; and I hope if this is not the right place, I am sure that my colleagues will find the right place to do this.

In North Carolina we have a law that we worked very, very hard in a bipartisan fashion to pass; and that law says that we will have in our health education curriculum that abstinence until marriage is the expected standard of behavior. Young people, teenagers in particular, are very, very bright. They respond to proper leadership and good examples. If we tell them that this promiscuous behavior is going to happen, they cannot make the right choices, and then offer them contraceptives which have a 20 percent failure rate, we have not done our duty. We have not protected our young people. But if we say to them, abstinence until marriage is the healthy way to 100 percent provide protection from sexually transmitted diseases and unwanted pregnancies, then I say to my colleagues, we have done our job.

So I want to thank the gentleman from Oklahoma (Mr. ISTOOK) and the

gentleman from Ohio (Mr. REGULA) and the gentleman from Wisconsin (Mr. OBEY) for their attention to this matter. I commend the amendment, I support it very strongly, and I would love to work with my colleagues in any way to make sure we make this happen. By the way, the President in a recent letter does support funding at the $73 million level.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Istook amendment. The Labor-HHS bill contains many programs that are very important to the American people. At this time of crisis and increased concern about the public welfare, we have a greater obligation than ever before to prioritize. The chairman of the subcommittee and the ranking member have made an extraordinary effort to bring this good, balanced bill to the floor, and I thank them.

The Istook amendment, I believe, undermines the bipartisan commitment we have made to move this bill without unnecessary conflicts. It would increase funding for a single health education grant program by $33 million. Funding began 1 year ago at $20 million, and the chairman's mark already increased a promised $30 million by an additional $10 million. The gentleman from Oklahoma (Mr. ISTOOK) wants to go from this $40 million program, a 100 percent increase over last year, to $73 million. Not only would this increase eclipse that of any other program in the bill, the gentleman from Oklahoma (Mr. ISTOOK) offsets the cost of this excessive increase by cutting funds for the CDC, the Child Care Development Block grant. His cuts in CDC would force the CDC to make reductions in these areas: infectious diseases, chronic diseases, STDs, breast and cervical cancer. Which should we choose?

□ 1800

I will repeat it again, it means cuts in infectious diseases, chronic diseases, STDs, breast and cervical cancer. This is outrageous and irresponsible.

Equally disturbing, the gentleman from Oklahoma (Mr. ISTOOK) proposes to cut the child care development block grant. These funds are desperately needed to ensure that children receive quality child care, especially low-income families.

I want to make this clear to my colleagues: I know how important this program is to the gentleman from Oklahoma (Mr. ISTOOK). In fact, despite my strong reservations about the effectiveness of teaching abstinence only until marriage, I have worked with my colleague, I have worked with the gentleman from Oklahoma (Mr. ISTOOK) in designing these community-based grants, because I believe abstinence is an important message for our youth. We have worked together.

However, with the tremendous needs, Mr. Chairman, as a result of September 11, and I feel so privileged to serve on a committee that can meet these needs, and we cannot even find enough money for CDC. I know my good chairman, the gentleman from Ohio (Mr. REGULA), would like to do more. So now is not the time, in my judgment, to allocate a three-fold increase, and that means 200 percent, to one health education program.

Even if our Nation was not in the state of emergency, a drastic increase in this program is premature because it has only been in place 1 year. As part of our agreement, and the gentleman from Oklahoma (Mr. ISTOOK) and I had an agreement with the gentleman from Wisconsin (Mr. OBEY) and our former chair, Mr. Porter, to include rigorous evaluation in this program, an evaluation which would include a range of sexuality programs, not just abstinence-only programs, has not even begun.

Finally, our funding needs for CDC bioterrorism, the public health emergency fund, worker training, unemployment insurance, mental health counseling, to name just a few, are just enormous. They are great. While we each continue our interest and advocacy for particular programs, seeking an increase of this magnitude I feel is inappropriate at this time. So let us give this program some time before providing an even larger funding increase, especially considering our budgetary restraints.

I want to thank the Members again. I hope my colleagues will vote no on this Istook amendment, and I want to appreciate the good work of our Chair, the gentleman from Ohio (Chairman REGULA), for bringing us together working on a bipartisan agreement.

I really feel that it is unfortunate that one of our members of the subcommittee chooses to violate the agreement and ask for a 200 percent, 200 percent increase in this program, which has not been evaluated. It will not be evaluated until 2005.

I would be delighted to work with my colleague to make sure that we continue to look at this program very carefully.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to be associated with the comments and remarks of my colleague, the gentlewoman from New York (Mrs. LOWEY), and really every Member that has risen in opposition to the Istook amendment.

Mr. Chairman, since the September 11 attacks, the objectives of our Nation have changed dramatically. We are focused on combatting terrorism, enhancing intelligence, and upgrading our public health system. Each of these efforts costs money and deserves additional funding.

The Istook amendment would give $33 million, a three-fold increase, to a narrowly-focused program that puts teens at risk and is rooted in wishful thinking. Abstinence-only education works only when it is combined with comprehensive sexuality education. Evidence shows that comprehensive sexuality education helps delay sexual relations among young people, and increases contraceptive use among those who become sexually active.

Telling independent-minded teenagers what not to do and depriving them of information they might use to decide is a recipe for unplanned pregnancies and sexually-transmitted diseases.

Ninety-three percent of Americans support teaching sexuality education. We should follow the numbers and reject the Istook amendment.

Mr. DOOLITTLE. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. DOOLITTLE. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Chairman, I think it is very important that we give credit where credit is due. The gentleman from Wisconsin (Mr. OBEY) and the gentlewoman from New York (Mrs. LOWEY) earlier mentioned that they have helped get this program off the ground. Despite this opposition to this amendment, they deserve credit for that. I want to acknowledge that publicly.

However, as the gentleman from Wisconsin said when someone else was speaking earlier, I would rather have their support than their praise. I would like to have the gentlewoman's support now, not just her praise for getting the program under way but her support at this time, as well.

I hear people argue, well, we really cannot afford this extra $33 million. Mr. Chairman, this is in a bill with discretionary spending, not even counting the mandatory, discretionary spending of $123 billion, $11 billion more than last year, and $6.8 billion over the President's request. It has a half-a-dozen accounts in it that are more than $100 million over the President's request. It has over a dozen accounts in it that are more than $100 million over last year's amount.

Then we are told, on one of the major problems of our time, with teenage pregnancies and sexually-transmitted diseases, with 3 million young Americans each year getting sexually-transmitted diseases, 3 million teens, we are told with all this money in the bill, it is a good idea, but we really cannot afford it.

Give me a break. It is a question of where our priorities are. Do Members want to fund the things that reinforce America's values? Do Members want to fund the things that are having the

first success in three decades in combatting teenagers who are involved sexually, get disease, get pregnant, drop out of school, turn to alcohol, turn to drugs, do not get their education, cannot support themselves, go on public assistance, raise kids in that environment? Is that what we want?

Mr. Chairman, if we had more of these abstinence education programs, we would not need all the other billions of dollars in this bill. Yet, I hear people say, it is a good idea, but we really cannot afford it, despite all the other billions of dollars in the bill. The real question is getting our priorities straight.

We had $2 billion that was added to this piece of legislation in the last week. Of course we can afford this.

The President's support? This is the letter dated September 24 from his office, the Executive Office of the President, Office of Management and Budget: ''The President remains strongly committed to funding parity between abstinence education and teen contraception. With this in mind, the administration would support efforts in Congress to increase funding to $73 million for abstinence education activities under the administration's title V special programs of regional and national significance within the Health and Human Services Department.''

That is what this amendment does. The President has talked to us about getting parity. That is what this amendment is about. In a bill with all these billions of dollars, we do not have $33 million to put into this high priority; $33 million that prevents disease, that prevents children being raised in poverty?

I heard someone say, well, we have not done enough evaluations on these abstinence education programs. These family planning programs, title X programs, we have had since 1971, for 30 years; they have never been evaluated. We spend over $200 million a year on them. We have not evaluated them. But we are told that is a reason for not promoting abstinence education, when teen pregnancy rates have only started coming down once these programs got under way.

It is time we put more support into them. I would like to have the support, not just the verbal support but the support in votes, of people that have indeed helped to get this program under way. It needs a little bit of nurture and nourishment right now. The demand is huge in the United States. They are overwhelmed with applicants for these grants. They cannot fill that demand.

Let us save some kids. Let us help people not get into this cycle of disease and poverty. Let us support this amendment. I move its adoption, Mr. Chairman.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that further debate on the pending amendment offered by the gentleman from Oklahoma (Mr. ISTOOK) and any amendments thereto be limited to 40 minutes, to be equally divided and controlled by the proponent and myself, the opponent. We could have less.

Mr. OBEY. Mr. Chairman, reserving the right to object, I would simply ask if we could get an idea how many Members actually have a burning desire to speak on this. Then we might be able to shrink it to less than that, which I think everybody would appreciate.

Mr. REGULA. We have no further speakers on this side.

Mr. OBEY. There are three on this side. Would it be acceptable to have 3 minutes apiece?

Mr. REGULA. Mr. Chairman, strike my original unanimous consent request.

I ask unanimous consent that further debate on the pending amendment offered by the gentleman from Oklahoma (Mr. ISTOOK) and any amendments thereto be limited to 20 minutes, to be equally divided and controlled by the proponent and myself, the opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. REGULA. Mr. Chairman, I yield my 10 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from California (Ms. ESHOO), who has worked a long, long time on one of the issues involved in this amendment.

Ms. ESHOO. Mr. Chairman, I thank the distinguished ranking member and the distinguished chairman of the committee for their work and for the bipartisan bill that they have brought forward. Mr. Chairman, this is never an easy bill for a ranking member and a chairman to work out, so I salute them, and I recognize the work that has gone into this.

But I rise in opposition to the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK). Let me tell the Members why. The amendment cuts the Centers for Disease Control. It is the account, not an account but the account that funds the CDC's disease detectives who are right now looking for anthrax in Florida.

It speaks to the dollars that are spent for controlling infectious diseases: tuberculosis control, research into birth defects and childhood disabilities, and asthma treatment and prevention.

Mr. Chairman, I want to zero in on another area of this budget, and what this amendment would essentially cut and really hurt, and really hurt. That is the issue of breast and cervical cancer screening.

In the last Congress, if there was one thing that I worked harder on than anything else with my Democratic and Republican colleagues, it was to come up with a bill that would take care of those women that are underinsured or not insured at all, because when the CDC screened for breast and cervical cancer, that was one part of it, but the part that the Congress had never finished, had never done, was the next chapter. That was that once there was detection, that we would help them.

We cannot afford to have that effort go down the drain. Mr. Bliley was the chairman of the committee. There were over 300 cosponsors to that bill. It was a great bipartisan effort. Everyone embraced it. They understood that we could in fact take the next step and make a difference for women and their families in this country. I think it is one of the great accomplishments of the last Congress.

This amendment hurts that. It does not have to be the case. The gentleman's amendment is not bragging about how much the 100 percent increase over last year is already taken care of in the bipartisan bill, going from $20 million to $40 million.

Maybe that is not my top priority, what the gentleman is doing, but I salute him for what he cares about. But do not do this at the cost of the anthrax cases that we need to look into, breast and cervical cancer screening, and the care of women that absolutely need it and depend upon it.

There is tuberculosis control. These are all things that the American people rise up and say, good job, Congress.

Vote against the amendment. It hurts. It is not necessary, and it is wrong.

□ 1815

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

I simply want to point out, Mr. Chairman, that the account that is the offset of this is an account that has received an increase of $1.1 billion. It has received an increase in excess of the President's request. We are not sacrificing anything of value to make sure that we provide for abstinence education and fund it accordingly.

Mr. Chairman, I yield 4 minutes to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Chairman, I rise in strong support of this amendment and wish to commend my colleague, the gentleman from Oklahoma (Mr. ISTOOK), for his constant support on this issue. This amendment does not seek to address the constitutionality or morality questions inherent in the abstinence education debate. Rather, this amendment seeks to promote the health and safety of our children.

Each year, three million teens contract sexually transmitted diseases; and nearly one million become pregnant. These statistics, Mr. Chairman, are simply appalling. However, as appalling as these statistics are, we must

note that these rates have declined in recent years. According to the Centers for Disease Control and Prevention, abstinence programs have played a role in the decline in teenage birth rates, which have dropped by 22 percent since 1991. As the CDC states, ''Many initiatives have focused on the prevention of pregnancy through abstinence and many teenagers have heard this message.''

Currently, the Federal Government spends more than $5 billion per year on HIV/AIDS, STD, and unintended pregnancy prevention combined.

Most of these dollars go towards the provision of services such as screening, pregnancy tests, free contraceptives and condoms and referrals. About $15 million goes towards promoting ''safe sex'' messages and education.

Federally funded abstinence education programs receive only about $80 million per year, practically all of it promoting the fact that sexual abstinence is the only method to be completely safe for preventing unwanted pregnancies and diseases.

The need to support abstinence education is significant. More than 700 State and community-based abstinence education programs are funded through title V. Much of this money is provided to volunteer organizations that have annual budgets of less than $20,000. A small grant of $2,500 or $5,000 means they can purchase some curriculum, some videotapes, maybe a combination VCR/TV, and devote instructors to serve and educate kids about how sex can wait and that many of the consequences of early sexual activity are incurable and deadly.

Mr. Chairman, Federal abstinence education funding is making a difference in my home State of Indiana. For example, the Peers Educating Peers, or PEP program educates adolescents about sexual health in nearly 20 Indiana counties serving more than 10,000 adolescents per year. PEP uses high school role models to educate junior high school age students about refusal skills, open communication, and responsible decision-making.

PEP has demonstrated its effectiveness as teen birth rates have dropped an average of 43 percent in the five counties where the program has been operating the longest.

Because of a SPRANS, or Special Projects of Regional and National Significance grant, the PEP program will expand their successful program to Evansville in my congressional district where the teen birth rate is 40 births per thousand, the second highest birth rate in Indiana.

This amendment, which would increase funding for abstinence education, makes both common sense and public health sense. It makes common sense because abstinence education works, and I have already highlighted the success of programs like PEP in Indiana.

It makes public health sense because Federal abstinence education funding goes towards prevention of sexual activity, just like public health messages like ''wash your hands,'' ''do not smoke,'' or ''do not drink and drive'' prevents communicable diseases, long-term disease, accidents and death.

Finally, it puts the money where it is needed. The CDC reports that about half of our children are sexually abstinent and about half of our children have become sexually active. If those are the proportions, according to CDC, then let Federal support reflect those proportions.

This amendment to increase abstinence funding is a good first step to achieve a fair distribution of resources based on the needs of young people.

As President Bush has stated, ''For children to realize their dreams, they must learn the value of abstinence. We must send them the message that of the many decisions they will make in their lives, choosing to avoid early sex is one of the most important. We must stress that abstinence is not just about saying no to sex; it is about saying yes to a happier, healthier future.''

I urge my colleagues to support the proposed amendment and provide increased funding for abstinence education.

Mr. OBEY. Mr. Chairman, I yield 2 minutes and 45 seconds to the distinguished gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, this is, I am sure, a sincere amendment; but it probably sets a record for ill timing. Because on the day where I just walked out of the cloak room and I saw CNN running a headline that the FBI is warning that we should be on the highest alert for terrorist attacks, on a day when the country is extremely concerned about our ability to deal with bioterrorism, we have a Member amendment on the floor of the House to cut money out of the CDC people whose job it is to find out if there is dangerous bacteria in our environment.

I cannot imagine a worse timed amendment, but I think there is a bigger problem with what we are considering on the floor of the House than just that. The fact of the matter is our House is on fire, and we are dealing with all these ideological issues. We should be dealing with the security of the United States of America now that we are 30 days past this tragedy.

Let me tell my colleagues why that is of concern. When my colleagues and I get on a plane next Friday or tomorrow to go back to our districts, did my colleagues know that almost all of the bags that go into the belly of the airplane we get on will not be screened for explosive devices? Over 90 percent of the bags that are going to be in the luggage compartment of the plane we get on on Friday will not have been screened for bombs.

Now, what are we doing about that problem today? Nothing, not a single thing for a month after this terrorist attack. We have not done a dang thing on this issue.

What have we done? We gave $15 billion to the airlines. Have we done anything to require employees to walk through magnetometers so they cannot carry bombs on to airplanes. We have not done anything.

The fact of the matter is these ideological concerns are trumping the security interest of the United States. We have got a bill to deal with airline security so that the people who guard the magnetometers will have some modicum of training, will get maybe a little more than minimum wage.

Many people think they ought to be Federal employees. I think they ought to be Federal employees like FBI, like Marshals, like fire department. But these ideological concerns are keeping even a vote on the floor of this House to do anything like that. I just hope that, number one, this amendment will fail; and I hope that the leadership of this House will bring to the floor of the House in quick order, starting at about noon tomorrow, some security bills so this House can vote on them because that ought to be the order of the day.

Mr. ISTOOK. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, this amendment does not take money out of the accounts for bioterrorism. I rise in support of the Istook amendment because I believe we should honor the President's pledge to increase funding for abstinence education to a level equal for funding for title X abortion counseling programs.

Mr. Chairman, over the past few decades, we have been subjected to the propaganda of the safe sex and the abortion lobbies. They would have us believe that more contraceptives are the answer to the problems of sexually transmitted disease and teen pregnancy despite evidence to the contrary. We need to start teaching our young people the truth. Sex outside of marriage is risky business, and it has physical and emotional consequences. There is no substitute for abstinence when it comes to avoiding problems associated with premarital sex.

We need to stop lying to our Nation's youth and stop assuming that promiscuity is an inherent part of adolescent life. Instead, through absence education, programs which have proven to be successful, we need to promote their health and safety. We need to encourage them to exercise self-control. We need to teach them about the benefits of saving sex until marriage. If we believe that children can exercise self-control to avoid smoking, what about premarital sex?

Our Nation's children deserve more than free contraception and abortion

counseling. Our Nation's children deserve our love and our commitment that we will help them seek the best future for themselves, a future that is free of the emotional and the physical pitfalls that accompany premarital sex.

Mr. Chairman, I urge my colleagues to support the Istook amendment to increase the funding for abstinence programs.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. TIERNEY)

Mr. TIERNEY. Mr. Chairman, I thank the ranking member for yielding me time.

Mr. Chairman, I want to say to my colleague who is presenting this motion that, in fact, he has already done well what he purports to represent. He has increased the amount of his package well over what it was last year. The base bill does that, and he can feel that he has had an accomplishment there. But when we talk about priorities, and I understand that is a priority of his, and as I said he has addressed it, America's priority right now is security.

If you walk down any street, any main street in my district or anyone else's district, people are talking about security. They want to make sure that they are safe in their homes, safe in their neighborhoods, their children are safe in their schools, that our water is safe, that our transportation is safe.

They are also talking about security of their income. Thousands and thousands of people have lost their employment as a result of what went on September 11; and those are issues which should, in fact, be a priority of this country.

We have done nothing about them since September 11. We had an opportunity when we bailed out the airline industry, excessively in my opinion, when they could only identify $2 billion worth of losses occasioned by the activities of September 11, but got $5 billion. We had an opportunity then to do something for people that became unemployed, to make sure they had health care for their families, to make sure they had an adequate income so they could sustain themselves and their families and their communities. We had an opportunity then to do something about security on our airlines, in particular, as well as other places.

The CDC does need money so it can make sure we are safe from anthrax and other problems like that. We need to know that the pilots are secure in their cockpit and that our luggage is getting checked. We need to know our water is safe and that we are being protected. These are going to be costly matters.

When you talk about the American people's priorities, rather than be debating on what we have been debating here, excessively over this bill's base amounts, we would better spend our time addressing what people want, a job or employment security or income security, a way to know they will have health care coverage for their family in a time of need, and a way to know that when they travel they will be safe.

Mr. Chairman, I suggest that that is what this Congress should have been doing over the past several weeks. It is a disgrace that we have not been doing it. We should get on to that business now. That is America's priority.

Mr. ISTOOK. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Oklahoma (Mr. ISTOOK) has 3½ minutes remaining. The gentleman from Wisconsin (Mr. OBEY) has 2 minutes remaining.

Mr. ISTOOK. Mr. Chairman, does the gentleman from Wisconsin have the right to close?

The CHAIRMAN. That is correct.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are here because we need to be here, because we are trying to take care of the things that we are responsible to take care of, not only the security of the United States of America but the welfare of its people. That is why we have this bill on the floor. Yes, we could spend all of our time talking about foreign affairs; but if we did, we would not be trying to have normalcy. And, yes, it is normal that we get on the floor of this House, we have debates, we have disagreements, and we have bills such as the annual appropriation bill for the Departments of Labor, Health and Human Services and Education.

If we did not have that, then things such as the Centers for Disease Control and public health programs would not have their funding and where would the welfare of the Nation be?

Right now the congressional authorizations for these measures expires unless we take action such as passing this bill. So of course we should be here. We should be talking about the issues that are timeless and timely, and this is among them.

We have, Mr. Chairman, according to the Centers for Disease Control that is charged with, among other things, trying to stop the sexually transmitted diseases which this amendment addresses. According to CDC and the Institute of Medicine, 12 million new cases are reported each year of sexually transmitted diseases, one-fourth of them among teenagers.

□ 1830

It is 89 percent of all reported diseases that constitute the top 10 in the whole U.S. of all diseases. Twenty-nine percent of those were infected with chlamydia, which causes sterility. Young women often do not find out until they reach their childbearing years they are not able to have kids now because they got involved in teenage sex, they got chlamydia, now they cannot have kids. Twenty-two percent had herpes, 32 percent had HPV, human papilloma virus, which causes 80 percent of all genital cancers.

The Institute of Medicine concluded public awareness and knowledge regarding STDs is dangerously low. It is unfocused. The disproportionate impact on young people has not been measured.

That is what we are trying to get at, Mr. Chairman. We are trying to make sure that kids get the message that ''safe sex'' does not stop these sexually transmitted diseases. They happen with or without use of contraceptives, with or without use of condoms or other devices trying to prevent pregnancy. The only sure message is to say, ''wait until you are married.''

That is what abstinence education is about. It is the best course; it is the safest course. And this Congress needs to get on course, not giving it just minor funding within a huge bill, with huge increases in so many other programs, with more than twice as much being spent to promote these safe sex programs, as they are called, as to promote abstinence.

Let us bring some equality into this. This amendment is what the Bush administration says is what we need to bring parity. I think they may have underestimated it. I think we probably need about $15 million more for parity, but I am not arguing that point, Mr. Chairman. I am arguing equal treatment, a level playing field, so that there is some reinforcement from Washington, D.C. and from groups that we help to fund to get the message out and reinforce what we teach our kids at school: wait until marriage.

It is the best course and the safest course. I move adoption of the amendment.

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Chairman, I thank the gentleman for yielding me this time, and I appreciate the opportunity to speak against the Istook amendment.

Mr. Chairman, it is clear that the offsets to this amendment will hurt our counterterrorism effort, something most of us, all of us, feel passionately about. It is also unfortunate that an issue on which everyone agrees, the need to prevent teen pregnancy, is presented in this amendment in an ideological form that splits us and hurts achieving the goal.

As a mother of two daughters and two sons, I know that abstinence-only education does not work. What does work? One, basic accurate information on the risks of teen pregnancy; two, education on types of and proper use of

contraception; and, three, the message that abstinence is the only 100 percent effective way to prevent teen pregnancy.

Preventing teen pregnancy still matters, even in the post-September 11 world, but this amendment is the wrong solution. Vote ''no.''

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have had some 14 amendments on this side of the aisle that we have discouraged from offering today. I do not believe we have offered a single one from this side of the aisle. I would urge that we have the same response from all quarters of the House.

When, in fact, we measure accurately the amount of money in title I which is aimed at teenagers, the resulting numbers will demonstrate that we spend at least as much on abstinence directed to teenagers as we provide in direct family planning services of the traditional variety aimed at teenagers. The gentleman has already achieved parity, and this bill gives him twice as large an increase in the programs he is for as we have in the other traditional family planning programs.

Mr. Chairman, I urge a ''no'' vote on the amendment. Let us keep this bill together and get out of here at a reasonable time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ISTOOK. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK) will be postponed.

The point of no quorum is considered withdrawn.

Are there further amendments?

AMENDMENT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ISTOOK:

At the end of the bill (before the short title, insert the following:)

SEC. (a) None of the funds made available in this Act may be used to implement, administer, or enforce Executive Order 13166.

(b) The limitation established in subsection (a) shall not apply to an agency that is subject to Executive Order 12866 after it has complied with the requirements of such Executive Order, which has been issued pursuant to law.

Mr. ISTOOK. Mr. Chairman, I might mention that I am certainly amenable to any unanimous consent request to limit total debate time on this measure.

Mr. Chairman, this amendment states that until the Office of Management and Budget issues a cost-benefit analysis of a series of Federal regulations, those regulations are to be held in abeyance. They are what is commonly called ''limited English proficiency'' regulations.

What is all this about? It is about an executive order that was issued last August and regulations that were issued pursuant to it mandating that not only Federal agencies but also State and local agencies, businesses, nonprofit groups, anybody who has received any funds to administer or handle or be involved with a Federal program must make all vital documents, it says, available in multiple translations; basically into any language group involving 3,000 people or more.

Mr. Chairman, there are over 200 language groups in the United States involving 3,000 people or more. If we are required to translate everything into each one of these languages, the average cost for billions of pages is $40 a page per language. Multiply $40 per page by over 200 languages, by billions of documents, and my colleagues can begin to see the nature of this problem, the huge unfunded mandate that this puts on businesses and on local governments. In fact, nine or 10 States officially have petitioned for these not to go into effect because of the unfunded mandate.

After all, Mr. Chairman, there are some large language groups; and we have plenty of efforts to try to accommodate them. This amendment does not restrict anyone from trying to accommodate a language group or to make something available in another language. It simply removes the Federal mandate that we have to do so in this unlimited number of languages. It lets common sense prevail instead. It follows what the U.S. Supreme Court ruled just April of this year is the law of the land: there is no right to force somebody to translate civil documents or civil activities for you.

Now, if an individual is charged in a court proceeding, yes, they will make sure they have a translation as a defendant. But we are not talking about that. There is no right, constitutional or statutory. Yet, usurping the powers of this Congress, of this body, this executive order and the regulations issued under it are putting that burden on people all over the country.

Imagine being called up for a violation of Federal law because you did not provide a translation, for example, into western Farsi, with a million people in the United States speaking it; or because you did not provide a translation into Kabuverdianu, that has hundreds of thousands of people that speak it. My colleagues can pick whatever language they want, I am not going to pick on any of them, but with over 200 languages, to be told, well, if there are more than 3,000 people affected, you have to translate all vital documents, anything that this person might need, any documents made generally available to the public.

Mr. Chairman, we have thousands of informational brochures, bits of information, guidance that go to people constantly. How much are we going to pay for this? We ought to wait until we have the cost-benefit analysis from the Office of Management and Budget. That is their job. They ought to be doing it. We should not go into this thing blind.

I realize there will be some people, Mr. Chairman, who talk about constituents they have that are not proficient in English. I understand that. But that does not mean that we go out and put this mandate out there to try to solve the problem.

The American Medical Association has said these will cause doctors to stop seeing Medicare patients and Medicaid patients because they cannot afford the cost of paying for a translator. The regulations even say it is not good enough if they have a family member come with them to the doctor to do a translation. Oh no, that is not permissible. The doctor has to go out and hire a translator at hundreds of dollars an hour that costs more than he is reimbursed, usually something about $30 or $40, more than he is reimbursed for seeing the patient in the first place. That is why the AMA, as well as so many States, wants us to pull back on this.

Let us make a common-sense test. Let us apply the law under an earlier executive order that says OMB is going to do cost-benefit analyses when we have legislation that is this far-reaching.

I move the adoption of the amendment, Mr. Chairman.

Mr. REGULA. Mr. Chairman, I ask unanimous consent that further debate on the pending amendment offered by the gentleman from Oklahoma (Mr. ISTOOK), and any amendments thereto, be limited to 20 minutes, to be equally divided and controlled by the proponent and myself, the opponent.

Mr. OBEY. Mr. Chairman, reserving the right to object, could I ask that the gentleman amend that to 12 minutes per side?

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

Mr. OBEY. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I will agree to 24 minutes.

Mr. OBEY. Mr. Chairman, I withdraw my reservation of objection.

Mr. REGULA. Mr. Chairman, I ask unanimous consent to withdraw my original request and to amend it so that further debate on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK), and any amendments thereto, be limited to 24 minutes, to be equally divided and controlled by the proponent and myself, the opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Ohio (Mr. REGULA) each will control 12 minutes.

The Chair recognizes the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I yield 12 minutes to the gentleman from Wisconsin.

The CHAIRMAN. Without objection, the gentleman from Wisconsin (Mr. OBEY) will control the time.

There was no objection.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time; and once again I want to take the opportunity to commend our new chairman, the gentleman from Ohio (Mr. REGULA), for his first Labor-HHS bill on the floor; the ranking member of this subcommittee and the full committee, the gentleman from Wisconsin (Mr. OBEY); and the chairman of the full committee, the gentleman from Florida (Mr. YOUNG), for their great leadership in crafting this legislation and bringing it to the floor.

I rise in defense of the committee position and in opposition to the Istook amendment. Mr. Chairman, this guidance which is contain in the bill does not create any new requirements or place any new mandates on recipients of Federal funds. It simply clarifies the Department's long-standing policy so that recipients have clear, concise, and constructive information about their responsibilities under title IV.

This information helps grantees be sure that they are in compliance with the law, as it has been in effect for over 30 years. This guidance is intended to be flexible and recognizes that there are no one-size-fits-all solutions. The guidance on limited English proficiency also clarifies that recipients only have to undertake reasonable steps to ensure meaningful access and that recipients are not required to take steps that would incur unreasonable costs or burdens.

□ 1845

This amendment ignores the positive impacts of limited English proficiency. They ignore the Department of Justice's reasonable direction. Many limited-English proficiency persons work in some of the lowest paid jobs, are more subject to abusive employment situations, and need more help with complicated government bureaucracies.

For example, a Cambodian refugee worked as a landscaper to support his family of five children. After he was laid off, he made repeated attempts to file an unemployment claim. He could not communicate with his State agency, and often received contradictory information. For most of the winter, he was without income and unemployment insurance compensation.

The costs of providing assistance to persons who have limited English speaking abilities does not have to be expensive. In California, the limited-English speaking population is estimated to be over 3 million people. Since 1973, we have had a State law with more specific interpretation of translation requirements than title IV, which this guidance addresses; and this law has not created a burdensome financial strain on the State of California's Department of Social Services. That department spends a total of $648,312 to staff an internal team of 13 employees to translate documents into Spanish, Chinese, Cambodian, Russian and Vietnamese; and not that much more in outside contracts for vendors for translation into other languages.

This is a very small cost for an $18 billion social service budget. This guidance simply fulfills the goal that Secretary Chao expressed in her welcoming ceremony remarks, making sure that no worker gets left behind.

Mr. Chairman, I urge my colleagues to vote ''no'' on the Istook amendment and defend the committee's position.

Mr. ISTOOK. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I reluctantly rise in opposition to this amendment. The committee understands the concerns raised by the amendment, but now is not the time to proceed with this amendment. I understand that this executive order is under review by the administration.

Furthermore, the committee report accompanying the bill recommends that both Secretary Chao at the Department of Labor and Secretary Thompson at the Department of Health and Human Services, quote, ''carefully review the guidance and revisit its implications, impacts and consequences both practically and fiscally.''

I think we should give the administration time to address this in the regular order and not adopt the amendment of the gentleman to shut off funds. I might add that the administration will be able to address it with a subsequent executive order once they have had time to review it. I think out of courtesy we owe the administration time to review the implications of this order. Therefore, I think the amendment would be premature and should be rejected.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, with all due respect to the gentleman from Ohio (Mr. REGULA), this amendment does give them time. It just says until they do their job, the rest of the country should not be put under this incredible burden.

Right now there are groups that are being pursued by HHS, pursued by Federal agencies for supposed noncompliance with these regulations. We ought to say you do not go after agencies pursuing these regulations until we do that cost-benefit analysis. That is exactly what the amendment does.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, Executive Order 13–166 issued by President Clinton is unwise, illegal and unconstitutional; and I urge the Bush administration to rescind it forthwith. We would be doing them a favor to avoid all of their complex review by simply adopting the Istook amendment.

We cannot possibly impose on counties and cities and local jurisdictions, States, and indeed on the Federal agencies the policy inherent in this executive order which on its face is unreasonable. There are 6,800 languages in the world today, many of these present in the United States. Even the U.N. only has six official languages; and here in the absence of congressional action, we already have the Federal agencies setting forth the requirements of this executive order and beginning to implement them.

For example, regulations applying Executive Order 13–166 have already been issued by the Department of Health and Human Services, the Department of Transportation, the Department of the Treasury, the Department of Justice, the Department of Labor, the Corporation for National Community Service, General Services Administration, Consumer Products Safety Commission, the National Aeronautics and Space Administration, the National Council on Disability, the National Science Foundation, and the Pension Benefit Guaranty Corporation.

Mr. Chairman, we need to bring this to a halt now. We can do something reasonable. In the absence of this executive order, something reasonable is already set in place. But requiring all of our States and localities to struggle to spend money they do not have, to produce materials in any language any person requests up to I suppose 6,800 languages, is unreasonable and outrageous on its face.

The gentleman from Oklahoma (Mr. ISTOOK) is to be commended for this amendment. We should have done this long ago, but I guess this is our first opportunity since it has come up on this appropriations bill. I urge Members to support his amendment.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I rise in opposition to this amendment. The first thought that comes to my mind, are we debating the same executive order? I have heard allegations and assertions made from the other side that truly are misrepresentative.

What we are talking about with this executive order, and the whole basis of

the executive order was accountability and responsibility of those who are providing services and receiving Federal dollars in providing those services to make sure that they effectively deliver those services. This is what it is all about.

The other thing, the other matter that really stands out is where have we been. The census tells us much of what is going on in this country. While individuals are perfecting their ability to speak English, while we have these clustered groups of individuals from different countries, they still require services in a language that they would understand for their benefit. That is why we are providing it.

Mr. Chairman, prior to this amendment we were arguing abstinence and how we teach it, how we promote it. If my colleagues had their way, they would basically be espousing abstinence in a language never understood by the individual that Members seek to assist. This is what is so crazy about this whole debate.

There are other matters I think which have been misrepresented. The Sandoval case does not stand for the proposition that Americans do not have a legal right to have everything in a particular language. It simply states an individual citizen does not have a right to bring a cause of action, but that the Federal Government does.

The gentleman from Texas (Mr. RODRIGUEZ) and I met with the members and representatives of the American Medical Association who had certain concerns. Once we discussed it and they understood the intent of the executive order, it was something that was acceptable. It was something that was doable.

We are making it impossible by scaring individuals out there that they will never be able to comply with the intent of this executive order. That is an unfair characterization.

The executive order and the implementing guidance that follow it stress the importance of complying with title VI of the Civil Rights Act without unduly burdening the fundamental mission of the agency. That is the standard. This goes contrary to the whole motive behind it. Do not stand in the way now with misrepresentations. Face the facts. Face the reality of our society, and let us deliver those services in a meaningful way.

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me first mention, the gentleman from Texas (Mr. GONZALEZ) may or may not have read the executive order and all of the regulations that have been issued pursuant to it from a number of agencies. I have read them, and they get frightening in their impact.

Rather than being a reasonable effort to try to communicate with people that may be receiving Federal services, it puts an affirmative burden on groups that participate in a Federal program, such as the police department or county health center, whatever it may be. It puts an affirmative burden on them to take all documents that they make available to the public, as well as everything that may relate to an individual, and translate it into what becomes an unlimited number of languages. That is where the unlimited expense comes from.

Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, Executive Order 13–166 is essentially another attempt to construct an even higher level of the Tower of Babel. Not only is that executive order an unfunded mandate, it is incredibly wrongheaded.

To encourage non-English speakers to stay outside the mainstream of America and thereby indirectly condemn them to a life of impoverishment is essentially despicable. As the population of non-English speakers increases, so too will the pressure to divide this Nation along language lines. It will also contribute to the increased balkanization of the Nation. We do none of these folks a favor by encouraging their exclusion from the majority society.

Mr. Chairman, I urge support of the Istook amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute 55 seconds to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Chairman, contrary to what is being said, if what the gentleman was saying is accurate, I will be there for the gentleman.

When the gentleman from Texas (Mr. GONZALEZ) and I met with the medical association, we discovered what they were being told was not practical and it was not correct.

We are not saying that we ought to consider those 200 languages. That is not practicable. We are not saying if there is one person who is Spanish speaking they ought to be responsive to them. That is not what the law says. If Members look at the law, it is very specific. The law says specifically that the size of the limited English proficient population that is served needs to be considered. So allow the administration that opportunity.

Secondly, it says the frequency of the visits in terms of the hospitals. Most important, it also talks about the severity. If the person has tuberculosis, cancer, and it is serious, there has to be a real need to make sure that that person understands if it is a life-or-death situation, so depending on the severity of the case and the numbers of the population.

Mr. Chairman, I will again tell the gentleman that I will be with him if they start forcing agencies to do it in the number of languages that the gentleman says. That is not the intent. In addition, this is not new. It is the 1964 civil rights legislation. What this does is allows the Government, in this case the administration, an opportunity to establish the guidelines that allow them to put it into effect. It is nothing to get all bent out of shape over and to raise all of those contrary items because that is not the case. If it is, I promise the gentleman that I will be there for him in ensuring that the administration does not do that.

In addition, let me state that it is going to be very important that as we look at this, that we also consider the seriousness of the situation. I had a case of a person who was told in English that they were positive for AIDS, and that person understood positive as everything being okay.

□ 1900

Mr. ISTOOK. Mr. Chairman, I yield myself such time as I may consume.

I would like the gentleman to be aware that the guidelines issued by the Department of Justice on the same day as this executive order, and the executive order expressly incorporated the DOJ guidelines, I quote from the DOJ's document they titled Commonly Asked Questions and Answers Regarding Executive Order 13166:

''Programs that serve a few, or even one LEP person are still subject to the title VI obligation.''

If there is even one person that speaks some language other than English and wants things translated, the Department of Justice says that one person is enough to invoke this requirement. That is not common sense. That is not meeting a major public demand. That is going way overboard, when they require this multitude, these millions if not billions, of pages to be translated into an unlimited number of languages.

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

Mr. OBEY. Mr. Chairman, I yield 1 minute and 55 seconds to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. I thank the gentleman for yielding me this time.

Mr. Chairman, this issue has been posed as one where we are going to subject the Federal Government and State and local governments and everyone else to a multitude of languages. I think we heard the number 6,800, all the remaining languages in the world that have speakers represented in this country.

I speak one of those very small languages. I think we number about 100,000 in the entire world, and about 50,000 inside the continental United States and I can assure everyone that under these guidelines, I have no ability to force anybody to produce documents in the Chamorro language. This is simply about access and the protection of civil rights. This is what this is all about.

We have lots of limited English proficient people in this country. Instead of spending our time trying to deny them access to health care, instead of putting forth more barriers to their exercise of their civil rights, we ought to be contemplating how to facilitate that while they are learning English, while they acquire the kind of English that is necessary to survive in this society. This is not about a right to use a certain language. This is about a time-honored, court-tested provision emanating from the 1964 Civil Rights Act which says that when national origin and the language that you use, if that can be used as a way to impede your access to the resources of this country, then the government is required to take a look at those processes in order to allow you that access. This is what this is about. It is about access.

Mr. ISTOOK. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, it has taken a lot of time to review that executive order and these regulations. I would submit, Mr. Chairman, that were this actually something that had been part of the civil rights acts adopted in the 1960s, it would not have taken until August of 2000 for someone to notice and start saying, now we have this new requirement. Because that is what happened, August 8 of 2000, when former President Clinton issued the executive order, had the guidelines of the Justice Department that were issued the same day incorporated into them, and set in motion a whole series of midnight actions. Most of the Federal agencies that adopted these did so on January 17, just before Inauguration Day. That is an inherited problem for the current administration and one they still have not come to grips with.

This simply says, do not put your multibillion-dollar unfunded mandate burden on the rest of the country until you get the cost-benefit study done on this. That is what you are supposed to do on major new initiatives and that is what this was, a major new initiative.

Mr. OBEY. Mr. Chairman, I yield 55 seconds to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, what I have is going to take a little bit more than the time allotted. It is interesting in this country, in America, we talk about diversity and understanding. We also talk about inclusion rather than exclusion. This amendment is exclusionary. What the executive order does from 1964, as the gentleman had explained, was that this is fine-tuning, and people need direction.

As an administrator myself, when I take a law, an administrative regulation, the right to be able to extend it even further is our prerogative. That is probably what that department did when you read that memo. That is all about service. That is about client service. We in this office, we in our jobs, we understand client service and we want to extend ourselves the best that we can.

The real point of this in terms of language is comprehension. If you do not have comprehension, you are not going to be able to take medicine properly. You are not going to be able to understand things properly. As an educator, comprehensive input is key.

Mr. ISTOOK. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Chairman, I rise in support of this amendment for two reasons. First of all, in a former life, I was a small businessperson who did contract work with the Federal Government. The imposition of this on small business would just be devastating.

Secondly, and this is probably the best reason to support this amendment. English is the language of commerce in our country. To encourage people to not learn English does a great disservice to them. That is exactly what this executive order does. It tells people, ''You don't have to learn English, because we'll communicate with you in your language.'' That just is not fair to them. If they are not conversant in English, they are not using the language which is the language of commerce in this country. As is so often the case when we try to help people, we really hurt them. What this does to those who are not fluent in English is really hurt them because we discourage them from learning English.

This is a very good amendment and it is especially good for those for whom English is not their primary language because they need to be encouraged to learn English, not discouraged from learning English because it is the language of commerce in this country. And the sooner they learn it, the better they will do in this country. It is unfair of us to discourage them from learning it.

The CHAIRMAN. The gentleman from Oklahoma (Mr. ISTOOK) has 2½ minutes remaining. The gentleman from Wisconsin (Mr. OBEY) has 1¾ minutes remaining and the right to close.

Mr. ISTOOK. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, when these regulations were issued, when the executive order was issued and then regulations were issued by Federal agencies, we heard from a number of States, Michigan, that asked, quote, the policy should be held in abeyance until, at the very least, a cost-benefit analysis is conducted and adequate additional funding is provided.

New Jersey complained that they would have to be translating things into at least nine different languages and wrote, ''It is respectfully requested that the published Department of Labor policy be temporarily suspended pending a cost-benefit analysis.''

That is the normal way of proceeding. That is not the way we are proceeding. Right now, people are being placed at risk because they are being told, ''You're not complying with this law.'' At the very time that people are concerned about bringing America together, we are being told that you have to translate what you do into a multitude of other languages as a condition of being involved in any sort of Federal program. That is not right. That is going to cause a huge amount of resentment.

There was a columnist that wrote in the New York Times, just wait until an Hispanic shopkeeper is told they have to translate what they do into Farsi. This hits everyone, Mr. Chairman, no matter what may be your primary language. But it is right that we need to ask people to focus on what brings us together. We spend billions of dollars that are supposed to be helping people to learn English. Are we not going to reinforce that with a policy that says we are not going to put billions of extra upon ourselves to translate things into you rather than helping you to learn English? That is a much better policy.

It is great to be bilingual, trilingual, however many languages you may be able to speak. But let us keep us unified. This is not the time to balkanize America and to say, you have to spend billions of dollars, private money and public money, translating everything you do into a multitude of dozens or scores of different languages.

We need to support the amendment, Mr. Chairman. We need to bring common sense into place. And until common sense is brought into place, until we have a cost-benefit analysis and they amend these proposals, we should not be imposing them upon the country.

I move the adoption of the amendment.

Mr. OBEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I rise in strong opposition to the Istook amendment.

Mr. Chairman, I would urge my colleagues to oppose Mr. ISTOOK's amendment to impede the implementation of the Executive order to "Improve Access to Services for Persons with Limited English Proficiency."

The Executive order is about fairness. Individuals with limited English proficiency should not be blocked from accessing vital services paid for by their, and their families', tax dollars.

The Executive order simply gives guidance on how the Federal Government and Federal Government contractors can comply with existing civil rights law that bars discrimination based on national origin.

Until this Executive order was issued, existing civil rights law to protect limited English proficient persons went largely ignored.

The Executive order is reasonable, flexible, and accommodating to small contractors and

government agencies. It recognizes that only critical services, directly affecting health and livelihoods, are required to be translated. Implementing the Executive order makes sense.

Imagine what would happen if someone with weak English skills who has a communicable disease, like small pox or tuberculosis, is unable to understand the advise of health professionals. A public health hazard could ensue, harming many more people.

Mr. Chairman, I hope my colleagues will join me in opposing the Istook amendment.

Mr. OBEY. Mr. Chairman, I yield 1 minute and 10 seconds to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Chairman, we are all products of our own past, I suppose. I came to this country not understanding a word of English and I am still working on my limited English proficiency. But when I was in the fourth grade, my dentist, Dr. Sadao, my doctor, Dr. Linnertz, would say to me, ''David, let me tell you something and then you translate it for your mother. And then your mother can tell you and then you can tell me.''

To me, my mother spoke perfectly fine English and so did Dr. Linnertz and so did Dr. Sadao. What we are really talking about are all those people out there who do not have a little fourth-grade David to translate for them. I want to ask the gentleman from Oklahoma who he proposes to leave behind: My mother? Another little old lady from somewhere else in the world?

I would like to read something into the RECORD: ''I believe that every right implies a responsibility, every opportunity an obligation, every possession a duty.'' Those are the words of John D. Rockefeller. I tell children all the time, you have got to learn the king's English. But if you are asking children to learn the king's English, for God sakes you cannot leave their parents behind. You cannot leave their grandparents behind.

I would like the folks on the other side of this argument to say, who are you leaving behind? Who will you cut out of the ability to participate in our self-governing democratic society?

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

There is an executive order which the gentleman from Oklahoma does not like. A Republican President, a Republican White House, is now reviewing that executive order. Let us have the Congress get out of the way and give him time to do it before we jump to conclusions.

As the gentleman has indicated, when you are in a doctor's office and you need help, you do not have time for an English lesson.

Ms. WOOLSEY. Mr. Chairman, I rise in opposition to the Istook amendment.

This abstinence-only amendment is a narrow and unrealistic approach to addressing adolescent sexuality. We're not saying that our young people should not be encouraged to abstain from sexual activity. We're just saying they also need to be informed about how to protect themselves from unintended pregnancy, HIV/AIDS, and other STDs.

The truth is, comprehensive sexuality education programs expose young adults to important information that they will not learn from an abstinence-only program.

To date, there is no real evidence that can defend the effectiveness of abstinence-only programs. Without such evidence, we cannot justify spending additional dollars on a program that's already well funded.

However, family planning and comprehensive sexuality education programs have clearly shown their effectiveness and ability to help curb teen pregnancy.

Let's protect our Nation's future by providing teens with the educational tools they need to be responsible.

I urge my colleagues to vote against the Istook amendment.

Mr. NADLER. Mr. Chairman, I rise to oppose the Istook amendment calling for a $33 million increase in abstinence-only education.

First, everyone should understand one thing—this program is already receiving a 100 percent increase in its funding over last year. That is without the Istook amendment.

To put that in perspective—the President's number one priority during his campaign (besides tax cuts) was education—and that receives a 17 percent increase.

So, make no mistake about it, the Congress is already spending large sums on the abstinence-only program, and we won't know the effectiveness and results of the program until the congressionally mandated report comes due in 2005.

What we do know is that publicly funded family planning has a significant effect on teen pregnancy. Each year, family planning services prevent an estimated 386,000 teenagers from becoming pregnant.

Title X funding plays a critical role in the lives of teens across America—in preventing unwanted pregnancy and in providing needed services to young people. Through title X teens receive gynecological exams, screening for breast and cervical cancer, STD treatment, HIV testing, contraceptive care, and counseling.

These services are desperately needed since we know that more than 750,000 teenagers become pregnant each year, and 80 percent of those pregnancies are unintended. We know that nearly 4 million teenagers acquire a sexually transmitted disease by age 24; and that an average of two young people are infected with HIV every hour of every day.

It takes a comprehensive approach to address these problems and that is why more than 120 national organizations support comprehensive sex education including: American Academy of Pediatrics, American College of Obstetricians and Gynecologists, American Medical Association, American Public Health Association, National Education Association, National Medical Association, National School Boards Association, and Society for Adolescent Medicine.

Americans overwhelmingly support sex education—more than 8 in 10 Americans favor comprehensive sex education that includes information about contraception.

I urge my colleagues to heed their call and to continue to push for comprehensive education. This is not the time to increase funding even more than we already have for an untested program that is so limited in scope.

I urge my colleagues to reject the Istook amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ISTOOK. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK) will be postponed.

The point of no quorum is considered withdrawn.

Mr. REGULA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. COMBEST, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, had come to no resolution thereon.

□ 1915

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 68; and that I may include tabular and extraneous material.

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

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2002

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 68) making further continuing appropriations for the fiscal year 2002, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

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

Mr. OBEY. Mr. Speaker, reserving the right to object, I yield to the gentleman from Florida (Mr. YOUNG) to explain the resolution before us.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding to me just to explain briefly.

Mr. Speaker, this is a continuing resolution. The CR that we passed last week runs the government until the 16th of October. It is obvious we are not going to complete all of our conference reports by then. This would extend the present CR for an additional week, until the 23rd of October, by which time we will hope to have most, if not all, of the conferences on appropriations bills completed.

In addition, this CR does make a technical change to a provision in the previous CR relative to the Export-Import Bank. Also it allows the Defense Health Program to make payments under the TRICARE for Life program at rates that have already been authorized by the fiscal year 2001 National Defense Authorization Act.

In addition, Mr. Speaker, this provides authority to the agencies to begin the preparation of the benefit checks that will be mailed on the first of November in order to begin processing those payments. It is important that we include that in this CR.

Mr. OBEY. Mr. Speaker, under my reservation, I would simply say I agree with the gentleman on the need to pass this.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 68

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 107–44 is amended by striking ''October 16, 2001'' in section 107(c) and inserting in lieu thereof ''October 23, 2001''; by adding the following before the semicolon in section 101(b)(1) '': *Provided,* That the rate for operations of the Defense Health Program may exceed the current rate as may be necessary to fund a pro rata share of the program expansion authorized by section 712(a) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398)''; by striking section 115 and adding the following: ''Sec. 115. Notwithstanding the dates specified in section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) and section 1(c) of Public Law 103–428, the Export-Import Bank of the United States shall continue to exercise its functions in connection with and in furtherance of its objects and purposes through the date specified in section 107(c) of this joint resolution.''; and adding the following new section: ''Sec. 123. Notwithstanding section 107, funds shall be available and obligations for mandatory payments due on or about November 1, 2001, may continue to be made.''.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

The SPEAKER pro tempore. Pursuant to the order of the House of today and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3061.

□ 1918

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, with Mr. GUTKNECHT (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose earlier today, a request for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK) had been postponed and the bill was open for amendment from page 82, line 17, through page 102, line 2.

Are there further amendments to this portion of the bill?

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment by Mr. STEARNS of Florida; the first amendment by Mr. ISTOOK of Oklahoma; the second amendment by Mr. ISTOOK of Oklahoma.

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

AMENDMENT OFFERED BY MR. STEARNS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed, and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 107, noes 312, not voting 11, as follows:

[Roll No. 378]

AYES—107

Aderholt
Akin
Armey
Bachus
Baker
Barr
Bartlett
Barton
Brady (TX)
Bryant
Burr
Burton
Camp
Cannon
Cantor
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Cubin
Culberson
Davis, Jo Ann
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Duncan
Emerson
Ferguson
Flake
Foley
Forbes
Gallegly
Goode
Goodlatte
Goss
Graves
Green (WI)
Gutknecht
Hart
Hayes
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Hostettler
Hulshof
Hunter
Isakson
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kerns
Largent
Lewis (KY)
Linder
LoBiondo
Manzullo
McCrery
Miller, Gary
Norwood
Otter
Oxley
Paul
Pence
Petri
Pickering
Pitts
Pombo
Putnam
Ramstad
Riley
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schaffer
Sensenbrenner
Sessions
Shadegg
Shows
Smith (MI)
Smith (NJ)
Stearns
Stump
Tancredo
Tauzin
Taylor (NC)
Terry
Thornberry
Tiahrt
Toomey
Turner
Upton
Vitter
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Wicker

NOES—312

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Brown (SC)
Buyer
Callahan
Calvert
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crenshaw
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Ford
Frank
Frelinghuysen
Frost
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Graham
Granger
Green (TX)
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach

Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sununu
Sweeney
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiberi
Tierney
Traficant
Udall (CO)
Udall (NM)
Visclosky
Walden
Walsh
Wamp
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Blunt
Engel
Fossella
Gillmor
Kingston
McHugh
Meeks (NY)
Miller (FL)
Nadler
Towns
Velázquez

□ 1940

Messrs. FARR of California, JOHN, and EHRLICH, and Ms. DEGETTE changed their vote from ''aye'' to ''no.''

Messrs. COLLINS, CAMP, HOEKSTRA, DIAZ-BALART, and OTTER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. GUTKNECHT). Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. ISTOOK

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 106, noes 311, not voting 13, as follows:

[Roll No. 379]

AYES—106

Aderholt
Akin
Armey
Barr
Bartlett
Barton
Bereuter
Brady (TX)
Brown (SC)
Bryant
Burton
Cannon
Cantor
Chabot
Combest
Costello
Crenshaw
Cubin
Culberson
Davis, Jo Ann
DeLay
DeMint
Doolittle
Duncan
Ehrlich
Everett
Ferguson
Flake
Forbes
Ganske
Goode
Goodlatte
Graham
Green (WI)
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hayes
Hayworth
Hefley
Hilleary
Hostettler
Hunter
Hyde
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kerns
LaHood
Largent
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Manzullo
McIntyre
McKeon
Mica
Miller, Gary
Moran (KS)
Myrick
Paul
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Radanovich
Riley
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shows
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Tiahrt
Tiberi
Vitter
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Whitfield
Wicker
Wolf

NOES—311

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Buyer
Callahan
Calvert
Camp
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Condit
Conyers
Cooksey
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Goss
Granger
Graves
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hastings (WA)
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McInnis
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Scott
Serrano
Shaw
Shays
Sherwood
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Walden
Walsh
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wilson
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Blunt
Engel
Fletcher
Fossella
Gillmor
Kingston
McHugh
Meeks (NY)
Miller (FL)
Nadler
Sherman
Towns
Velázquez

□ 1948

Mr. SHIMKUS changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. SHERMAN. Mr. Chairman, on rollcall No. 379, had I been present, I would have voted ''no.''

AMENDMENT OFFERED BY MR. ISTOOK

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 156, noes 262, not voting 12, as follows:

[Roll No. 380]

AYES—156

Aderholt
Akin
Armey
Bachus
Baker
Barr
Bartlett
Bereuter
Biggert
Bilirakis
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Camp
Cannon
Cantor
Capito
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal
DeLay
DeMint
Doolittle
Duncan
Dunn
Ehrlich
Emerson
English
Everett
Flake
Fletcher
Forbes
Frelinghuysen
Gallegly
Ganske
Gibbons
Goode
Goodlatte
Graham
Graves
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kerns
King (NY)
LaHood
Largent
Latham
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McIntyre
Mica
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Osborne
Otter
Paul
Pence
Pickering
Pitts
Platts
Pombo
Putnam
Radanovich
Ramstad
Rehberg
Reynolds
Riley
Rogers (MI)
Rohrabacher
Roukema
Royce
Ryun (KS)
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shows
Shuster
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Stearns
Stump
Sununu
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Toomey
Upton
Vitter
Walden
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker

NOES—262

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Barton
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Callahan
Calvert
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Edwards
Ehlers
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank
Frost
Gekas
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Houghton
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Napolitano
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Scott
Serrano
Shaw
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tiberi
Tierney
Traficant
Turner
Udall (CO)
Udall (NM)
Visclosky
Walsh
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Blunt
Engel
Ferguson
Fossella
Gillmor
Kingston
McHugh
Meeks (NY)
Miller (FL)
Nadler
Towns
Velázquez

□ 1956

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. Are there any further amendments?

If not, the Clerk will read the last 3 lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2002''.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. GUTKNECHT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3061) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes, pursuant to the order of the House, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the order of the House, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 373, nays 43, not voting 14, as follows:

[Roll No. 381]

YEAS—373

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Hill
Hilleary
Hilliard

Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Horn
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stump
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—43

Armey
Barr
Bartlett
Cantor
Chabot
Crane
Culberson
DeLay
DeMint
Doolittle
Duncan
Flake
Goodlatte
Hayworth
Hefley
Hoekstra
Hostettler
Hunter
Johnson, Sam
Jones (NC)
Kerns
Miller, Gary
Moran (KS)
Otter
Paul
Pence
Petri
Pitts
Pombo
Rohrabacher
Royce
Ryun (KS)
Schaffer
Sensenbrenner
Sessions
Shadegg
Smith (NJ)
Stenholm
Tancredo
Taylor (MS)
Toomey
Vitter
Weldon (FL)

NOT VOTING—14

Blunt
Engel
Fossella
Frank
Gillmor
Kingston
McHugh
Meeks (NY)
Miller (FL)
Nadler
Shuster
Towns
Velázquez
Waters

□ 2014

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 2015

AUTHORIZING SPEAKER OR CHAIRMAN OF COMMITTEE OF THE WHOLE TO RECOGNIZE MEMBER AT 2 P.M. ON OCTOBER 12, 2001, TO LEAD HOUSE IN PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. COX. Mr. Speaker, I ask unanimous consent that on October 12, 2001, tomorrow, the Speaker or the Chairman of the Committee of the Whole be authorized to recognize a Member at 2 p.m. for the purpose of leading the House or the Committee in the Pledge of Allegiance to the Flag.

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

Mrs. MYRICK. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if this is because Secretary of Education Paige has asked that all of the schools in the country say the Pledge of Allegiance at 2 p.m. tomorrow?

Mr. COX. Mr. Speaker, will the gentlewoman yield?

Mrs. MYRICK. I yield to the gentleman from California.

Mr. COX. Mr. Speaker, I would say to the gentlewoman that is exactly the purpose of the House taking this action tomorrow.

Tomorrow, Friday, October 12, America's schoolchildren, all of the schools across the country, are invited to join in delivering simultaneously the Pledge of Allegiance. This is a nationwide synchronized Pledge of Allegiance that will take place in schools across the country. It will be 2 p.m. here on the East Coast, 1 o'clock central time, noon mountain time, 11 a.m. in my home State of California, Pacific time, 10 a.m. in Alaska, 8 a.m. in Hawaii. Students and teachers will all join at that time in reciting those simple words, ''I Pledge Allegiance to the Flag.''

The President is also going to join in this national ceremony tomorrow at the precise time from the White House. It is going to be an unprecedented moment, and I think a poignant one, to honor our country, our dead, and our freedom.

I would add also that the Pledge across America is not a government program or a government initiative. We did not come up with the idea. It came from the people, from a grassroots effort started by one very determined woman. Her nonprofit organization, Celebration USA, was created to strengthen classroom instruction on the basic principles of American democracy.

It all started in a California classroom with this teacher named Paula Burton. She is an immigrant. When she was a schoolgirl, at the age of 9, she fled with her family from the Nazi occupation. She grew up here in America to realize her American dream of becoming a public school teacher and noticed one day, when her students were reciting the Pledge of Allegiance, that they seemed bored, uninterested or apathetic. She sensed they did not even understand the meaning of the words of the Pledge. So she went to the blackboard and she wrote down the word ''indivisible.'' She wrote indivisible on the board and asked the class what it meant, and they said it means you cannot see it.

This started her educational campaign to teach students to understand the words of the Pledge and to stimulate pride in being an American. She discovered the Pledge of Allegiance was originally written for a national school celebration, a patriotic national observance in 1829, accompanied by a proclamation from the President. Now her nationwide program of informed patriotism is helping to lead our troubled Nation.

For 4 weeks, teachers in every community in America have been working with students to help them understand what happened on September 11 and to overcome their fears and concerns. They have also worked to teach them more about our national history and the foundations of our free society. Thanks to Paula Burton, whom I am proud to say is my constituent in the 47th Congressional District in California, our Nation will truly be united tomorrow.

I want to thank especially my colleague, the gentlewoman from North Carolina (Mrs. MYRICK), for her work on ensuring that Congress will participate in the Pledge Across America, and congratulate the leadership on the Democratic side, because this is truly a bipartisan national effort. As I said, President Bush will participate from the White House and Paula Burton will be in Orange California with her Catch the Spirit singing group and the boys and girls of Serrano Elementary School.

I thank the gentlewoman for permitting that explanation of this procedure on the House floor tomorrow.

Mrs. MYRICK. Reclaiming my time, Mr. Speaker, I would say that it is an exciting show of unity in this country.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

GUNS, MONEY, AND A GREAT BIG BOOMERANG

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia (Ms. MCKINNEY) is recognized for 5 minutes.

Ms. MCKINNEY. Mr. Speaker, what has the al-Qaeda organization, a heavy 50-caliber sniper rifle designed for elite troops, and a firearms manufacturer in Tennessee got in common? Guns, money, and a great big boomerang.

Last Sunday, October 7, 2001, the Violence Policy Center issued a report entitled ''Voting from the Rooftops,'' which detailed, among other things, the sale and supply of 25 50-caliber sniper rifles manufactured by a local gun manufacturer, Barrett Firearms Manufacturing, in Murfreesboro, Tennessee, to the al-Qaeda terrorist organization.

The report cites evidence given earlier this year in New York during the African Embassy bombings trial that Essam al Ridi testified that in about 1988 or 1989 he had purchased 25 Barrett 50-caliber sniper rifles for $150,000 and shipped them to al-Qaeda. The report went on to detail other sales of the special 50-caliber Barrett weapon to members of the IRA and other groups. Tragically, the report cited numerous incidents of British soldiers being shot and killed with sniper rifles.

The report said that there is no evidence yet available about whether Ronnie G. Barrett, the 1993 trading name of Barrett Firearms Manufacturing, actually knew that the 25 guns being sold to bin Laden's al-Qaeda, nor do we know whether the guns were sold directly from the factory or through a dealer or dealers. Jane's International Defense Review reported in 1989 that, ''Barrett will not identify its weapons purchasers.'' But the unavailability of evidence is not reassuring.

The fact is we should know all of the people who were in this country buying and selling these kinds of specialist weapons to terrorists and the hands that these specialist weapons pass through before they left this country. The events of September 11 have now made that kind of information vital to showing the links between the al-Qaeda members.

The Barrett and M82A1 50-caliber sniper rifle is a tremendously powerful weapon providing heavy hitting power with high accuracy out to an estimated 1,800 yards. U.S. Marines used the Barrett 50-caliber in the Gulf War to knock out Iraqi armored vehicles from 1,750 yards away. Mr. Speaker, for those of us in Washington, D.C., that is roughly the distance from the Smithsonian Institute metro stop to the west front of the Capitol.

These weapons are state-of-the-art firearms and can be used against vehicle armor, fuel tanks, penetrating concrete walls, aircraft and helicopters. These weapons should not be in the hands of terrorists. These weapons should not be in the hands of civilians. These are specialist weapons which should be sold and supplied only to the military.

Barrett Firearms Manufacturing company's Web site ironically states that ''long-range shooting competitors and large caliber rifle enthusiasts throughout the world rely on Barrett products.'' Well, Mr. Speaker, I can think of a lot of adjectives to describe members of al-Qaeda and the IRA, but large caliber rifle enthusiasts is not among them. Now, not only might our young servicemen and women be confronted by the stinger missiles sold by the CIA, but it appears that they might be confronted with sniper rifles from Tennessee.

I understand that Senator FEINSTEIN and other Members of the Senate have introduced a bill to curb the sale and supply of these specialist 50-caliber weapons and that the NRA has already come out against it. Mr. Speaker, the NRA and its followers are fond of saying that ''guns don't kill, people do.'' Well, in this case, the boomerang of unbridled arms sales and bad public policy might just come back to hurt us in Afghanistan. Arms sales are a boomerang.

TRIBUTE TO PENTAGON VOLUNTEERS

The SPEAKER pro tempore (Mr. SCHROCK). Under a previous order of the House, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, soon after the tragic events of September 11, I went down to the Pentagon so that I could witness firsthand the destruction that was visited upon that spectacular building. As I made my way through the security lines and came to the perimeter that had been set up about 75 to 100 yards away from the actual destruction, I looked up and saw in full glimpse what a gaping hole that really was. The smoke and the ashes were still wafting from the rubble.

The next noticeable thing, which everyone had to observe who visited that scene, were hundreds of people still working in the rubble, sorting out different objects, pulling bodies and parts of bodies from the wreckage, and engaged in humanitarian efforts the like of which I hope we never see again but which were part of the normal scene at the Pentagon in that moment.

What was more amazing than anything was that in the second perimeter back of the immediate stage of recovery was something like a ring of covered wagons that we used to see in the Wild West movies, and these wagons were the American Red Cross, the Salvation Army, McDonald's, and different food and beverage outfits that had, in effect, set up what they called a unity village, where the workers, who were exhausted, could go back and lie down for an hour, they had rest areas, or they could get a cup of coffee, or a full meal at some of the places.

These people were there 24 hours a day, volunteers from various sectors of the country, to aid and to help the people who were helping the victims and who were sorting out the wreckage. This was an amazing site, one that requires us to make sure that it finds its way into the CONGRESSIONAL RECORD. That is why I am here tonight.

Among those outfits was a Salvation Army unit from Harrisburg, Pennsylvania, the heart of my district. I spoke with some of the Salvation Army people there and was informed that within minutes of the crash into the Pentagon, within minutes, there were people on the scene rendering assistance.

□ 2030

Within an hour, most of the governmental authorities were on the scene. Within 2 hours, most of the philanthropic and service organizations like the American Red Cross and the Salvation Army had established these extra perimeters. Out of this supreme tragedy, like in New York and the Pentagon, arose the American spirit which we still celebrate and which we have learned tonight will be further celebrated tomorrow with a nationwide Pledge of Allegiance coordinated at 2 p.m. eastern time. That is part of what has come out of rubble in real effect.

I will be providing for the RECORD the names of the people from central Pennsylvania, the 17th Congressional District, who did participate in the events of recovery in New York and at the Pentagon. The State of Pennsylvania Emergency Management Agency rushed to the scene with its volunteers. We had the National Guard from Pennsylvania and other entities eager to do what they could in the wake of those tragedies in New York and the Pentagon.

Mr. Speaker, I am very grateful to our fellow citizens for coming to the aid of their fellow citizens; and as we begin the work of amassing the recovery efforts with the help of the funding from the Congress and the volunteer work that is yet to be done, I think we can all be proud of the fact that tragic as it was, that tragedy bore fruit in the

renewed spirit exhibited in our country.

The SPEAKER pro tempore (Mr. SCHROCK). Under a previous order of the House, the gentlewoman from California (Ms. SÁNCHEZ) is recognized for 5 minutes.

(Ms. SANCHEZ addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ECONOMIC EFFECTS OF SEPTEMBER 11, 2001

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, I rise today to offer a few brief comments about the continuing impact of the events that happened on the calendar 1 month ago today. As we, each of us in our own right, dwell on the devastation of the Pentagon and at ground zero, the World Trade Center, I think it is altogether fitting that we think about the impact that the events of September 11 have had on that part of the American economy where most of Americans get up and go to work every day, and that is small business America.

The largely rural and medium-sized city district that I serve across eastern Indiana is driven by businesses large and small, but truly by businesses that fall in the category of small business. Today I held a hearing in the Subcommittee on Regulatory Reform and Oversight of the Committee on Small Business, where I have the privilege of serving as chairman, where we took a hard look at the impact of September 11 on small businesses. What we found out from witnesses who gathered from as far away as Iowa and Maine was truly disturbing.

The shutdown of aviation facilities known as general aviation facilities and businesses is the first place we looked for impact, and it was not a pretty picture.

A small charter flight that leaves St. Thomas in the United States Virgin Islands for Tortola in the British Virgin Islands, some 40 miles away, and then flies to the Bahamas to return to the Virgin Islands is just one example of the regulatory burdens that are being placed on charter businesses upon which many of the businesses that I serve depend, and many smaller communities around America rely.

Due to restrictions on general aviation in what is known as Class B air space, pilots cannot get their planes to avionic maintenance facilities, flight schools cannot provide flight instruction, and other aviation businesses are simply withering on the vine as we speak.

According to one witness, after the immediate grounding was lifted for general aviation facilities, while business has come back, business remains at 40 percent from levels of a year ago.

Even if the FAA removes restrictions from general aviation, the costs that they face may make it more difficult to continue. One proprietor of a general aviation business was quoted a war-risk insurance annual policy increase from $2,300 a year to $57,000 in a single year. In the airline bailout legislation, as the media has described it, wherein we rendered some $15 billion in assistance to major commercial airlines, we dealt with the issue of insurance for commercial airlines; but general aviation struggles similarly as well.

Of course the problems are not just among general aviation and small charter facilities, but they extend to small businesses that are affected by business travel all over America.

A travel agent from Lewiston, Maine, spoke with great emotion that despite all of the benefits that her creditors have allowed, her landlord giving her free rent for the next 3 months, she was in 3 weeks, according to her estimate, losing $4,000 a week; she was on track to lose her travel agency of 33 years' business. When I asked her how far in the future are people canceling their travel plans, she simply responded under oath, ''I cannot see that far in the future.''

Here in Washington, D.C., hotels are facing major losses of business due to the perception that National Airport and the Capital of the United States is not open for business. One small hotel lost $100,000 due to the cancellation of World Bank events. A hotel operator was one of 25 in the D.C. area that suffered similar losses. The question remains, what will Congress do?

Airport concessionaires also spoke of the fixed rent that they pay these small business operators, most of which come from the minority community, small business operators who have fixed rent payments at arenas and airports; and two of the over 400 airports in the United States have allowed some accommodation in the fixed rent payments of concessionaires.

Mr. Speaker, we are about to lose a plethora of small businesses in America. As we approach an economic stimulus package, let us keep in our hearts and minds small business America, and let us remember that 50 percent of those that file in the top marginal rate are actually small businesses filing as individuals under subchapter S. Let us bring relief to small business as well.

DUTY-FREE STATUS OF CANNED TUNA PRODUCTS FOR ANDEAN COUNTRIES SHOULD BE OPPOSED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from America Samoa (Mr. FALEOMAVAEGA) is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, the entire United States tuna industry, with the exception of StarKist, opposes granting duty-free status to capped tuna products from Andean countries as contemplated in the Andean Trade Preference Agreement. Shame on Charlie the Tuna. Shame on StarKist for threatening an American industry, American consumers, and even American workers.

Mr. Speaker, the fact of the matter is there is enough tuna production capacity in Ecuador to supply the entire U.S. market with canned tuna. Put another way, there is enough production capacity in Ecuador to wipe out the U.S. brands of tuna that our Nation has come to love and trust. No more Chicken of the Sea. No more Bumble Bee. If canned tuna is not exempted from the Andean trade agreement, the only thing America consumers will know is private-label tuna packed in Ecuador and other Andean countries.

How safe is it? Consider this: Ecuador and Colombia incurred more than 706 fishing violations in the years 1998 and 1999 and still counting. Of those violations, only three actions were taken. In other words, Ecuador goes unchecked. Ecuador keeps fishing beyond the closure of the fisheries, past the quota, and breaks the rules; but America lives by the rules, Mr. Speaker.

Our U.S. purse seining fleet, which conducts tuna fishing operations, also plays by the rules, our rules. Chicken of the Sea lives by the rules. Bumble Bee lives by the rules, but StarKist wants us to ignore the rules. I say to Charlie the Tuna, sorry, rules are important.

The Andean pact countries are not up to the same standards utilized by the U.S. canned tuna processors. How safe will canned tuna be if Ecuador is allowed to dump its products in the United States? What does this mean for the American consumer?

The fact of the matter is that canned tuna represents the third fastest moving product category in the entire U.S. grocery business. Canned tuna provides a high-quality affordable source of protein for 96 percent of U.S. families. Shame on Charlie the Tuna. Shame on StarKist and H.J. Heinz for putting the American consumers at risk and for putting Americans out of work.

Mr. Speaker, I wish to reiterate that the entire U.S. tuna industry with the exception of Heinz and its subsidiary, StarKist, is opposed to the inclusion of canned tuna in the Andean trade agreement. Every U.S. processor, with the exception of StarKist, is about the business of protecting America's tuna industry. I also wish to note that Bumble Bee is the only American company that has invested in the Andean pact region. Yet despite its presence in Ecuador, Bumble Bee does not support

the inclusion of canned tuna in the Andean trade agreement. Chicken of the Sea does not support the inclusion of canned tuna in the Andean trade agreement. The U.S. fishing fleet does not support the inclusion of canned tuna in the Andean trade agreement.

Today, the Andean pact nations have the largest fleet in the eastern Pacific region controlling more than 35 percent of the total catch, growing from about 20 obsolete fishing vessels now to 87 large fishing vessels.

Mr. Speaker, Ecuador and others fail to adequately cooperate with international conservation and abide by the Inter-American Tuna Commission regulations. Elimination of duties will result in product dumping, threatening American consumers and American industry. The U.S. International Trade Commission conducted studies of the tuna industry for 5 years, verifying canned tuna is an import-sensitive product.

Mr. Speaker, if Ecuador is allowed to send its tuna into America duty free, canned tuna will become a foreign-controlled commodity instead of a branded product U.S. consumers have trusted for over 95 years. If Ecuador is allowed to send its tuna into the U.S. duty free, U.S. tuna operations in California, Puerto Rico, and American Samoa will be forced to close. I am talking about American workers losing 10,000 jobs if this industry closes.

Mr. Speaker, I say respectfully shame on Charlie the Tuna. Shame on StarKist. Shame on H.J. Heinz for threatening an American industry in a time of national crisis.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act and Sec. 221(c) of H. Con. Res. 83, the concurrent resolution on the budget for fiscal year 2002, I submit for printing in the CONGRESSIONAL RECORD revisions to the allocations for the House Committee on Appropriations.

As reported to the House, H.R. 3061, the bill making appropriations for the Department of Labor, Health and Human Services, and Education, and Related Agencies for fiscal year 2002, includes an emergency-designated appropriation providing $300,000,000 in new budget authority for the Low Income Home Energy Assistance Program. Outlays totaling $75,000,000 are expected to flow from that budget authority in fiscal year 2002. Under the provisions of both the Budget Act and the budget resolution, I must adjust the 302(a) allocations and budgetary aggregates upon the reporting of a bill containing emergency appropriations.

In addition, the bill contains appropriations for continuing disability reviews (CDRs) and adoption assistance payments. The CDR appropriation provides $433,000,000 in new budget authority and $381,000,000 in outlays in fiscal year 2002. The adoption assistance appropriation provides $20,000,000 in new budget authority and $3,000,000 in outlays this year. I also must adjust the 302(a) allocations and budgetary aggregates upon the reporting of a bill containing appropriations for those purposes, up to the limits contained in the Budget Act. The amounts provided by the appropriations bill are within those limits.

To reflect these required adjustments, I hereby increase the 302(a) allocation to the House Committee on Appropriations to $663,499,000,000 for budget authority and $683,378,000,000 for outlays. The increase in the allocation also requires an increase in the budgetary aggregates to $1,628,687,000,000 for budget authority and $1,591,076,000,000 for outlays.

These adjustments apply while the legislation is under consideration and take effect upon final enactment of such legislation. Questions may be directed to Dan Kowalski at 67270.

AIRLINE BAGGAGE SCREENING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes as the designee of the minority leader.

Mr. INSLEE. Mr. Speaker, several of us have come to the well of the House to address what is the most pressing national issue of the moment that unfortunately the U.S. Congress has not dealt with adequately, and that is the security of our families and our communities.

We just heard the President of the United States talking about the existence of threats in this regard, that it is appropriate to be on high alert for these particular threats. We have come to the House tonight with a message that basically the House needs to act and act quickly on measures designed to enhance our national security in our homeland.

Unfortunately, although we are now a month past this terrible attack, this Chamber has not had a significant vote on bringing a security package for adoption by the U.S. Congress. We are very disappointed by that. We think that the threat is real, that we have the ability to respond to these threats, but to date we have not had the House deal with these issues in a satisfactory fashion. We would like to talk about a few of those issues tonight.

First, an issue that was brought to my attention about a week and a half ago, Americans realize the threat we are under with airlines. We Americans have an expectation, for instance, that the luggage that goes into airlines will be screened for explosive devices. We in America have the technology, fortunately, and this is good news, we have very, very good technology that is available to screen 100 percent of the luggage that goes into the belly of our airplanes.

Unfortunately, that is not happening. In fact, the truth is the vast majority of bags that go into the luggage compartment of jets is not screened, is not screened by X-ray, CAT scan, sniffing, human eye or otherwise. A small percentage is.

□ 2045

Clearly, given the nature of the threat, this Chamber needs to adopt a law that will require 100 percent screening of our baggage that goes into the baggage compartment of airplanes. We do this now fortunately for carry-on baggage and we do it relatively effectively. But we have equipment that will screen very, very effectively for the baggage that goes into our aircraft. We need to make sure those are used with 100 percent of the baggage that goes into the aircraft.

I have introduced the Baggage Screening Act, with others, some of whom are here tonight to address this issue. Unfortunately, we have not had a vote on this. We have had votes on birth control issues, we have had votes on gay partners' rights, but we have not had a vote on security issues. We have come here tonight to urge the leadership of the House to bring to the floor, amongst others, the Baggage Screening Act so hopefully we can increase the security.

With that, I would like to yield to the gentleman from Ohio (Mr. STRICKLAND), a cosponsor of the Baggage Screening Act who has been very active in this regard.

Mr. STRICKLAND. I thank my friend from Washington for yielding. I think most Americans believe that when they go to an airport and they check their luggage, that that luggage will be screened for explosives before it is loaded on the plane that they are going to be flying on, with their families perhaps. I thought that was the case until a couple of years ago when one of my constituents, a young woman, went to Jamaica with two friends for a week's vacation. On the way back as they were screening her luggage in Jamaica, they discovered a handgun in that luggage and she was thrown in jail and remained in a Jamaican jail for several days. It cost her family a lot of money for legal help and so on to get her back to this country. As I was discussing this with her, I said, ''Why did you take a gun with you to Jamaica?'' She said, ''I had no idea the gun was in the luggage. I borrowed the luggage from my mother,'' her mother who had gone on a camping trip the summer before. And I wondered how did this luggage get out of the airport in Columbus, Ohio with a handgun without that being recognized, and that is when I first discovered that luggage is not routinely examined for contraband and

weapons and explosives when you check it.

As you know, only about, I think, 5 percent of the luggage is even checked today. The theory has always been, well, if someone checks luggage and then gets on the plane and is a passenger, that they certainly would not have put an explosive on the plane, otherwise they would end up killing themselves. We now know after September 11 that there are people who are willing to kill themselves in order to kill Americans. But even the theory that if you check your luggage and you are getting on the plane that it is not likely to have an explosive does not hold up because we do not even follow that procedure well.

Two weeks ago in Denver, I had some friends who were flying from Denver to Columbus, Ohio, a young man and his wife and a young child. They went to the Denver airport and they checked their luggage, and they waited to get on their plane. As they were waiting to get on the plane, they became increasingly nervous about flying. At the last minute they decided not to fly but to drive to Columbus, Ohio. But their luggage remained on that plane and a relative picked it up in Columbus, Ohio.

So even the procedures that we are supposed to have in place now are not being adequately followed through with. It is a serious thing. I think the American public, the traveling public, will demand that this luggage be screened, because I think that most people assume that it already is.

I am glad you are bringing this to our attention and I am really very, very pleased to be a cosponsor of this legislation with the gentleman from Washington.

Mr. INSLEE. I thank the gentleman from Ohio. The good news here is that Americans have the expectation that these bags will be screened for explosives. They have the current expectation. And the good news is we have very good technology to accomplish that. There are several machines, several new generations of technology which have a very, very high probability of finding an explosive device, any explosive material; in fact, it can distinguish the density essentially of explosive material and with a high degree of success they find if there is a bomb in the luggage.

The problem is that we do not have enough of those machines deployed in airports today and the ones that are deployed have not even been used fully. They have only been used in a very small percentage of passengers.

So we believe it is incumbent on the U.S. Congress to pass a requirement that 100 percent of these bags be screened, and it is also appropriate for the Federal Government to assist the airports in which these will be located with the significant costs of these machines. They are not cheap, but it is my belief that the airline flying public believes this is a very worthwhile investment that ought to be made and if it is a dollar or two on tickets, we believe it ought to be paid and we think it ought to be part of our security package.

I would now like to yield to another cosponsor of the Baggage Screening Act, the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Let me begin by thanking and congratulating the distinguished gentleman from Washington (Mr. INSLEE) and the gentleman from Ohio (Mr. STRICKLAND) for this very timely special order. I cannot think of an issue that is more pertinent and more relevant that the Congress of the United States should be addressing than airline and aviation security.

I came to Congress fighting for aviation issues when I was first elected in 1995. We have been fighting to expand capacity before the events of September 11. I used to always joke whenever I would fly with my brother Jonathan about flying coach. Jonathan would always argue that flying coach was so much cheaper than flying first class, and he would almost always quip, ''The coach section of the aircraft gets there at the same time that the first class section does.''

So now we have 100 percent security from the first class section to coach. That is looking at the aircraft from the nose of the aircraft to its tail section. But underneath the aircraft, while every American is now being subjected to an unusual and necessary amount of security and screening, the gentleman from Ohio indicated that only about 5 percent of baggage underneath the aircraft is being presently inspected. Not only do we support in this critical piece of legislation the 100 percent screening of all baggage on aircraft, in the interim we should allow manual inspection of all baggage on aircraft. If it requires more National Guardsmen, more national U.S. Marshals, more Air Marshals, the failure to inspect from one end of the aircraft to the other, including those bags up underneath the aircraft, at a 100 percent rate is the false illusion of security while we fly in our country.

To not inspect baggage, to give the illusion of security in the cabin but not underneath the aircraft is called Pan Am 103, and we are supposed to learn from our mistakes, having witnessed the tragic events of Pan Am 103.

So in the interim, I would argue that yes, we must pass this piece of critical legislation immediately. I talked with the ranking member of the committee, the gentleman from Illinois (Mr. LIPINSKI), who indicated that we may be 3 to 4 years away from being able to fully inspect every bag underneath the aircraft. But we are in a war against terrorism at this hour, with almost guaranteed reprisals. Even the FBI Director at 4:30 this afternoon said we can expect some reprisals from the al Qaeda organization in the not so distant future. But we need not repeat the mistakes of the past.

I would go one step further, because I fly like all Members of this institution. The Congress of the United States should not only be responsible for security above the aircraft but also security beneath the aircraft. The airline industry does not believe that it is feasible to inspect all aircraft, all baggage underneath the aircraft, except for here is the problem: If there is one domestic incident on an aircraft as a result of a device making it past our security screening measures, we are going to stop flying the planes anyway. They are going to bring them all to a halt again, with further erosion of confidence by the American people in the aviation system, and that is ultimately what this Congress must seek to avoid. We must save the lives of Americans by ensuring that from the nose of this aircraft to the rear of this aircraft, there is a complete inspection of that vehicle and all baggage that is allowed on it.

Presently the only inspection devices that we have are above the ground, that is, through the cabin security. I would make the argument that until we are able to provide 100 percent inspection and security for all aircraft in this Nation that the baggage compartment of these aircraft ought to be sealed and no baggage should be allowed on these aircraft unless it is physically inspected by marshals. That means that only baggage that we can carry above the aircraft must be carried on board and inspected at the point of entry of the aircraft, which we presently do. And until the Federal Government can guarantee that every bag on that aircraft is inspected, we should not allow baggage in those compartments whatsoever, regardless of what the airline industry says, regardless of what the airlines themselves are saying, until there is 100 percent inspection of this baggage. If it is 3 to 4 years away from the technology because we cannot produce the machines fast enough, then we are 3 to 4 years away from being able to have two bags per customer on these airplanes. I am for the traveling public, but I am also for the public interest above private interest. I thank the gentleman.

Mr. INSLEE. I thank the gentleman from Illinois. It is a very important point, it seems to me, that I think we are going to be successful without too much debate improving cockpit security in response to the last tragedy. There seems to be momentum here in Congress to do that. But we cannot just fight the last battle, the last act of terrorism. We have got to be thinking ahead of the terrorists. We have got to be ahead of the wave of terrorism. We have got to think about the next potential act. And if we are going to take

away nail clippers from passengers, we certainly ought to be getting the bombs out of the baggage in the belly of the jets. That is what this bill will do. I really appreciate the gentleman from Illinois joining us tonight.

I now want to yield to the gentleman from Texas (Mr. DOGGETT). I want to note something before the Representative speaks. We did a $15 billion assistance, or bailout, depending on your perspective, of the airline industry a couple of weeks ago, and the gentleman from Texas asked some very, very good, salient questions about the use of that taxpayer money. It concerned many of us, because in that assistance package to the airline industry, and I believed some was appropriate given the nature of the need for this infrastructure, critical infrastructure, we did not require the airlines to do anything, to provide additional security. So now we are 30 days past this terrible attack on America, we are almost 2 weeks past a $15 billion package of taxpayer money to the airlines and we have not required one single additional security measure for the airlines yet. This Congress, this House, they have not allowed us a vote, the leadership, who schedules the agenda, unfortunately we are not setting the agenda at the moment, have not allowed a vote on these security measures.

I really appreciate the gentleman from Texas' leadership on this to insist that the Congress act for safety when the airlines will not, because the airlines have not because they have not wanted to spend a buck to do this. That has been a big, big mistake. It is penny-wise and pound foolish.

Mr. DOGGETT. I thank the gentleman for his leadership on this legislation, which is a very important part of the answer to the security concerns that millions of Americans have tonight, and for organizing this discussion for us to come together after hours and talk about this problem, because this is really the only forum we have to discuss this matter.

I reflect back, as I am sure my colleagues do, on the fact that only today they had a major memorial service at the Pentagon. I am sure there were similar ceremonies up in New York City. Thirty days have gone by. Across America at various times, I am sure, at events in your State, out in Illinois and Ohio, we have taken time from something we might be doing to have a moment of silence because of the tragedy that our country has endured. In this Congress, in this House of Representatives in particular, we have had not just a moment of silence, we have had a month of silence and inaction on the security concerns that are at the heart of this tragedy.

We know that somehow, and we do not have all the details yet, that some thugs with box cutters and other kinds of devices got past the minimum wage workers at the airports, at some of these airports being paid less to ensure the security of hand baggage and the passengers going through, being paid less to do that job than the people that clean the bathroom at the same airport, that those folks, without the training and without the pay that they need, because they have tremendous turnover in those positions, that we have not dealt with that problem, we have not dealt with the screening of baggage which the gentleman seeks to do, and the Congress, it is not that we have not had enough time, we could be here doing this tonight in regular order.

We have taken up everything from the farm bill to a debate about an issue in the District of Columbia that was a family court, to this afternoon having a debate about whether there should be additional millions spent on abstinence. I think we need abstinence from terror. Unless we adopt some of the constructive measures like you have suggested, like some of our other colleagues have advanced and get out here and debate them here on the floor of this House, the people of America are not going to have the confidence, with good reason, they need to have in our air security, in our defenses against bioterrorism, in knowing that a bag is going through and does not have something in it that it should not have that could be an explosive.

□ 2100

It is with some irony, I heard our colleague from Illinois a few minutes ago point to the recent alert from the FBI, that we could face another threat within days, that almost at the same time that that report came out I received another report that afternoon here in Washington that our colleague, the gentleman from Texas (Mr. DELAY), one of those who was eager to shovel that taxpayer money out to Continental Airlines almost before they asked for it, within hours of this tragedy, that he says that even if Senator MCCAIN, who called this situation quite properly a farce that the Congress would sit here for 30 days and not act on this, he said that even if Senator MCCAIN and the bipartisan majority over in the United States Senate send over a bill to take action to protect the American people at the airports and ensure that some of those folks that are out there doing these jobs have the training and the pay and the status really as a part of Federal law enforcement at O'Hare, at Dallas-Ft. Worth, in Cleveland and Cincinnati and Columbus and across the country, he says even if they do that, and they have a strong bipartisan majority for it, he is going to stop it here, because they have some kind of rigid, backward, old thinking before September 11, maybe before the 21st century, that if you add another worker to the Federal workforce, that that is an evil, even if that is a worker that is going to be there to protect your family and your family and mine and ensure that we can feel safe getting on and off a plane and that somebody is not going to be on there with some device that is going to cause another tragedy that has torn asunder thousands of families across this country.

So I think that we have our work cut out for us because we have not been given the opportunity to debate my colleague's, the gentleman from Washington (Mr. INSLEE), very appropriate measure, ideas that the gentleman from Illinois (Mr. JACKSON), the gentleman from Ohio (Mr. STRICKLAND), and our colleagues, Republican and Democrat alike, could offer, could work together in a bipartisan way, trying to cooperate and say what is the most effective way to work with our President and address this issue of security.

The baggage screen is important. The people that are out there, that are a part of Federal law enforcement, the cockpit doors, so many other ideas that we may have on not only airline safety but on dealing with the threat of bioterrorism and the other possible challenges we might have. But so long as we have a bunch of ideologues here who are more concerned in presenting some kind of ideological purity than dealing with whether someone's family is going to get home safe next weekend, we are not going to be able to do that.

I thank my colleague for his leadership on this.

Mr. INSLEE. I will yield to the gentleman from Illinois (Mr. JACKSON) in one second.

One comment following up on that. There is some good news here. We have bipartisan support for this bill for the Baggage Screening Act, the gentleman from Connecticut (Mr. SHAYS), who has been a great leader for some great reform efforts, the gentlewoman from Maryland (Mrs. MORELLA). We are going to pass this bill if we get a vote. We are going to have tons of Republicans vote for it if we can get a vote, because we have a bipartisan belief we do not want to be on airplanes with bombs in the baggage compartment. We feel very confident we are going to succeed on this if we can simply ask the leadership of the House to schedule a vote.

I will now yield to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. I thank the gentleman from Washington for yielding.

I just want to respond to the ideological point raised by my good friend the gentleman from Texas (Mr. DOGGETT). One of the beautiful things about this period in American history is we have beyond our State flags, beyond our corporate banners, beyond where we work,

where we were elected, where we are from and the tragedy of September 11 for this moment in American history has forced all of us to seek security in that which makes us one, the ideals that we believe in fundamentally as Americans.

We have turned to our national flag. We have turned to our national government, and even our President is experiencing unparalleled approval ratings because the American people are rallying behind the concept that we can defend ourselves as a Nation from these attacks.

So when the gentleman from Texas (Mr. DOGGETT) raises the questions about petty ideology keeping us from moving forward on some of these critical issues, that is no small claim that the Member is advancing.

In order to provide inspection of every bag, in order to provide security of equal high quality at every airport, in order to ensure that there is an armed marshal on every flight, we would have to expand the Federal Government on the issue of security so that every single American can have some security, but no one in this Congress wants to be accused of being part of any effort that would expand the Federal Government. All of the American people at this hour on their cars, hanging out of their windows, hanging out of their buildings are waving the American flag because they expect their Federal Government for which they pay enormous taxes to be able to provide a response that provides ultimately then the kind of security they seek.

For ideological reasons, we want the airlines to be responsible for security. We want the local States to be responsible for airports. We want the local National Guard to be responsible. We do not want to support a big Federal Government aviation bill that might force every bag to be inspected on an aircraft because that would be a Federal mandate. And who is going to pay for it?

We are caught up in an ideological argument at the moment. The American people are expecting us as their Congress and as their representatives to do something about that.

I thank the gentleman for yielding.

Mr. INSLEE. I will yield to the gentleman from Ohio (Mr. STRICKLAND). Just one comment first.

This should not be a theoretical or a rhetorical argument. We had an experiment with private enterprise in the airlines making decisions about airline security. We had our experiment. It ended unsuccessfully on September 11, and there really should not be a debate here. We have had our test, and it failed.

The Federal Government needs to now mandate safety, and I will tell my colleagues some good news. I think we can get a 100 percent inspection a lot quicker than I think one of our fellows indicated. I will tell my colleagues why. We have already been talking to some of the manufacturers, and they can ramp up dramatically their production rate above what we have had when we put out a Federal contract to buy these machines, give them a guarantee.

We produced what, I do not know, 5,000 P51s in a year and a half in World War II. That is the same type of mobilization we need now. We need to mobilize the industrial resources in this country to build these machines and other things. I am very confident we can do it.

I now yield to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. I thank the gentleman for yielding. I think what we are dealing with here is a matter of honesty, honesty with the American people. I just heard the President in a press conference a few minutes ago urge the American people to go back to normal lives. And I want the American people to go back to normal living as well, but we also need to be honest. And we need to say to the flying public, when you get on a plane and the bags that are on that plane have not been screened for explosives, that plane is in danger. The people who travel and who fly need to know that information.

This argument about the training of those who do the inspection, I would like to share an incident that I had at Dulles airport last Saturday morning that I think my colleagues may find surprising. Saturday morning at 20 minutes after 6 I went to the ticket counter at Dulles airport to catch a flight from Dulles to Columbus, Ohio. I had one bag with me, and I put it there. And I said to the woman behind the counter I would like to check this bag.

She fixes my ticket and she gives me the seat assignment, and then she says, sir, your bag has been chosen at random to be further screened, certainly to be screened for explosives. She says this is what I would like you to do. I would like you to get your bag, and if you walk down this corridor about, I do not know, 40 feet, you turn to your left and then you come to the next corridor and you turn to your left, you will find the machine where they are doing the additional screening over to your right. I said to her, ma'am, with all due respect to whoever may have devised this system, what makes you think that if I have got an explosive device in that bag that I will willingly and voluntarily pick it up and carry it out of your sight to a place and have it screened? I would simply take that bag perhaps and leave the airport and come back another time and hope that it was not selected at random for further screening.

So even what we are doing now at least on my experience does not make sense. That is why we need, I think, a federalization of this effort. We need standards for training. We need to pay people a decent wage, and we need to hold them accountable as a Federal Government for providing this kind of safety and security to the traveling public.

It is just beyond belief that on the one hand we would be saying we want the traveling public to fly, we want to rescue the airline industry from the slump that it is in, we want to restore confidence to the American people. Well, we can do all of these things that we are talking about in terms of stronger cockpit doors, better screening devices for carry-on luggage, we can do all of that, but unless we deal with this giant loophole, unless we screen the baggage that is put into the bellies of these planes, we can never tell the traveling public that they are safe.

Just this week, my colleague and I and some others met with two fathers who lost their young sons in the flight that crashed at Lockerbie, Scotland. One father lost a 20-year-old son; one father lost a 24-year-old son. Those two fathers shared with us that for the last many years they have been trying to get this done, and they have just constantly been running up against roadblocks and brick walls.

The airline industry does not want to do this, but as was said in our press conference earlier this week, if there is another plane that is blown out of the sky, then the airline industry will suffer perhaps unimaginable devastation because if this happens again, and it is something that could have been prevented, people will give up flying. They will use the train, they will drive, or they will just simply not travel.

So, in the long run, it is in the best interest of the airline industries themselves to come on board and say we are going to do this. It is something that makes so much sense. It can be done technologically. It will cost some money, but I fly sometimes twice a week. I am willing to pay a little more if that is what it takes to make sure that when I get on that airplane it is safe, and it will never be safe to fly as long as the bags that are placed in the bellies of these planes are not checked and checked thoroughly.

I agree with the gentleman from Illinois (Mr. JACKSON). A person may choose to do it, they may choose to fly today, even though those bags are not being checked, but they deserve the truth and they deserve to know that those bags are not being checked. And until we check them, we will never be safe as this government is capable of making us.

Mr. INSLEE. I appreciate the gentleman's comments. I want to tell my colleagues I particularly appreciate his comment about maintaining the confidence in this industry. I represent thousands of Boeing workers, and let me tell my colleagues that if we do not

act in this Chamber and if the majority leadership does not allow us to act in this Chamber for airline security and another plane goes down, I have got Boeing workers by the thousands that are going to be out of work more than already.

This is an economic issue, in addition to a safety issue, but I want to know what the coming debate will be in the next week in this House; and which I am, frankly, concerned about, one of the reasons I came here tonight.

The only reason that has been advanced not to give Americans this peace of mind when they ride in an airplane is some dollars. That is the only reason. There is no technical reason. There is no value reason. There is no constitutional issue. It is simply some dollars.

We are going to have a debate in this Chamber in this week because one side, predominantly the aisle, is going to want to take the dollars from a Federal Treasury, do about 60 to 120 billion dollar tax cut, most of which for large corporations, capital gains or something, and many of us believe the first dollar that is spent ought to be on security because security is the biggest demand for this Nation right now. We believe the money that it is going to take to mobilize the industrial base to build these machines, which are already designed, and there are four of them already at Seattle International Airport, I saw them in operation the other day, they are good machines that I know work, that ought to be the first dollar that we spend in this stimulus package that is going to come up.

If we are going to stimulate something, we should stimulate airline security because it creates jobs, it creates wealth, and it creates safety. With a known threat that we have right now, we are going to have debate with some of the Members across the aisle who want to give that money away in capital gains tax.

Mr. DOGGETT. Mr. Speaker, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Texas.

Mr. DOGGETT. I serve on the Committee on Ways and Means, and we already have scheduled tomorrow morning bright and early an attempt to do just that. And I think our colleagues are aware that none of those people who suffered the loss of life in New York or out here at the Pentagon were killed because their taxes were too high. Rather, they were killed because one of the reasons was, immediate reason, we did not have the kind of security in our airline industry that we needed to have.

Instead of dealing with that airline security, it is amazing but the same old agenda that our Republican colleagues were advancing the morning of September 10, they are back with it again and talking about capital gains cuts. They are talking about cutting the tax for the biggest corporations in the country, cutting the taxes for the most wealthy people in America.

□ 2115

That is something we have already done at least once this year, I believe. And instead of dealing with security, they want to talk about those old ideas. It is not going to help us get this job done of assuring the safety of this industry to cut taxes. There may be some legitimate changes in the Tax Code, but we ought to focus on the stimulative effect of raising the wages of the workers that are charged with the responsibility of protecting our lives on these airplanes and getting them the skills that they need to do the job effectively.

Putting those machines on the line and hiring the workers that will build the machines to scan the baggage, as the gentleman proposed; doing the other kinds of upgrades on security at our water systems, at our utilities, at our other places that could be endangered by a terrorist attack, those are stimulative effects that will cause people to be hired in good-paying jobs and help our economy move along and, at the same time, will give us the peace of mind that when we get on an airplane or when we get a drink of water, it is going to be safe from terrorists.

Mr. JACKSON of Illinois. Mr. Speaker, if the gentleman will continue to yield, the operative word here is ''confidence,'' and the American people have to have confidence in our security; they must have confidence in our economy.

At the end of every aviation disaster, the National Transportation Safety Board starts looking for the black box. Let me show my colleagues just how irrational the present approach to security is. We are going to end up with a National Transportation Safety Board looking for a black box and a strong door, because that is going to be all that is left is a black box and a strong door if we do not pass the gentleman from Washington's bill in the event that a device, a foreign device is allowed to get into the cargo area of these aircraft. That is a fact.

What does the gentleman's legislation have to do with the economic stimulus? It has a lot to do with the economic stimulus. Because confidence in the aviation industry, which is confidence in tourism, which is confidence in the ability to stay in a hotel, which every cab driver in America needs, which every tourism board needs, which every convention center needs, is a factor in why the economy needs to be stimulated in the first place, because four aircraft were slammed, essentially, into buildings, and one in Pennsylvania.

So unless we are prepared to provide the American people with the security that they want, after this Congress votes and passes the stimulus package, if there is another disaster in the aviation industry, the Congress will have wasted the economic stimulus package, because the American people are not going to leave their homes, they are not going to travel, they are not going to go on vacations because of the failure to provide security.

So the gentleman's bill is the centerpiece of any economic security package or stimulus package for our Nation's economy.

Mr. STRICKLAND. Mr. Speaker, if the gentleman will yield, I was just listening to the gentleman here, and I thought of something that happened on the day of September 11 in the afternoon in Columbus, Ohio. There were gas stations that started charging $5 for a gallon of gasoline on that day. These were individuals who were obviously using what had been a national tragedy in order to enrich themselves.

Now, I have been watching what has happened around here over the last couple of weeks; and I have become concerned that there are those who are using the national tragedy that we have all experienced as a way of enacting a preexisting agenda. When the gentleman talked about people thinking on September 12 the way they did on September 10, I think that is exactly the case. What we are seeing here with some of these tax programs is an attempt to get these tax bills passed now when they could not have been passed before this tragedy and, somehow, tying the need for these tax breaks to what happened on September 11.

There is much we need to do as a result of the tragedy that has befallen us, and we may need to cut some taxes in a way that gets money to the consumer so that they can spend and get this economy jump-started, but to use this tragedy to advance tax benefits for corporations while leaving out the little guy and the working person and those who have lost their jobs as a result of what happened; we have yet to do anything for the airline workers who lost their jobs. We took care of the airline companies with a $15 billion bailout; but we have yet to step up to the plate and say, the individual men and women who lost their jobs as a result of what happened on September 11, they need our help too.

Mr. DOGGETT. Mr. Speaker, I yield back to the gentleman from Washington, because the gentlewoman from Texas has come; but I want to yield back with his words, because so much of what the gentleman just said, and he said it in words that are going to be long remembered in this body, when he posed the question during the airline bailout, ''Why is it that in the Congress the big dogs always eat first?''

That is what has happened here and that is what is about to happen tomorrow. Because there are those, as the

gentleman from Ohio just said, who want to exploit this tragedy for their own agendas and they are doing that instead of dealing with important legislation, like the gentleman has advanced tonight, to assure the safety of families across America who do not care whether we have a Republican or Democrat or right or left or upside down kind of solution. They just want to be sure their families are safe, and that is why we are here tonight demanding that this be made the top priority of this House.

I think it may come to a point where we have to say, until the House addresses this issue, we are going to see it addresses none other. Because unless we can get the kind of bipartisanship that has been occurring in the Senate and get people to come together to address the security concern, we are going to have to take additional steps to force that action on to the agenda of the House. I thank the gentleman for his leadership.

Mr. INSLEE. Mr. Speaker, I appreciate the aggressive advocacy of the gentleman from Texas in the Committee on Ways and Means, and we are going to need that. Because, unfortunately, the proposals we have seen are $60 to $120 billion worth of tax cuts, largely for corporate interests, and not a dollar to screen luggage from bombs in aircraft. So we need this message, and I appreciate the gentleman coming this evening to do that.

One other note and then I will yield to the gentlewoman from Texas. It is important that when we talk about security that we say we are not blaming the airlines for this tragedy. These evil, rank, low-lifes with no respect for human life are responsible for this tragedy. But it is incumbent on us to act reasonably as stewards for the safety of our people. Right now, until we get votes on these bills, we are not able to do that.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to thank the gentleman from Washington for the vision, and I thank my colleagues, because I cannot think of a more important discussion than what has been engaged in this evening.

Let me simply say to my colleagues that there were several memorials today. There was one in New York; there was one at the Pentagon led by the President. Many of my colleagues may not have been aware that there was one at the Lincoln Memorial, the U.S. Coalition for Child Survival. Its focus was ''remember the children.''

The gentleman is aware that I chair the Congressional Children's Caucus. The idea was, in this time, our children, some who have lost parents, guardians; as far as we know, we do not even have a count between the airplanes and the tragedies in Washington, New York and Somerset, Pennsylvania of how many children are impacted.

Now, this may seem that I am deviating from security issues, but I am not. The focus is on the people. The fact that people were the ones impacted on September 11, 2001, it is the people of America that we must say to them that we have your interests at heart. We want you to be secure in the highways and byways and the airways of America; we want you to be secure that we are taking care of the children who may have lost their parents, guardians. We do not even know if some are being taken care of by neighbors. We know that there were a lot of single parents that worked in those buildings. We know how the living structures in New York are apartment buildings; we do not know if some children are with neighbors or with relatives.

What should we be doing in this stimulus package? I think certainly we should be giving the extended benefits on health and unemployment benefits. I met with airline stewardesses on Monday, or whenever I was in the district, I guess on Monday, and tears were in their eyes, the fear, the need for security and those who were laid off, in addition to other employees. I would say to the gentleman that part of the legislation is, let us put the people first. Let us secure the airways of America.

I believe that in fact we can do some partnerships. I believe we can do some partnerships with the airlines maybe at the checkpoints. But I am familiar with the technology that the gentleman is talking about. I am familiar with the checking of what we call interline bags or check bags. That is a key element to the comprehensive approach to safety.

Mr. Speaker, I am not going to be the Department of Justice and put on the Web page fearful comments that I understand have been put on the Web page across the Nation. I am very disappointed in that, because I believe we have the responsibility that if we have something to say to the American people, let us make it a public announcement about the seriousness of their condition. I am concerned about that. That is another issue that we have to address. I am shocked that we are finding messages on the Web page telling Americans about possible incidences.

We should be here telling America how we are going to secure them. So I believe that legislation and emphasis on securing them economically, and tomorrow I will be in caucus to speak and raise the question of these tax cuts, not because I do not believe in business success as well, but because I believe that we do not have the focus.

I support the gentleman's legislation. I believe we should have this equipment. I heard the cost of it. It does not overwhelm me. We can begin step by step moving across the country with this equipment that requires the intensive checking or the technological X-ray type checking that is necessary to check these bags. I do not want to be a nay-sayer here, but I am familiar with Pan Am 103. How many of us are? I am very closely familiar with it. I am intimately familiar with it. I represented an individual tragically impacted by Pan Am 103. We know the story of what happened with that, an unaccompanied bag.

I do not want to leave this floor to the distinguished gentleman from Washington (Mr. INSLEE) with fear in our hearts and the distinguished gentleman from Ohio and the distinguished gentleman from Illinois and the distinguished gentleman from Texas. I do not think we are here trying to create hysteria. But what we are saying is, I want to work through the weekend, through October, through November, whatever it takes, to look the terrorists in the eye and tell them, no, we are not on the run; but we are the most powerful Nation in the world. We believe in our values, we believe in democracy; and what we are here to tell you is we are going to take care of our people.

The children who do not have parents at this point and need our assistance, nobody has been on the floor debating what do we do about children who have lost their parents. By the way, as I close, let me say we will be having a briefing tomorrow, if I may just add this, on the children who have lost their parents. We will have a family come in from New York, a man who lost his wife who had to leave his job and he has three children. We know these stories are all over the country, but this is a particularly unique situation. Has the Congress even dealt with his case, his mental anguish, the funding we need to support him? No. We need to put people first.

Mr. Speaker, I am gratified for the opportunity to join the gentleman from Washington, to applaud him for this initiative, and to be able to say to him that we have to roll up our sleeves and, as I have heard us say on some occasions in the past, work, work, work. I guess I am animated about this because I want to be able to say to the American people, I am concerned and I am leading. And how am I leading? I am putting you first, your security and your families and your children and your ability to be able to provide for your families.

I appreciate the gentleman's leadership, and I hope he will join me on my children's efforts as we work toward doing the people's work.

Mr. INSLEE. Mr. Speaker, I really appreciate the gentlewoman's comments, because our message tonight is not one of fear, but of confidence and of belief in ourselves. We believe we can

screen 100 percent of these bags and the cost is about 1 percent of the stimulus package that we are going to adopt, about 1 percent, that is all we are talking about, about the billions of dollars that will be invested in this stimulus package. We are talking about 1 percent to make sure a plane does not get blown out of the sky.

□ 2130

We do not think that is unreasonable.

The good news, the confident news, the positive news is we can do this. We have the technology and ability to do it. We just have to get the vote.

We have to get some of the bipartisan spirit that we have seen over in the Senate, where JOHN MCCAIN has agreed to this airline security bill, not this specific one but another one. But that has been blocked here in the House. We need some of that bipartisanship here, because Republicans and Democrats are going to vote for this, if we get a vote on this.

Mr. Speaker, I yield to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. I thank the gentleman from Washington for yielding, and I thank the gentlewoman for her critical and important comments.

We think there is a lot of hysteria out here. The hysteria is the illusion of security without ensuring that 100 percent of the bags underneath these aircraft have been inspected.

But the gentleman raised the question also about the stimulus package and what a real stimulus package in light of today's threats should be. Why not critical investments in the real needs of the American people?

Before the events of September 11, Jane Garvey, the head of the Federal Aviation Commission, said that we needed 10 new airports the size of O'Hare Airport. That is 10 new airports that could be in every region in the country.

The construction of these 10 new facilities alone would put hundreds of thousands of Americans back to work, regardless of the next series of events that this war might bring, even to our own shores.

How about high-speed rail? Every State in the Union could benefit from a stimulus package that included high-speed rail, including the steel industry, including the locomotive industry, including Amtrak, including putting millions of Americans to work laying the track for high-speed rail?

Regardless of the next series of events that this war might bring to our own shores, high-speed rail is a project that would continue, and is not subject to the fear factor associated with these events.

Before the events of September 11, we needed $322 billion to repair the critical infrastructure of our schools. How many carpenters and how many painters and how many teachers would we put to work if we had an economic stimulus package that was a downpayment on rebuilding the critical infrastructure for the 53 million kids in the 85,000 public schools in the 15,000 school districts across our country?

Health care for all Americans: Economic stimulus. But beyond aviation security, I know there are people in the country who think Congress is obsessed with airplanes these days, we need train security. We need security in our subways. The economic stimulus package must make every American feel more secure in going about their daily lives.

So I thank the gentleman for beginning this process by arguing about aviation security. But the broader economic stimulus should not be something that, because of fear, the Congress comes back in several more weeks or several more months needing an additional economic stimulus package, simply because we did not invest in the critical needs of the American people, which would be a long-term investment and stimulus package that would keep millions of Americans working even through this great war on terrorism.

Mr. INSLEE. Mr. Speaker, I appreciate the gentleman's remarks.

I hope people understand, this is not the only security issue that we are concerned about; it is one of many. Perhaps it is the most glaring omission in our entire security system, but there are many that we need to make sure of. That is a package that we should have been voting on tonight. Instead of just talking about it, we should have been talking about a security package to increase security at our borders.

We have had a porous border, both north and south. We now are trying to improve it, and as a result, we have lines that are 5 hours long for honest citizens to try to get across the Canadian border. This is killing the economics both of Canada and the State of Washington.

Instead of putting on additional security personnel and funding that out of our general funds, we are arguing about all these other things here instead of security. We need to talk about border security. It should be part of our stimulus package; not just $60 billion as a tax cut for corporations, but let us talk about security.

Public health. We know, and this is hardly a secret, that we are not where we should be and can be in dealing with biological and chemical threats in the United States. Our people are concerned about that. We do not want to be overly concerned. We want to respond in a rational, confident way of developing a public health system that can give Americans confidence that we can deal with this type of threat. We are not there yet.

But instead of proposing and giving us a vote on a security measure that will significantly increase our ability to respond to bioterrorism and chemical threats, we are going to see a stimulus package with $60 to $120 billion more tax cuts.

I have to tell the Members, when I go home to Edmonds and Bainbridge, Washington, people are coming up to me and saying, ''Jay, what are you going to do about bioterrorism and making sure my airplane does not get blown out of the sky?'' That is what they are asking me to do. That is what we should be doing.

We have been here for 30 days since this terrible attack and we have not had a chance to vote. The gentleman from Ohio (Mr. STRICKLAND) and the gentleman from Illinois (Mr. JACKSON) and myself, we have not had a chance to vote. This is our job.

The Speaker, the gentleman from Illinois (Mr. HASTERT), who has done I think a great job trying to help us find unity in the first several weeks since this tragedy, I think he has been very sincere in trying to find bipartisan consensus, and we have had other Republicans support us on this security effort.

But somewhere in there somebody is blocking bipartisanship here. We are very hopeful that the gentleman from Illinois (Speaker HASTERT) will be successful in an effort to free these security measures for a vote on this floor. We need to have a bipartisan vote, because I think we are going to pass these things.

I yield to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, I would just like to say that I think many of the security issues perhaps will be addressed in the bill. The one aspect of security that I am fearful will not be included is what we are talking about tonight specifically. That is the screening of all the luggage that is placed in an airplane.

For some reason, this has been something that the airlines have objected to for a long, long time. After we introduced the bill this past week, I got a call from a young man in New York City. He said that he had heard about the bill. He said, ''I am outraged because I am going on a vacation in a few weeks with my wife and child, and I thought the plane I was flying on would have the luggage screened.'' He said, ''What can I do to help get this bill passed?''

I said, ''Well, the best thing you can do is contact your Senators and your Congressperson and urge them to sign on to this bill. I think the American people want this.''

I have not talked to a single person in the last few weeks about this bill without encountering enthusiastic support for it. When people buy a ticket and they get on an airplane, they want to be sure that that airplane is not going to explode. It did over Lockerbie,

Scotland. There was a suitcase bomb. That plane exploded and killed a lot of young people.

One of the fathers this week said that plane that exploded was like a traveling schoolbus, because so many of the people on that plane were very young, in their early twenties, most of them.

The fact is that the American public will never be able to feel as safe as they have a right to feel if we do not pass this bill. I have said something that I do not think is an extreme statement. I have said that if we pass this legislation, lives will be saved. If we fail to pass this legislation, it is inevitable, in my judgment, that lives will be lost.

What we are talking about tonight is something that is of critical importance to the American people.

Mr. INSLEE. I appreciate the gentleman's statement. His sentiment is shared in a lot of different places.

In my flight back to Seattle, a flight attendant came up and said, ''Are you Congressman INSLEE?'' And you never know when people ask you, you think they might bite your head off when they ask this question.

But she said, ''I just kind of bless your efforts, because we have got to have this. We just have to have this.'' This is an expert talking. This is a person who spends her working life in the air. I am hearing that sentiment all across America.

I appreciate the support of the gentleman from Illinois (Mr. JACKSON) and the gentleman from Ohio (Mr. STRICKLAND) for this bill.

I want to leave this discussion on an upbeat and confident note. I believe if we get this word out to Americans and Americans contact their Representatives and their Senators, justice is going to prevail here. We are going to adopt or we are going to use these technologies, we are going to fund them so airports do not go bankrupt in doing it, we are going to have the Federal Government help local airports do this, and we are going to use the industrial and technological might of this country to put these machines in.

We are going to hire qualified, certified, well-trained, stable employees to make sure they are operated right. I believe this is in our ability to do, and I believe we are going to do it, and this is going to help us, that the American people know what is at stake here.

So I am very appreciative. Did the gentleman have a final comment?

Mr. JACKSON of Illinois. Mr. Speaker, I just want to congratulate the gentleman for his noble efforts on behalf of the American people. My wife and my 18-month old daughter are enormously grateful for the gentleman's efforts, and I am sure all of us who have family members, as much as Members of Congress travel, are very greatful for the gentleman's efforts.

But for the millions of Americans whom many of us have never met and still do not know, in the gentleman from Washington (Mr. INSLEE) they have the kind of leadership on the floor of the Congress that is thinking about them and that is going to make a significant difference.

Mr. INSLEE. Mr. Speaker, I appreciate that. Let me give a note, too, to thank the two gentlemen, for the families of the Lockerbie tragedy, that have helped us so much. The families of the Lockerbie tragedy for 13 years have been asking Members of the U.S. Congress to act. Tonight we are adding our voices to the effort. Let us make sure this happens for the flying public.

AMERICA'S DEFENSES IN THE CURRENT WAR

The SPEAKER pro tempore (Mr. SCHROCK). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, obviously, I hope all of the Members have had the opportunity at 8 o'clock, so about an hour and a half ago, to listen to the President of the United States address the Nation. It was a press conference, but I think the President made several pertinent comments.

Let me begin by saying this: I think the President of the United States and his team, whether it is the Vice President, Dick Cheney, whether it is Condoleezza Rice, whether it is Don Rumsfeld, whether it is John Ashcroft, I think they are doing a heck of a job.

If this kind of horrible tragedy had to occur, I think that it could not have occurred with a better team in place than the team we have today. I think it was indicated and reflected by the President's comments during his press conference this evening.

Mr. Speaker, I want to go through a few of those comments and discuss them at length. I, of course, want to finish what I started yesterday, and that is a discussion, I think a good discussion, of missile defense and why this Nation needs missile defense, and why we as Congressmen have an inherent responsibility for the security of this Nation to provide missile defense. I want to talk about that tonight.

But let me talk, first of all, about a few comments that the President made. I also want to visit briefly about civil liberties. I also want to talk for a few moments about the great fight that we are involved in.

We have heard people use the term ''war.'' That is exactly what this is. As the President very ably said tonight, ''This is not a conventional war that we are fighting. This is a war unlike we have ever experienced in the past. First of all and foremost, we have been attacked by the enemy within the borders of the United States. We have suffered horrible losses in civilian casualties. These people, as the President said, they did not agitate this, they did not provoke this kind of thing. It was a blind attack of cold-blooded murder. There is no justification.''

By the way, kudos to Mayor Rudolph Giuliani today, who received a $10 million check, a $10 million check from an individual. But that individual, in handing that check, issued a statement that said that the United States, as a result of this action, should reexamine its policies in regard to Israel.

Rudolph Giuliani in New York City today said ''Look, you may have just given us $10 million for our recovery fund for New York City, but do not dare try and justify or say that perhaps there is some legitimacy; to take a message across, regardless of the merits of the message; do not try and legitimize this as a vehicle for communicating that message, the act of terrorism. It is not justified.'' These were the acts of evil men, as the President said this evening.

So Rudolph Giuliani gave the $10 million back and said, ''We do not want the money. Do not come to us, no matter how much money you have, do not come to the United States, do not come to New York City and offer a lot of money, which was appreciated for the recovery effort, but to have a little string attached to it that says, hey, maybe if terrorists commit these kinds of acts against the United States of America, America will adjust its national policies as a response to that terrorist act.''

That is the wrong thing to do. We should not let this kind of act that occurred on September 11 gain any kind of credibility whatsoever, zero credibility, because if we begin to give those kinds of attacks credibility; in other words, allow them to legitimize their cause, even a slight legitimization of their cause, we in fact are contributing, in my opinion, to the awful acts that are a result of terrorism. They should not do that. Thank goodness, the Mayor stood up to that tonight.

I thought the President's comments about this war, it was amazing to me. I thought the reporters on a couple of occasions tried to trap the President: ''Can you give us an assurance, Mr. President, just how long we are going to be engaged in this?''

Of course the President did not fall for that trick. He said, ''We are going to be engaged in it until we get the job done.'' Congratulations, Mr. President. That is exactly the response that the American people wanted to hear. That is exactly the response that the American people feel in their heart.

This country cannot afford to do this job half-heartedly. We cannot do the job halfway. We have to complete this job. We have to do everything we can to minimize the threat of terrorism anywhere in the world. Terrorism has no legitimate spot. Terrorism has no

legitimate spot anywhere in this world with any country.

□ 2145

It must be eradicated, or as close to eradication as we can possibly get. And the President said he is committed; that as long as he is the President, he will stay the course. Did my colleagues hear that? He will stay the course.

And that is exactly the kind of commitment that the United States Congress has to give to the President as well. There will be lots of trials and tribulations that we ourselves as leaders in this country will come across, but we need to stay the course, keep her steady as she goes. Keep her steady as she goes. As the President said, slowly but surely, slowly but surely we are gaining ground; and we are gaining victory in this battle against these evil people.

Now, I say they are evil people. I compared them in comments I made yesterday and in comments I have made since the September 11 tragedy to a cancer. There is no way to justify a cancer, ever. There is no medical doctor in the history of the world that has come up with some kind of a justification for not the cause, but some kind of a justification to say that the cancer helps the human body. Cancer never helps the human body. It is a foreign agent inside the body, and it has one purpose in mind and that is to destroy the human body. That is what cancer is about, to destroy the human body. It has one mission: destruction, destruction, destruction.

There is no difference between bin Laden, between all of his followers and between other terrorists in this world; there is no distinction between those terrorists and cancer. They all are out for the same thing. They are out there, as the President said tonight very ably, and with a lot of credibility, he said what they have done is hijacked a religion. They are trying to cloak themselves in Islam. Islam does not allow terrorism. Islam does not permit the striking of innocent people. Certainly Islam does not preach striking down other people of the same faith, of those practicing Islam, that same faith.

Keep in mind that these terrorists, these evil people, when they hit that tower, they did not just kill Americans; they killed the citizens of 80 separate countries. They killed fellow Muslims, they killed people who practice the Islamic faith. They killed Irish, they killed black, they killed Canadians, they killed British, they killed Belgian, German. Eighty countries suffered. These terrorists did not discriminate amongst their victims, and now they have the audacity to cloak themselves in religion, one of the great religions, as President Bush said tonight, the religion of Islam.

Come on. We know that is a falsehood. And we have an obligation to continue to look through that falsehood. As the President said tonight again, and well said, I think, that bin Laden is just one part of the puzzle, just one part of the cancer. And there is more than one element to that cancer. Bin Laden is just one of the cells there. We have a number of cells that we have to eliminate to cure ourselves, to cleanse ourselves of this horrible cancer that has found its way to us.

So I thought the President spoke well. He spoke of our determination, our will and our patience. The President has been very methodical in his planning. He and his team have been very focused, and they are determined, and they are strong, and they are patient. And I think the President said it very well this evening.

I was very dismayed in the last week or so when one of our colleagues here criticized the President, saying how could the President launch an attack in 4 weeks; that he does not have enough preparation; he had not done enough planning. Well, that colleague of mine was out of order, in my opinion. Our constituents should know that we do not sit in the war room and help design the day-to-day combat activities of our military forces. Thank goodness, we do not. That is not our job. We are not military experts. A lot may think they are military experts, but the fact is we are not military experts. So to stand up at this point in time and criticize our President, saying the President did not do enough planning, when this colleague of ours did not spend 2 minutes in the assistance of that planning, how the heck does he know what went on down there?

What you do, as the President said tonight, you measure by performance. And you can go turn on the TV tonight and look at the performance. Slowly but surely, as the President said, we are gaining ground. Obviously, we are gaining ground, and we are going to gain ground every day. Now, some days we may get set back a little. But every time we are set back, the sun will come again and we will gain a little more the next day. The end game is that America will prevail. America and its allies will prevail.

This Nation is too great, its civil liberties are too strong, its freedoms mean too much to the world for the United States of America to fail, and it will not. Failure is not even an option. Failure is not even something to be discussed. The United States will be victorious at whatever the cost, at whatever the sacrifice, at whatever amount of time it takes. Mark my words, the United States of America will prevail over this evil cancer.

Now, I want to mention a good friend, a good colleague of mine, the gentleman from California (Mr. HERGER); and he and I were talking about missile defense. We were also talking about civil liberties. Now, the gentleman from California and I agreed, and we agree on most things; but we were talking about the fact that I want the American people to know that in our anti-terrorist bill, for example, that we bring up tomorrow on this House floor, that we need to let the people know that we are not out there violating the constitutional rights of privacy or the constitutional civil liberties guaranteed under the Bill of Rights. That is not what is going to happen in this Congress.

What is happening is this: we are saying, look, we all have to pitch in together. So what if they check our baggage a little more closely at the airport? In fact, the previous speakers were talking about how necessary that is. So what if someone decides they want to cross the borders where they have a computer, a television face measuring computer that will tell them whether or not an individual is wanted anywhere in the world? So what if someone is requested to give a fingerprint if they want to cross the borders into America? The fact is America is going to have to tighten its borders.

We cannot afford to have 2½ million students, students who are guests of the United States of America, we cannot afford to have 2½ million of them stay in our country after their visas expire. Of course, we have a huge gap in regards to our student visa program. And it was amazing to me the other day, even in my own State, that some of the colleges and universities in my own State said that we should not clamp down on student visas. The reason is because they need the money. They want the money. They may charge high fees for these foreign students to be educated in the United States. Well, it is about time the United States thought of the United States.

Our homeland security requires that we have a border policy that makes sense; that we have a border policy that protects America; that we have a border policy that lives within the philosophy of America. That philosophy of America is that America has always opened its arms to citizens of other parts of the world; but we have to do so within a system that is regulated. We just cannot open the borders and allow anybody in here that wants to come in here. As we have seen, unfortunately, on September 11, not everybody has good intentions in mind. Some of those people are cancerous; and they want to lay cancer on every woman, every child, and every man they can, regardless of their religion, regardless of their ethnic background. These people want to destroy.

We have every right, without violating the Constitution, to tighten up our borders. We have every right, and it is not a violation of our civil liberties, if someone wants to fly on an

airplane and checks on baggage, they should expect that someone is going to look in their suitcase. They may even be looking through your nighties or your pajamas. The fact is there are certain inconveniences, not civil liberties, but there are certain inconveniences that all of us will now have to suffer to try to keep our country safe from this active cancer and the acts that these terrorists are trying to put upon us.

I think the President handled very well tonight this general threat, this seemingly high level of confidence of a legitimate threat against the United States. Obviously, the President and the law enforcement arms in our country, and by the way, kudos to our law enforcement people that are so dedicated and put themselves out there on the front line, and all of our emergency personnel, whether firemen, ambulance drivers, et cetera; but the President made it very clear he does not have specific information.

Obviously, if they did, if it was a train that was threatened or an airplane that was threatened, they would shut it down. They just have a general threat against the well-being of the United States.

I almost thought I heard criticism of the President not being more specific, when the President did not have more specific information as far as what the targets would be. The President made it very clear this evening that the targets were not specific. I think the President did an excellent job in his communication to the people that he leads, to the people that he has assumed a major responsibility, the ultimately responsibility for their security.

So the fact is, as the President said this evening, all of us have to be more aware of our surroundings, and that is not just for the next 2 or 3 days; that is kind of something we are going to have to permanently put into our minds. If we see something that looks odd, it probably is out of place; and it probably arouses enough suspicion we should call the authorities. The old saying, if it looks unusual, it probably is. That is the kind of thing that we are facing here.

I used to be a police officer, and we did not develop any sixth sense, as people say, that police officers develop. What we actually did is develop common sense. Common sense that if in the middle of the night you see somebody coming out of a window of a retail store that is locked up, you might think that is a little unusual, and you would then take appropriate action. That is what the President is cautioning the American people to do, to just use common sense. If it does not look like it makes sense, report it to the authorities. That is how we are going to get ahead in this ball game.

Let me move on from the President's comments, although I want to repeat once again that I thought the President did an excellent job. I think the President and his team, the Vice President, the Secretary of Defense, the national security advisers, Condoleezza Rice, this entire team, combined with all those young men and women that are serving in our military forces throughout the world, combined with our people like our volunteers in the Peace Corps, with the Government employees, with all the law enforcement agencies across this land, the firemen, et cetera, et cetera, we are all coming together as a team to provide the security that every citizen out there has a right to expect from their government.

And thank goodness we live in the strongest country in the history of the world. Thank goodness we have a country that has freedom of religion, that has freedom of speech, that allows its borders to be open to the world with reasonable regulations. That is what has made this country such a strong country. And the blow we suffered on September 11, and the blows that we will face in the future, if we stay together as a team, if we bring together as a group but act as one, we will survive this and come out of this stronger than we were before. Sadder than we were before, because of the friends and the family and the good people that were lost in this terrible tragedy, but stronger.

Let me visit about the question that the President was asked this evening, an area that I spend a lot of time on, and that is missile defense and the Anti-ballistic Missile Treaty. Let me put out the premise right now that I think every one of us in these Chambers, every Congressman, every Senator in Washington, all of us had better not live on a hope that we never get attacked by a missile. The far left in this country, the radical left, wants the American people to hope and believe that a missile will never be launched against the United States, and that a missile probably will not be just based on that hope. It is like hoping away cancer. It is not going to happen.

At some point in the future, the United States of America will face a missile attack. It may be one missile that is accidentally fired against the United States, or it may be a series of missiles that are intentionally fired against the United States.

□ 2200

Today we have time to prepare for it. That is exactly what we need to do. There are several steps that we need to do. First of all, this body has to stay together. We have to give the President the support that he has asked for in building a missile defense system for this country. Keep in mind what the country has today. This country has tremendous capabilities as far as detection of a missile launch is concerned. In fact, within moments after that missile was launched by accident by the Ukrainian military during military exercises and hit a commercial airliner one week ago, the United States of America, it was the United States of America that knew about the launch. We picked it up at NORAD in Colorado Springs.

We were within a couple of seconds able to figure out what kind of missile it was or at least a good guess, the direction, the target, et cetera. But once our NORAD defense system determines that a missile launch has taken place, and after they figure out what size missile it is and where its likely target is, all they can do is call up the victims of the likely target and say, say a prayer, it is over. You have an inbound missile. Its expected time of arrival is 15 minutes. Nothing we can do for you.

Mr. Speaker, we have an obligation. We are required to protect the American people, the American continent and our allies. How can we stand up in front of our constituents, colleagues, how can we stand in front of them and say that we have chosen not to provide an actual missile defense system. Instead we have chosen the policy of the far left which is let us hope it never happens, and it is crazy to think that someone will attack this country with a missile.

I think a lot of people have thought some crazy things that we never thought would happen, i.e., a terrorist attack would occur that would kill thousands and thousands of American citizens. It occurred on September 11. Who would imagine during a military exercise that a military, under strict discipline, under careful scrutiny, would accidentally launch a missile that brought down a commercial airliner. The concerns we have in the future are not entirely focused on an intentional launch of a missile against the United States. It could be an accidental launch.

Mr. Speaker, I think the likelihood of an accidental missile launch against the United States is pretty high. I think there is a good likelihood it could be as much accidental as it is intentional. That is why I think it is imperative that the Congress of the United States follow the lead of the President of the United States, and that is to deploy a missile defense policy in this country.

Let us go through the different arguments brought up. The gentleman from California (Mr. HERGER) and I talked about, we do not have the technology. That technology is almost there. We have the laser technology. We have the satellite technology. We have the detection technology. Two months ago we were able to intercept an incoming practice target missile. That technology is going to be there. Sure it is going to take some trial and error to get there.

People say what if we fail. One way you can guarantee failure is not to try

at all. That guarantees it. So my colleagues in these Chambers who do not want to try at all to provide missile defense for this country, you have guaranteed failure to your constituents. We have the capability to come up with the technology. We have the resources to deploy a missile defensive system to protect the people of this country, and we ought to do it.

Some people will say what about the anti-ballistic missile treaty. That was the question tonight to the President. When you meet with President Putin from Russia, are you backing off, abandonment of the anti-ballistic missile treaty, and the President said that treaty is obsolete. It does no good for Russia or the United States.

Let me tell you a little history about the anti-ballistic missile treaty. A few facts about it. First of all, the anti-ballistic missile treaty is a treaty between two countries. Only two countries are signatories to the treaty, the United States of America and the Soviet Union. This treaty was signed in the 1970s. The treaty is well over 30 years ago. It went on a theory that was abandoned a long time, a theory whose premise was questioned from the very first day.

What is the theory? At the time of the Cold War, at the time the anti-ballistic missile treaty was drafted in the 1970s, there were only two countries capable of delivering such weapons in the world, the United States of America, and the Soviet Union.

Some people, that administration, thought it was logical for the United States and Russia to get together and say look, you are the only two in the world capable of delivering these types of missiles. Make a treaty that will give you the ultimate resistance to fire a missile in an offensive state against Russia or against the United States.

So the treaty they came up with is called the Anti-ballistic Missile Treaty, and it works like this: Russia agrees not to build a missile defensive system, and the United States agrees not to defend itself with a missile defensive system. The theory being if you do not have the capability to defend yourself, you would not fire a missile against the Soviet Union because you know the Soviet Union would retaliate, and your fear of retaliation would be enough incentive not to fire your missile in the first place.

Well, the one good thing they did when they drafted this treaty was they put a clause in there. The people that drafted this said, justifiably, Look, we are not smart enough to be able to read the future. We do not know what the future holds for the Soviet Union. We do not know what the future holds for the United States of America. So as we draft this treaty, the Anti-ballistic Missile Treaty, let us make a provision, let us put a right within the treaty for the treaty to be modified for either party, the Soviet Union or the United States, to withdraw from the treaty.

Let me show Members that specific language. This is it right here. Article XVI of the Anti-ballistic Missile Treaty. That treaty is called the ABM. This treaty shall be of unlimited duration. Each party, and look at this emphasis that I have put on here. This is a guaranteed right. The parties have a right to abrogate this treaty. This is not a breach of the treaty. It is not a breaking of the treaty. It is exercising a right contained within the four corners of the treaty. That is exactly what this language is. Let us go through it.

Each party, remember there are only two parties to the ABM, the Soviet Union and the United States of America. Each party shall, in exercising its national sovereignty, have the right to withdraw from this treaty. See the word ''right.'' It is not iffy. It is a guaranteed right of the treaty. The treaty has it within its provisions. Have the right to withdraw from this treaty if it decides that extraordinary events related to the subject matter of this treaty have jeopardized its supreme interests.

So we know that the right to abandon the treaty is contained within the four corners of the treaty if in fact extraordinary events have occurred. So the argument here is have extraordinary events occurred to the extent that the supreme interests of the parties have been impacted? Of course they have. I am going to show Members that in just a moment.

It shall give notice of its decision to the other party 6 months prior to withdraw from the treaty. Such notice shall include a statement of the extraordinary events the notifying party regards as having jeopardized its supreme interests. What are extraordinary events.

Take a look at what has happened in the world in the last 30 years. This is ballistic missile proliferation. Remember at the time the treaty was drafted, there were two countries, the Soviet Union and the United States of America, that were capable of ballistic missile delivery against each other. Only two countries. That is why only two countries signed the Anti-ballistic Missile Treaty. Take a look at what has occurred in proliferation in countries throughout the world as indicated by the purple color on this chart. This is the proliferation of ballistic missiles. Ballistic missiles do not have to contain a nuclear warhead. They can, in fact, contain a warhead that has got a biological weapon. So these can be missiles with incoming biological weapons.

The fact is numerous countries throughout the world have acquired the capability to deliver a ballistic missile against the United States or against other countries or against allies of the United States or in fact against Russia. It is in Russia's best interests as well as the best interests of the United States that we acknowledge the fact that the world, that extraordinary events have occurred, and at the very top of that list is the capability to deliver a biological or nuclear weapon in either one of our countries by people who have not signed this treaty. That is the proliferation.

That is an extraordinary event. On that alone, this treaty should be abrogated. Let us look here. Remember again when we signed the treaty in the 1970s there were two countries with nuclear capability. Two of them, the Soviet Union and the United States. Now take a look. These are countries that now possess nuclear weapons: Britain, China, France, Pakistan, Israel, United States. I would add to that list North Korea. Of concern over here, I think North Korea has already accomplished it, Iraq, Iran, Libya.

Mr. Speaker, we are seeing, unfortunately, extraordinary events take place with the proliferation of countries, rogue countries, Third World countries, that are doing everything they can to acquire nuclear weapons. We stand back and say we should not build a missile defense. We are doing an injustice to future generations of this Nation. We see the disaster coming. We see the disaster coming. We have the opportunity today, the American people, the leaders of the American people, the government of the American people, we have the opportunity today to build a system that will stop missile delivery of nuclear weapons. That will stop missile delivery of biological weapons. That is our obligation. We can do it.

So any kind of argument that we see in these Chambers about the fact that the United States does not need missile defense are ill-founded on their face. Of course this Nation needs it. Thank goodness the President of the United States recognizes the fact that the Anti-ballistic Missile Treaty, which is the only thing standing in the way of an effective missile defense for this country, thank goodness that the President recognizes that extraordinary events which trigger the ability to leave the treaty have occurred.

The President's response tonight, which I thought was very eloquent, he talked about it is to Russia's benefit as well. The United States is not developing a missile defensive system to the exclusion of every other country in the world. It is our intent to develop a system that we can share with our close friends like the British, like Canada, and Mexico and frankly be willing to share with other countries. If we build the right kind of system, satellite laser system, we actually could assist any country in the world, friend or foe, from a missile attack against that country.

Just imagine for a moment if Russia, for example, by accident launched a

missile on this country. A nuclear missile. Let us say that it hit Philadelphia or some city and wipes out a city. You know, the retaliation or the repercussions of the actual hit, the result of that missile, would be so significant none of us can even imagine. It is as hard to imagine those kinds of results as what we saw occur in New York City on September 11.

□ 2215

What would it mean? Would it mean a new world war? Would it mean such massive retaliation by the United States that Russia then would fire whatever they had left at the United States? We have an opportunity to avoid that disaster by providing this country with the capability to stop incoming missiles whether they are accidentally fired at the United States or whether they are intentionally fired against the United States.

Now, some people will say to you, ''Well, now look, you know, Scott, this kind of missile thing is not going to happen. Let's hope it away.''

And I just tell you 10 days ago, although the press has been very heavy on Afghanistan and our military theater of operations over there, consider the fact that about 10 days ago, a missile was fired by accident, and a missile did hit a target that no one intended for it to hit and it did in fact bring down a commercial airliner and killed everybody on board. That ought to tell you that accidents can happen. We are naive, and we are almost shameful if we do not think that in the future at some point this country is going to be challenged by a missile that is inbound, and we have the opportunity today to stop it. We have not only the opportunity today to stop it, we have the obligation to stop it. And we can do it.

So missile defense, I was so pleased that that question was asked of the President tonight. This President intends to lead this Nation not only to victory over the cancer of terrorism but he also intends to lead this country to victory in its defense of its homeland security. And a part of that is to build a missile defensive system that will give us the kind of security that a lot of us think we have right now. There are a lot of people out there that think we have the capability to stop these kind of things. So this President, as he is doing with other causes, is taking the leadership role. I for one am more than happy to stand tall behind him. As all of us are standing, most of us, tall behind his leadership against the cancer of terrorism, let us too be counted standing behind him for the missile defense system of this country.

Let me go back, leave this subject for a moment, and talk very briefly about the economy, because the President also covered the economy this evening, and I think his remarks were very important. This economy will recover. This economy has some very fundamental strengths to it. This economy has been bruised by the September 11 attacks. The economy was limping along prior to September 11. It happens. Our economy runs in cycles. It has run in cycles throughout the history of mankind. The economies of every country in the world run in cycles. We are in a cyclical state. The worst thing that can keep us in a downward cycle, the worst thing that can continue to propel us into the ground is loss of confidence. It is just like the worst thing that could work against us is the fear of fear. Our greatest fear is but fear itself. And it is the same thing, too, we should apply to our economy. We as Americans need to continue to go out and do what we can to bolster our economy, increase our job performance. Employers, you need to pay your employees what is necessary to keep them so that they can support their families. Our inventors, our capital investment, our inventors need to continue to invent the great products that this country is known for. We need to keep incentive in the system out there. I am very confident that the economy will continue through its cyclical correction but that the country will again see an uplift in our economy. So I urge people not to panic. I urge people that as the Christmas season approaches, go out and buy and spend as you would in a normal Christmas. I am not saying to do it unwisely. I am not saying to waste money. But I am saying that your consumer confidence, our constituents' confidence is the big engine that is driving this economy. And if we can, whatever we can do to sit down with our constituents and tell them just what the basic fundamentals of our economy are and how strong they are, we are not going to have a recovery tomorrow. We are not going to see the boom times with the stock market. People were actually writing and selling books about what happens when the Dow hits 30,000. We are not going to see that. But what we are going to see is a cyclical correction that also leads to the recovery of an economy. We here in the United States Congress will be acting on a stimulus package. In fact our fine chairman, the gentleman from California (Mr. THOMAS), will be chairing the Committee on Ways and Means upon which I sit tomorrow to consider debate and to report out a bill for some type of stimulus package. The government cannot do it all. I think our constituents understand that. We do not need to lecture our constituents. They understand the government cannot do it all, but the government can help. Alan Greenspan has helped by putting more money in, by lowering interest rates. Any of our constituents that are out there that are paying credit card interest that is at all above 10 percent in my opinion, I would consider it excessive. I mean, Greenspan has lowered those rates so dramatically that every American, every American that uses credit, whether it is on your credit card or whether it is for your house ought to be seeing the benefit. And if you are not seeing the benefit, if your constituents are not seeing the benefit of lower interest rates from their credit card companies, tell them to dump that company and go with a company that is going to be fair with them, that is going to give them a rate that fairly evaluates the risk that is involved in doing business with them.

There are a lot of things out there that are going to work in our favor. One of the things that I think that can come out of that stimulus package tomorrow is broad based tax cuts, not tax cuts for one specific individual or one specific industry but broad based. We need to get consumer confidence back in an upward mode. A stimulus package cannot do it all, as I said, but we can go a long ways, in putting incentive out there in the system so that once again our economic engine warms up and begins that climb up the hill. I know I can; I know I can. We know that that is going to happen. So I feel confident about our economy.

To wrap it up, I want to first of all thank my colleague the gentleman from California (Mr. HERGER) for the discussion, I thought a very thorough discussion we had this evening on missile defense. I think the President did a very commendable job. And I, like many, many hundreds of thousands of Americans, and I like most of my colleagues, if not all of my colleagues on this House floor, stand in gratitude for the leadership that the President has shown to this country, to the leadership that Dick Cheney and Donald Rumsfeld and Condoleezza Rice and the other Cabinet members and our national security team and our military leaders and our military personnel, all across this country, thank God we have got these kind of people that are dedicated, in many cases with their lives, are dedicated to the cause of the United States of America. Thank God we have got people who are willing to make it their entire focus, in a patient, strong but dedicated way to make sure that the United States of America continues to prevail for the next generation in the good way that it has prevailed for our generation. Thank goodness we have got a country that recognizes all types of different religions, that allows people of different ethnic backgrounds to thrive in this country. We are equal under our laws around here. There are some countries in this world that will not allow foreign people to come in and be citizens. Many countries do not have open borders at all. They have closed borders. There are a lot of countries in this world who discriminate very clearly against other

religions. But in the United States of America, whether you practice Islam, whether you are a Catholic, whether you are a Methodist, Episcopalian, a Mormon, even being an atheist in this country is protected by our Constitution. It is the strength of that Constitution that will increase the strength of this country. It is being respected by this President and his team.

My final remark is that I stand tall with all my colleagues in backing the President and his team. Let us go out there and let us eradicate the cancer that has fallen upon us. We owe it to ourselves. We owe it to future generations. It is an obligation and a responsibility of our job. And, frankly, we can get the job done.

RECESS

The SPEAKER pro tempore (Mr. SCHROCK). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 25 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0857

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 8 o'clock and 57 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–237) on the resolution (H. Res. 263) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCHUGH (at the request of Mr. ARMEY) for today after 6:15 p.m. and the balance of the week on account of illness in the family.

Mr. BLUNT (at the request of Mr. ARMEY) for today and the balance of the week on account of personal reasons.

Mr. GILLMOR (at the request of Mr. ARMEY) for today after 5:00 p.m. and the balance of the week on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. MCKINNEY) to revise and extend their remarks and include extraneous material:)

Ms. MCKINNEY, for 5 minutes, today.

Ms. SÁNCHEZ, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

(The following Members (at the request of Mr. GEKAS) to revise and extend their remarks and include extraneous material:)

Mr. GEKAS, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BEREUTER and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $780.00

ADJOURNMENT

Mr. REYNOLDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 58 minutes a.m.), the House adjourned until today, October 12, 2001, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4206. A letter from the Acting Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting the Department's final rule—Oranges and Grapefruit (Texas and States Other Than Florida, California and Arizona); Grade Standards [Docket Number FV–00–304] received September 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4207. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Tomatoes Grown in Florida; Changes to the Handling Regulation for Producer Field-Packed Tomatoes [Docket No. FV01–966–1 FR] received September 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4208. A letter from the Acting Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Papayas Grown in Hawaii; Suspension of Grade, Inspection, and Related Reporting Requirements [Docket No. FV01–928–1 FIR] received September 25, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4209. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Bifenthrin; Pesticide Tolerances for Emergency Exemptions [OPP–301169; FRL–6801–5] (RIN: 2070–AB78) received September 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4210. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Cyhalofop-butyl; Pesticide Tolerances for Emergency Exemptions [OPP–301167; FRL–6800–2] (RIN: 2070–AB78) received September 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4211. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Truth in Savings—received September 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4212. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Organization and Operations of Federal Credit Unions—received September 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4213. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—California: Final Authorization of Revisions to State Hazardous Waste Management Program [FRL–7065–7] received September 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4214. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Missouri: Final Authorization of State Hazardous Waste Management Program Revision [FRL–7068–1] received September 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4215. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Texas: Control of Emissions From Existing Hospital/Medical/Infectious Waste Incinerators [TX–128–1–7466a; FRL–7067–6] received September 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4216. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Rate of Progress Plans and Contingency Measures for the Baltimore Ozone Nonattainment Area [MD057/71/98/115–3082 FRL–7066–3] received September 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4217. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Approval of Operating Permits Program; Commonwealth of Massachusetts [AD-FRL–7065–9] received September 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4218. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Approval of Operating Permits Program; State of Rhode Island [AD-FRL–7068–9] received September 25, 2001, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Energy and Commerce.

4219. A letter from the Principal Deputy Associate Administration, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District [CA 242–0294a; FRL–7066–8] received September 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4220. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Correction to the Hazardous Waste Identification Rule (HWIR): Revisions to the Mixture and Derived-from Rules; Direct Final Rule [FRL–7066–2] (RIN: 2050–AE07) received September 24, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4221. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 13–01 which informs the intent to sign Amendment Number One to the Air Defense Command and Control Memorandum of Agreement (MOA) between the United States and the NATO Hawk Production and Logistics Organization (NHLPO) for the Fire Direction Operation Center (FDOC), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

4222. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

4223. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 135, ''Food Regulation Temporary Amendment Act of 2001'' received October 11, 2001, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

4224. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–133, ''Free Clinic Assistance Program Extension Temporary Amendment Act of 2001'' received October 11, 2001, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

4225. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 132, ''National Capital Revitalization Corporation Temporary Amendment Act of 2001'' received October 11, 2001, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

4226. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 134, ''Parental Kidnapping Extradition Amendment Act of 2001'' received October 11, 2001, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

4227. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Pelagic Longline Fishery; Sea Turtle Protection Measures [Docket No. 010710169–1169–01; I.D. 060401B] (RIN: 0648–AP31) received August 23, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SKEEN: Committee of Conference. Conference report on H.R. 2217. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes (Rept. 107–234). Ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2559. A bill to amend chapter 90 of title 5, United States Code, relating to Federal long-term care insurance (Rept. 107–235 Pt. 1). Ordered to be printed.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2975. A bill to combat terrorism, and for other purposes; with an amendment (Rept. 107–236 Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committees on International Relations, Resources, and Ways and Means discharged from further consideration of H.R. 2975.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2975. Referral to the Committee on Intelligence (Permanent Select) extended for a period ending not later than October 12, 2001.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. NUSSLE (for himself and Mr. SPRATT):

H.R. 3084. A bill to revise the discretionary spending limits for fiscal year 2002 set forth in the Balanced Budget and Emergency Deficit Control Act of 1985 and to make conforming changes respecting the appropriate section 302(a) allocation for fiscal year 2002 established pursuant to the concurrent resolution on the budget for fiscal year 2002, and for other purposes; to the Committee on the Budget.

By Mrs. KELLY:

H.R. 3085. A bill to authorize the Administrator of the Small Business Administration to make direct loans to small business concerns that suffered substantial economic injury as a result of the terrorist attacks against the United States that occurred on September 11, 2001; to the Committee on Small Business.

By Mr. MCKEON (for himself, Mr. BOEHNER, Mr. GEORGE MILLER of California, Mr. ARMEY, Mr. WATTS of Oklahoma, Mr. GEPHARDT, Mr. PETRI, Mr. KILDEE, Mr. HOEKSTRA, Mr. OWENS, Mr. CASTLE, Mr. PAYNE, Mr. GREENWOOD, Mrs. MINK of Hawaii, Mr. GRAHAM, Mr. ANDREWS, Mr. HILLEARY, Mr. SCOTT, Mr. EHLERS, Ms. WOOLSEY, Mr. FLETCHER, Ms. RIVERS, Mr. ISAKSON, Mr. HINOJOSA, Mr. GOODLATTE, Mrs. MCCARTHY of New York, Mrs. BIGGERT, Mr. TIERNEY, Mr. PLATTS, Mr. FORD, Mr. TIBERI, Mr. KUCINICH, Mr. KELLER, Mr. WU, Mr. OSBORNE, Mr. HOLT, Ms. SOLIS, Mrs. DAVIS of California, Ms. MCCOLLUM, Mr. BAKER, Mr. BERMAN, Mr. BILIRAKIS, Mr. BOEHLERT, Mr. BUYER, Mr. CALVERT, Mr. CRENSHAW, Mr. CUNNINGHAM, Mr. DREIER, Mr. EVANS, Mr. FILNER, Mr. FORBES, Mr. HALL of Texas, Ms. HARMAN, Mr. HERGER, Mr. HUNTER, Mr. JONES of North Carolina, Mr. KING, Mr. KIRK, Mr. QUINN, Mr. SABO, Mr. SHOWS, Mr. SIMPSON, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. SNYDER, Mr. STUMP, Mr. TAYLOR of Mississippi, Mr. TURNER, Mr. UNDERWOOD, Mr. WALSH, Ms. WATERS, and Mr. WAXMAN):

H.R. 3086. A bill to provide the Secretary of Education with specific waiver authority to respond to conditions in the national emergency declared by the President of the United States on September 14, 2001; to the Committee on Education and the Workforce.

By Mr. EVANS (for himself, Mr. REYES, and Ms. BROWN of Florida):

H.R. 3087. A bill to amend title 38, United States Code, to provide that veterans who are 65 years of age or older shall be eligible for pension benefits under laws administered by the Secretary of Veterans Affairs without regard to disability; to the Committee on Veterans' Affairs.

By Mr. GILMAN (for himself, Mr. ACKERMAN, Mr. ROYCE, Mr. MENENDEZ, Mr. ROHRABACHER, Mrs. MALONEY of New York, Mr. SMITH of New Jersey, Ms. KAPTUR, Mr. SAM JOHNSON of Texas, Mr. DUNCAN, Mr. JONES of North Carolina, Mr. HAYWORTH, Mr. GUTKNECHT, and Mr. SAWYER):

H.R. 3088. A bill to contribute to the defense of the United States against future terrorist attack by providing for the removal from power of the Taliban regime in Afghanistan; to the Committee on International Relations.

By Mr. TERRY (for himself, Mr. BARTON of Texas, Mr. PICKERING, and Mr. NORWOOD):

H.R. 3089. A bill to amend the Federal Power Act to promote energy security, environmental protection, electricity price stability, and electric reliability by providing for the use of net metering by certain small electric energy generation systems, and for other purposes; to the Committee on Energy and Commerce.

By Mr. THOMAS:

H.R. 3090. A bill to provide tax incentives for economic recovery; to the Committee on Ways and Means.

By Mr. BLAGOJEVICH:

H.R. 3091. A bill to combat terrorism and defend the Nation against terrorist; to the Committee on the Judiciary.

By Mr. BROWN of Ohio:

H.R. 3092. A bill to amend part B of title XVIII of the Social Security Act to expand coverage of durable medical equipment to include physician prescribed equipment necessary so unpaid caregivers can effectively and safely care for patients; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COSTELLO:

H.R. 3093. A bill to designate the Federal building and United States courthouse located at 501 Bell Street in Alton, Illinois, as the ''William L. Beatty Federal Building and United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. CRANE (for himself and Mr. MANZULLO):

H.R. 3094. A bill to amend title XVIII of the Social Security Act to exclude services of certain providers from the skilled nursing facility prospective payment system, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DELAHUNT:

H.R. 3095. A bill to coordinate and expand United States and international programs for the conservation and protection of North Atlantic Right Whales; to the Committee on Resources, and in addition to the Committees on Transportation and Infrastructure, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLETCHER:

H.R. 3096. A bill to amend the Appalachian Regional Development Act of 1965 to add Nicholas County, Kentucky, to the Appalachian region; to the Committee on Transportation and Infrastructure.

By Mr. HERGER (for himself and Mr. MCCRERY):

H.R. 3097. A bill to repeal the Federal unemployment surtax; to the Committee on Ways and Means.

By Mr. HOEKSTRA (for himself, Mr. EHLERS, Mr. UPTON, Mr. CAMP, Mr. KNOLLENBERG, Mr. SMITH of Michigan, and Mr. ROGERS of Michigan):

H.R. 3098. A bill to amend the Internal Revenue Code of 1986 to classify office furniture as 5-year property for purposes of accelerated depreciation; to the Committee on Ways and Means.

By Ms. KAPTUR:

H.R. 3099. A bill to provide for a Biofuels Feedstocks Energy Reserve, and to authorize the Secretary of Agriculture to make and guarantee loans for the production, distribution, development, and storage of biofuels; to the Committee on Agriculture.

By Mr. LAFALCE (for himself, Mr. QUINN, and Mr. REYNOLDS):

H.R. 3100. A bill to amend the Internal Revenue Code of 1986 to allow for the expansion of areas designated as renewal communities based on 2000 census data; to the Committee on Ways and Means.

By Mr. MATHESON (for himself and Mr. HONDA):

H.R. 3101. A bill to direct the National Institute of Standards and Technology to ensure the development of standards and measures for effective aviation security technologies, to direct the Administrator of the Federal Aviation Administration to carry out a pilot program to test and evaluate new and emerging aviation security technologies, and for other purposes; to the Committee on Science, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCKEON:

H.R. 3102. A bill to direct the Director of the Federal Emergency Management Agency to waive repayment requirements in connection with a grant made to Granada Hills Community Hospital in Granada Hills, California; to the Committee on Transportation and Infrastructure.

By Mrs. MINK of Hawaii (for herself, Mr. ABERCROMBIE, and Mr. HASTINGS of Florida):

H.R. 3103. A bill to ensure that individuals scheduled for certain flights are not penalized for canceling or rescheduling such flights; to the Committee on Transportation and Infrastructure.

By Mr. PETERSON of Minnesota (for himself, Mr. MCHUGH, Mr. SAXTON, Mr. GREEN of Wisconsin, Mr. PICKERING, and Mr. WALSH):

H.R. 3104. A bill to protect the public's ability to fish for sport, and for other purposes; to the Committee on Resources.

By Mr. ROYCE:

H.R. 3105. A bill to amend the Internal Revenue Code of 1986 to allow amounts elected for reimbursement of medical care expenses under a health flexible spending arrangements, as defined in Code Section 106(c)(2) and the regulations promulgated under Section 125, that are unused during a Plan Year to be carried over within the account to subsequent plan years for the reimbursement of future eligible medical expenses; to the Committee on Ways and Means.

By Ms. SLAUGHTER:

H.R. 3106. A bill to protect children from terrorism; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STRICKLAND:

H.R. 3107. A bill to prohibit the importation for sale of foreign-made flags of the United States of America; to the Committee on Ways and Means.

By Mr. YOUNG of Florida:

H.J. Res. 68. A joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes; to the Committee on Appropriations. considered and passed.

By Mrs. BONO (for herself, Mr. HUNTER, Mr. ROHRABACHER, and Mr. CALVERT):

H. Con. Res. 247. Concurrent resolution recognizing and honoring the service of the men and women who volunteer their time to participate in funeral honor guards at the interment or memorialization of deceased veterans of the uniformed services of the United States at national cemeteries across the country; to the Committee on Veterans' Affairs.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. GOODE, Mr. WOLF, Mr. SCHROCK, Mr. FORBES, Mr. TOM DAVIS of Virginia, Mr. SCOTT, Mr. MORAN of Virginia, Mr. CANTOR, and Mr. GOODLATTE):

H. Res. 261. A resolution recognizing the historical significance of the Aquia sandstone quarries of Government Island in Stafford County, Virginia, for their contributions to the construction of the Capital of the United States; to the Committee on Resources.

By Mr. OSE:

H. Res. 262. A resolution congratulating Barry Bonds for setting the record of 73 home runs in a single season; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

193. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to a Resolution memorializing the United States Congress to support the Secretary of State in recalling our delegation to the flawed United Nation's Conference on racism and commends him for his decisive action; to the Committee on International Relations.

194. Also, a memorial of the Senate of the State of Ohio, relative to Senate Resolution No. 1056 memorializing the United States Congress that the State Senate supports the President of the United States and the United States Congress in the actions they must take in order to seek justice for the devastation that our nation has suffered from terrorism and to protect our nation from further terrorist acts of aggression; to the Committee on the Judiciary.

195. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution Memorializing the United States Congress to enact H.R. 2374 to amend the Internal Revenue Code to consider certain transitional dealer assistance related to the phase-out of Oldsmobile as an involuntary conversion; to the Committee on Ways and Means.

196. Also, a memorial of the House of Delegates of the State of West Virginia, relative to House Resolution No. 1 memorializing the United States Congress to accept the House of Delegates expression of their deepest heartfelt sympathy to the families and friends of those killed and injured in the terrorist attacks of September 11, 2001 and the recovery efforts following the attacks; jointly to the Committees on the Judiciary and International Relations.

197. Also, a memorial of the Senate of the State of West Virginia, relative to Senate Resolution No. 503 memorializing the United States Congress that the State Senate condemns the action of terrorists and their attack on the United States on September 11, 2001; and for other purposes; jointly to the Committees on the Judiciary and International Relations.

198. Also, a memorial of the House of Representatives of the State of Alabama, relative to Resolution No. 146 memorializing the United States Congress to enact appropriate laws which will result in reducing terrorist threats within our borders; and for other purposes; jointly to the Committees on the Judiciary, Transportation and Infrastructure, and Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. SWEENEY.

H.R. 51: Mr. MANZULLO.

H.R. 97: Mr. BRADY of Pennsylvania and Mr. RUSH.

H.R. 162: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. LEWIS of Georgia.

H.R. 218: Mr. QUINN and Mr. SWEENEY.

H.R. 292: Mr. KUCINICH and Ms. LEE.

H.R. 437: Mr. CANTOR.

H.R. 440: Mr. BENTSEN.

H.R. 600: Mr. LOBIONDO and Mr. LATOURETTE.

H.R. 606: Mr. CALVERT.

H.R. 632: Mr. WYNN.

H.R. 680: Ms. LEE.

H.R. 684: Mrs. NAPOLITANO, Mr. ACKERMAN, and Ms. WATSON.

H.R. 688: Mr. NORWOOD.

H.R. 742: Mr. BROWN of Ohio.

H.R. 914: Mr. HERGER.

H.R. 952: Mr. BROWN of Ohio.

H.R. 984: Mr. MCCRERY and Mr. REHBERG.

H.R. 1071: Mr. OBERSTAR, Mr. JOHN, Mr. PASCRELL, Mr. RANGEL, Ms. PELOSI, Mr.

MCDERMOTT, Mr. UNDERWOOD, Mr. LEWIS of Georgia, Mr. WYNN, Mr. LANTOS, Mr. BLUMENAUER, and Mr. FATTAH.

H.R. 1073: Mr. DAVIS of Illinois.

H.R. 1084: Mrs. EMERSON.

H.R. 1086: Ms. CARSON of Indiana.

H.R. 1109: Mr. SCHAFFER, Mr. THUNE, and Mr. EHRLICH.

H.R. 1143: Mr. LEWIS of Georgia, Ms. NORTON, and Mr. SOUDER.

H.R. 1158: Mr. PICKERING.

H.R. 1178: Mr. BALDACCI.

H.R. 1254: Mr. BAIRD.

H.R. 1296: Mr. RYAN of Wisconsin, Mr. SPRATT, Mr. CLAY, and Mr. HONDA.

H.R. 1310: Mr. GEORGE MILLER of California.

H.R. 1351: Mr. BROWN of Ohio, Mr. MCHUGH, Mr. GEKAS, and Mr. UDALL of Colorado.

H.R. 1543: Mr. TIERNEY.

H.R. 1556: Mr. GEKAS.

H.R. 1582: Mr. SOLIS and Ms. LEE.

H.R. 1606: Mr. FALEOMAVAEGA, Mr. ACEVEDO-VILA, and Mr. RAHALL.

H.R. 1609: Mr. GREENWOOD.

H.R. 1645: Ms. DELAURO, Mr. JONES of North Carolina, and Mrs. NAPOLITANO.

H.R. 1672: Ms. BROWN of Florida, Mrs. CAPPS, Mrs. THURMAN, and Mr. ROSS.

H.R. 1680: Mr. KLECZKA and Ms. HART.

H.R. 1782: Mr. TANCREDO.

H.R. 1786: Mr. ROGERS of Michigan.

H.R. 1819: Mr. MCNULTY and Mr. LIPINSKI.

H.R. 1975: Mr. GRAHAM and Mr. HOEKSTRA.

H.R. 2284: Mr. LAHOOD, Mr. EVANS, Mr. BISHOP, and Mr. SCHROCK.

H.R. 2348: Ms. SCHAKOWSKY, Mr. SOUDER, and Mrs. TAUSCHER.

H.R. 2354: Mrs. CAPPS, Mr. SANDLIN, Ms. DELAURO, and Mr. WALSH.

H.R. 2357: Mr. TIBERI.

H.R. 2362: Mr. PASCRELL and Mr. KINGSTON.

H.R. 2374: Mr. BLUNT.

H.R. 2427: Ms. CARSON of Indiana.

H.R. 2466: Mr. GRAVES.

H.R. 2485: Mr. CANTOR.

H.R. 2515: Mr. OWENS and Mr. ETHERIDGE.

H.R. 2527: Mr. SHIMKUS and Mr. COSTELLO.

H.R. 2598: Mr. HILLIARD, Mr. STARK, and Mr. FROST.

H.R. 2623: Mr. PAYNE.

H.R. 2630: Mr. BONIOR.

H.R. 2638: Mr. BECERRA.

H.R. 2709: Mr. NEAL of Massachusetts and Mr. PORTMAN.

H.R. 2716: Mr. BILIRAKIS, Mr. MCKEON, Ms. CARSON of Indiana, Mr. UDALL of New Mexico, and Mr. SHOWS.

H.R. 2722: Ms. SOLIS, Mr. GONZALEZ, Mrs. CHRISTENSEN, and Mr. HINCHEY.

H.R. 2725: Mr. LANTOS and Mr. OWENS.

H.R. 2739: Mr. SMITH of New Jersey, Mr. SCHAFFER, Mr. BERMAN, Mr. FROST, Ms. PELOSI, and Mr. SOUDER.

H.R. 2768: Mr. LAMPSON.

H.R. 2781: Mr. CLEMENT and Mr. LATHAM.

H.R. 2792: Mr. SHOWS and Mr. THUNE.

H.R. 2804: Mr. PASTOR.

H.R. 2839: Mr. WAXMAN.

H.R. 2894: Mr. CROWLEY, Mr. BERMAN, and Mr. ENGLISH.

H.R. 2895: Mr. SOUDER.

H.R. 2899: Mrs. MINK of Hawaii.

H.R. 2908: Mr. WATT of North Carolina and Mr. BOUCHER.

H.R. 2935: Mr. FILNER.

H.R. 2940: Mr. CUMMINGS.

H.R. 2946: Mr. THOMPSON of Mississippi.

H.R. 2961: Mr. SMITH of New Jersey and Mr. FRANK.

H.R. 2965: Mr. SMITH of New Jersey.

H.R. 2969: Ms. NORTON and Mr. PASCRELL.

H.R. 2975: Mr. SMITH of Texas.

H.R. 2996: Mr. ENGLISH, Mr. THUNE, Mr. GOODE, Mr. REHBERG, and Mr. SCHAFFER.

H.R. 2998: Mr. GUTKNECHT, Mr. HASTINGS of Washington, Mr. KERNS, Mr. SHIMKUS, Mr. ROTHMAN, Mr. WAXMAN, Mr. GREENWOOD, and Mr. ENGLISH.

H.R. 3003: Ms. MCKINNEY, Mrs. CHRISTENSEN, Ms. NORTON, and Mr. OWENS.

H.R. 3006: Mrs. MYRICK.

H.R. 3007: Mr. INSLEE, Ms. DUNN, Mr. ISRAEL, and Mr. KIRK.

H.R. 3015: Mr. HASTINGS of Florida.

H.R. 3022: Ms. BROWN of Florida.

H.R. 3026: Mr. SHERMAN and Mr. BISHOP.

H.R. 3029: Mr. HOEFFEL, Mr. HASTINGS of Florida, Mr. HOLT, Mr. DOGGETT, and Mr. ISAKSON.

H.R. 3050: Mr. TOOMEY, Mr. DEMINT, Mr. TERRY, Mr. SCHAFFER, Mr. BARR of Georgia, Mr. DOOLITTLE, and Mr. PITTS.

H.R. 3067: Mr. HONDA, Mr. OWENS, Ms. LEE, Mr. LANTOS, and Ms. WATSON.

H.R. 3073: Mr. GRAVES.

H.R. 3077: Mr. NETHERCUTT, Mr. ENGLISH, and Mr. GUTKNECHT.

H. Res. 6: Mr. HOLDEN.

H. Con. Res. 104: Mr. CRAMER, Mrs. THURMAN, and Ms. CARSON of Indiana.

H. Con. Res. 164: Mr. WAXMAN.

H. Con. Res. 194: Mr. WEXLER, Mr. PENCE, Mr. DOYLE, Mr. ISSA, and Mr. SOUDER.

H. Con. Res. 211: Mr. SMITH of New Jersey, Mr. HOEFFEL, Mr. FARR of California, Mr. ENGEL, Mr. FLAKE, and Mr. WAXMAN.

H. Con. Res. 232: Mr. MCNULTY, Mr. ISAKSON, Mr. RAMSTAD, Ms. MCCOLLUM, Mr. KILDEE, Mr. GRAVES, Mr. MASCARA, Mr. LOBIONDO, and Mr. HILL.

H. Con. Res. 234: Mr. BONIOR, Mr. COSTELLO, and Mr. MOLLOHAN.

H. Con. Res. 240: Mr. ROTHMAN, Ms. MCCOLLUM, and Mr. HILLIARD.

H. Con. Res. 243: Mrs. THURMAN, Mr. FALEOMAVAEGA, Mr. BEREUTER, Ms. PRYCE of Ohio, Mr. KNOLLENBERG, Mr. EHRLICH, Mr. SHAW, Mr. CANTOR, Mrs. WILSON, Mr. BALDACCI, and Mr. SMITH of New Jersey.

H. Res. 243: Mr. SABO and Mrs. LOWEY.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

33. The SPEAKER presented a petition of the Slidell City Council, Louisiana, relative to Resolution No. R01–21 petitioning the United States Congress to carefully consider any changes to the National Flood Insurance Program administered by the Federal Emergency Management Agency; to the Committee on Financial Services.

34. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 472 petitioning the United States Congress to oppose the granting of any discretionary economic benefit by the United States, New York State or Rockland County governments or public benefit corporations in an attempt to locate the siting of power plants in the Torne Valley in Rockland County; to the Committee on Energy and Commerce.

35. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 472 petitioning the United States Congress to request the New York State Legislature to amend Title X of the Public Service Law to require that no electrical generating facility other than hydroelectric shall be placed within one-half mile of a primary sole source aquifer or one-half mile from any abutting highly permeable soils as determined by the New York State Department of Environmental Conservation without the prior consent of the Governor of the State of New York after a finding by the Governor of an extrordinary need for said facility; to the Committee on Energy and Commerce.

36. Also, a petition of the City of Lauderdale Lakes Commission, Florida, relative to Resolution No. 01–232 petitioning the United States Congress that the Commission expresses confidence in the Nation, its citizens, the President of the United States, the Congress and the Administration, and encourages all Americans to join together and rededicate themselves to the Nation's underlying principles of the capitalist democracy established in the Constitution of the United States of America; to the Committee on the Judiciary.

37. Also, a petition of Forty-Three State Legislators, Minnesota, relative to a letter expressing profound sympathy to the citizens of New York City and Washington, DC; pledging unwavering support to the President and Congress; and expressing hope that the President and Congress will act decisively to counteract this terrorism; jointly to the Committees on the Judiciary and International Relations.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2975

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 1: At the end of Section 702 paragraph d of Title VII (page —, after —), insert the following new section:

SEC. 802. DESIGNATION OF POLICE OFFICERS.

The Act of June 1, 1948 (40 U.S.C. 318–318d), is amended—

(1) in section 1 by striking the section heading and inserting the following:

"SEC. 2 POLICE OFFICERS.";

(2) in section 1 and 3 by striking ''special policemen'' each place it appears and inserting ''police officers'';

(3) in section 1(a) by striking ''uniformed guards'' and inserting ''certain employees''; and

(4) in section 1(b) by striking ''Special policemen'' and inserting the following:

''(1) IN GENERAL.—Police officers''.

SEC. 803. POWERS.

Section 1(b) of the Act of June 1, 1948 (40 U.S.C. 318(b)), is further amended—

(1) by adding at the end the following:

''(2) ADDITIONAL POWERS.—Subject to paragraph (3), a police officer appointed under this section is authorized while on duty—

''(A) to carry firearms in any State, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States;

''(B) to petition Federal courts for arrest and search warrants and to execute such warrants;

''(C) to arrest an individual without a warrant if the individual commits a crime in the officer's presence or if the officer has probable cause to believe that the individual has committed a crime or is committing a crime; and

''(D) to conduct investigations, on and off the property in question, of offenses that have been or may be committed against property under the charge and control of the Administrator or against persons on such property.

''(3) APPROVAL OF REGULATIONS BY ATTORNEY GENERAL.—The additional powers granted to police officers under paragraph (2) shall

become effective only after the Commissioner of the Federal Protective Service issues regulations implementing paragraph (2) and the Attorney General of the United States approves such regulations.

''(4) AUTHORITY OUTSIDE FEDERAL PROPERTY.—The Administrator may enter into agreements with State and local governments to obtain authority for police officers appointed under this section to exercise, concurrently with State and local law enforcement authorities, the powers granted to such officers under this section in areas adjacent to property owned or occupied by the United States and under the charge and control of the Administrator.''; and

(2) by moving the left margin of paragraph (1) (as designated by section 202(4) of this Act) so as to appropriately align with paragraphs (2), (3), and (4) as added by paragraph (1) of this subsection).

SEC. 804. PENALTIES.

Section 4(a) of the Act of June 1, 1948 (40 U.S.C. 318c(a)), is amended to read as follows:

''(a) IN GENERAL.—Except as provided in subsection (b), whoever violates any rule or regulation promulgated pursuant to section 2 shall be fined or imprisoned, or both, in an amount not to exceed the maximum amount provided for a Class C misdemeanor under sections 3571 and 3581 of title 18, United States Code.''.

SEC 805. SPECIAL AGENTS.

''Section 5 of the Act of June 1, 1948 (40 U.S.C. 318d), is amended—

(1) by striking ''nonuniformed special policemen'' each place it appears and inserting ''special agents'';

(2) by striking ''special policemen'' and inserting ''special agent''; and

(3) by adding at the end the following: ''Any such special agent while on duty shall have the same authority outside Federal property as police officers have under section 1(b)(4).''.

SEC. 806. ESTABLISHMENT OF FEDERAL PROTECTIVE SERVICE.

''(a) IN GENERAL.—The Act of June 1, 1948 (40 U.S.C. 318–318d), is amended by adding at the end the following:

''SEC. 7. ESTABLISHMENT OF FEDERAL PROTECTIVE SERVICE.

''(a) IN GENERAL.—The Administrator of General Services shall establish the Federal Protective Service as a separate operating service of the General Service Administration.

''(b) APPOINTMENT OF COMMISSIONER.—

''(1) IN GENERAL.—The Federal Protective Service shall be headed by a Commissioner who shall be appointed by and report directly to the Administrator.

''(2) QUALIFICATIONS.—The Commissioner shall be appointed from among individuals who have at least 5 years of professional law enforcement experience in a command or supervisory position.

''(c) DUTIES OF THE COMMISSIONER.—The Commissioner shall—

''(1) assist the Administrator in carrying out the duties of the Administrator under this Act;

''(2) except as otherwise provided by law, serve as the law enforcement officer and security official of the United States with respect to the protection of Federal officers and employees in buildings and areas that are owned or occupied by the United States and under the charge and control of the Administrator (other than buildings and areas that are secured by the United States Secret Service);

''(3) render necessary assistance, as determined by the Administrator, to other Federal, State, and local law enforcement agencies upon request; and

''(4) coordinate the activities of the Commissioner with the activities of the Commissioner of the Public Buildings Service.

Nothing in this subsection may be construed to supersede or otherwise affect the duties and responsibilities of the United States Secret Service under sections 1752 and 3056 of title 18, United States Code.

''(d) APPOINTMENT OF REGIONAL DIRECTORS AND ASSISTANT COMMISSIONERS.—

''(1) IN GENERAL.—The Commissioner may appoint regional directors and assistant commissioners of the Federal Protective Service.

''(2) QUALIFICATIONS.—The Commissioner shall select individuals for appointments under paragraph (1) from among individuals who have at least 5 years of direct law enforcement experience, including at least 2 years in a supervisory position.''.

''(b) PAY LEVEL OF COMMISSIONER.—Section 5316 of title 5, United States Code, is amended by inserting after the paragraph relating to the Commissioner of the Public Buildings Service the following: ''Commissioner, Federal Protective Service, General Services Administration.''.

SEC. 807. PAY AND BENEFITS.

The Act of June 1, 1948 (40 U.S.C. 318–318d), is further amended by adding at the end the following:

''SEC. 7. PAY AND BENEFITS.

''(A) SURVEY.—The Director of the Office of Personnel Management shall conduct a survey of the pay and benefits of all Federal police forces to determine whether there are disparities between the pay and benefit of such forces that are not commensurate with differences in duties of working conditions.

''(b) PAY SCHEDULE.—The Director of the Office of Personnel Management shall in connection with the survey conducted in subsection (a) produce a pay and benefit schedule for employees of the Federal Protective Service to be contained in the findings and recommendations.

''(c) REPORT.—Not later than 6 months after the date of the enactment of this section, the Director shall transmit to Congress a report containing the results of the survey conducted under subsection (a), together with the Director's findings and recommendations.''.

SEC. 808. NUMBER OF POLICE OFFICERS.

''(a) IN GENERAL.—The Act of June 1, 1948 (40 U.S.C. 318–318d), is further amended by adding at the end the following:

''SEC. 8. NUMBER OF POLICE OFFICERS.

''After the 1-year period beginning on the date of the enactment of this section, there shall be at least 730 full-time equivalent police officers in the Federal Protective Service. This number shall not be reduced unless specifically authorized by law.''.

SEC. 909. EMPLOYMENT STANDARDS AND TRAINING.

The Act of June 1, 1948 (40 U.S.C. 318–318d), is further amended by adding at the end the following:

''SEC. 9. EMPLOYMENT STANDARDS AND TRAINING.

''(a) IN GENERAL.—The Commissioner of the Federal Protective Service shall prescribe minimum standards of suitably for employment to be applied in the contracting of security personnel for buildings and areas that are owned or occupied by the United States and under the control and charge of the Administrator of General Services.''.

''(1) CONTRACT COST.—The Commissioner of the Federal Protective Service shall conduct a cost analysis on each security personnel supply contract to determine if the use of personnel directly employed by the United States would be more cost effective for use in buildings and areas that are owned or occupied by the United States and under the control and charge of the Administrator of General Services.''.

SEC. 1001. AUTHORIZATION OF APPROPRIATIONS.

The Act of June 1, 1948 (40 U.S.C. 318–318d), is further amended by adding at the end the following:

''SEC. 1. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated from the Federal Buildings Fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)) such sums as may be necessary to carry out this Act.''.

TITLE II—FEDERAL FACILITY SAFETY ENHANCEMENT ACT

SEC. 1002. SHORT TITLE.

This title may be cited as the ''Federal Facility Safety Enhancement Act.''

SEC. 2. SAFETY AND SECURITY OF PERSONS IN FEDERAL FACILITIES

The Public Buildings Act of 1959 (40 U.S.C. 601 et seq.) is amended by adding at the end the following:

''SEC. 22. SAFETY AND SECURITY OF PERSONS IN CHILDCARE FACILITIES.

''(a) WRITTEN NOTICE TO PARENTS OR GUARDIANS.—

''(1) INITIAL NOTIFICATION.—Before the enrollment of any child in a childcare facility located in a public building under the control of the Administrator, the Administrator shall provide to the parents or guardians of the child a written notification containing—

''(A) an identification of the current tenants in the public building; and

''(B) the designation of the level of security of the public building.

''(2) NOTIFICATION OF NEW TENANTS.—After providing a written notification to the parents or guardians of a child under paragraph (1), the Administrator shall provide to the parents or guardians a written notification if any new Federal tenant is scheduled to take occupancy in the public building.

''(b) WRITTEN NOTICE TO FEDERAL EMPLOYEES.—

''(1) INITIAL NOTIFICATION.—The Administrator shall provide Federal employees a written notification containing —

''(A) an identification of the current tenants in the public building; and

''(B) the designation of the level of security of the public building.

''(2) NOTIFICATION OF SERIOUS THREATS TO SAFETY OR SECURITY.—As soon as practicable after being informed of a serious threat, as determined by the Administrator, that could affect the safety and security of Federal employees, members of the public and children enrolled in a childcare facility in a public building under the control of the Administrator, the Administrator shall provide notice of the threat to the contact person for each tenant in the facility and to the parents or guardians of each child in the facility.

''(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this section, the Administrator shall transmit to Congress a comprehensive report on childcare facilities in public buildings under the control of the Administrator.

''(2) CONTENTS.—The report to be transmitted under paragraph (1) shall include—

''(A) an identification and description of each childcare facility located in a public building under the control of the Administrator;

''(B) an assessment of the level of safety and security of children enrolled in the childcare facility and recommendations on methods for enhancing that safety and security; and

''(C) an estimate of cost associated with recommendations furnished under paragraph (2)(B).

''(3) WINDOWS AND INTERIOR FURNISHINGS.—In conducting an assessment of a childcare facility under paragraph (2)(B), the Administrator shall examine the windows and interior furnishings of the facility to determine whether adequate protective measures have been implemented to protect children in the facility against the dangers associated with windows and interior furnishings in the event of a natural disaster or terrorist attack, including the deadly effect of flying glass.''.

H.R. 3061

OFFERED BY: MR. CARSON OF OKLAHOMA

AMENDMENT NO. 10: Page 18, line 8, after the dollar amount, insert the following: ''(reduced by $15,000,000)''.

Page 34, line 23, after the dollar amount, insert the following: ''(increased by $15,000,000)''.

H.R. 3061

OFFERED BY: MS. VELÁZQUEZ

AMENDMENT NO. 11: In title I, in the item relating to ''Bureau of Labor Statistics—Salaries and Expenses'', insert before the period at the end the following:

''*Provided*, That, of such amounts, $4,600,000 shall be available for enforcement of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) (including investigations related to such enforcement)''.

SENATE—*Thursday, October 11, 2001*

The Senate met at 10 a.m. and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

PRAYER

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

Faithful Father, on this day of remembrance of the infamous terrorist attack on our Nation one month ago, we hear the words of the Psalmist sounding in our souls, ''Wait on the Lord; be of good courage, and He shall strengthen your heart; wait, I say, on the Lord!''—Psalm 27:14. You alone are the source of our strength and courage. Continue to heal the aching hearts of those who lost loved ones and friends at the World Trade Center and the Pentagon.

Dear Lord of comfort, we intercede for the families of the police and firefighters who died seeking to save others. We feel the incredible grief of those who endure loneliness now for those gallant people who were aboard the airplanes that were turned into missiles of destruction. All across our Nation people are gripped by fear of future attacks. Replace that panic with Your peace. Bolster our broken hearts with relentless resolve to confront and conquer terrorism. Bless the women and men of our armed services. Keep them safe as they press on to victory. Without Your help we cannot succeed; with Your power we shall not fail. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JACK REED 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,
Washington, DC, October 11, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REED thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate resumes consideration of S. 1477, the aviation security bill. It is my understanding that the managers are expecting to clear some more amendments this morning and are working with other Members who have indicated they have amendments to this important legislation.

The first vote—on the Daschle-Carnahan amendment—will be later today. After we vote on that, Senators may expect other votes to occur this afternoon and into this evening as we make every effort to complete action on this important legislation today and then turn our attention today, we hope—and we really need to do this—to another important matter, the counterterrorism bill, on which a unanimous consent agreement has been reached.

Because of some very important matters that some Members have, some of which are spiritual in nature, I ask unanimous consent that the previously scheduled cloture vote on the Daschle-Carnahan amendment occur at 1:35 p.m. today and that the other provisions remain in effect, with the time from 12:35 until 1:35 to be divided in the usual form.

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

Mr. REID. Mr. President, as Senator HOLLINGS has indicated, he also believes we can finish this legislation. I just completed a conversation with him. He has worked on this legislation, along with Senator MCCAIN, for so long. We are anxious and happy we are on this legislation. It is important for the country. We ask everyone's cooperation. If they have an amendment, come and work on the amendment. In regard to this legislation, everyone should know we are not going to wait around for people to come in with amendments. If we arrive at a point where we have no amendments, we will move on to complete consideration of the bill in its entirety.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

AVIATION SECURITY ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1477, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1447) to improve aviation security, and for other purposes.

Pending:

Daschle (for Carnahan) amendment No. 1855, to provide assistance for employees who are separated from employment as a result of reductions in service by air carriers, and closures of airports, caused by terrorist actions or security measures.

Gramm amendment No. 1859 (to amendment No. 1855), to provide for the exploration, development, and production of oil and gas resources of the Arctic Coastal Plains.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, we all realize this morning that a month has passed since the disaster of September 11, and we still are confronted with the need for airline security, as the headlines in Roll Call state, ''Airport Firms Form Alliance''; as well as, ''Baggage Screening Companies Take Case to the Hill.''

So one month after this fanatical killing of 5,000 to 6,000 Americans, thousands more casualties, and as many as 10,000 children left without a parent, some without 2 parents, we are being delayed by the contractors and the lobbyists. One of them particularly, cited in this case, has banded together in a lobbying drive that so far has succeeded—Argenbright.

There is also an article in the Miami Herald published Thursday, September 13 about their efforts. I ask unanimous consent that the article in full be printed in the RECORD.

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

[From the Miami Herald, Sept. 13, 2001]

COMPANY PLEADED GUILTY TO PREVIOUS VIOLATIONS

(By Tyler Bridges)

ATLANTA.—The security company that provides the checkpoint workers at the airports breached by Tuesday's hijackers has been cited at least twice for security lapses. In its worst infraction, Atlanta-based Argenbright Security pleaded guilty last year to allowing untrained employees, some with criminal backgrounds, to operate checkpoints at

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Philadelphia International Airport. In settling the charges, Argenbright agreed to pay $1.2 million in fines and investigative costs. Argenbright also came under criticism in 1999 for security breaches that caused delays of Northwest Airline flights. Argenbright was also found to have committed dozens of violations of federal labor laws against its employees at Los Angeles International Airport, an adminsitrative law judge ruled in February 2000. The violations included 40 suspensions and final warnings stemming from a strike by the employees in April 1999. The violations also include the disciplining of another union activist and threats, both written and verbal, against the Argenbright employees. Among other disciplinary action, Argenbright was required to remove warnings from files related to the strike and give suspended workers back pay.

Argenbright, a subsidiary of AHL Services, provides security workers at 17 of the nation's 20 largest airport hubs, including Newark, Logan and Dulles, where the hijacked flights originated. The company is hired by the airlines. There was a report Wednesday that two of the hijackers who flew out of Logan might have arrived there from Portland International Airport in Maine. A spokesman there said the airlines at the airport use another security firm, not Argenbright.

Argenbright officials declined to speak with a reporter Wednesday. The company released a statement that expressed sorrow for the ''tragic events'' and said officials are ''working closely with and providing full support to its airline customers as they deal with the aftermath of yesterday's major terrorist attack.'' Argenbright also provides checkpoint security at Miami International Airport. Gary Dellapa, the airport's former director, said the company got average marks for its work.

In the Philadelphia case, Argenbright hired more than 1,300 untrained checkpoint screeners form 1995 through 1998 without checking their backgrounds. Among these employees were ''dozens of criminals,'' according to the government's sentencing memorandum. Argenbright falsely certified that the company had done the background checks and fraudulently charged airlines for this work, the government said. U.S. Attorney Michael R. Stiles in Philadelphia said the violations of Federal Aviation Administration Regulations did not harm any passengers or the airlines. But his office said that ''if corporations such as Argenbright Security Inc. fail to meet their obligations and responsibilities, then the millions of people who fly on commercial aircraft every day are put at risk.'' Edwin R. Mellett, vice chairman and co-chief executive officer of AHL Services, said at the time that the company fired the employees directly involved in the fraud and cooperated with the investigation.

Mr. HOLLINGS. Argenbright is a contractor at Logan Airport, at Newark Airport, and at Dulles, all three airports from which the planes on that disastrous day were taken over.

The article relayed how the firm was fined for misgivings and misdeeds at Philadelphia. It says Argenbright, a subsidiary of AHL Services, provides security workers at 17 of the Nation's 20 largest airport hubs, including Newark, Logan, and Dulles, where the hijacked flights originated.

The company is hired by the airlines. Incidentally, the major amendment we have is for airline worker benefits. I thought we passed a $15 billion package so we could stabilize the airlines so they could continue the health care and pay for their workers. But, no, we have to have an additional amendment to take care of the unemployed airline workers. I do not know what the $15 billion did, whether or not it took care of the airline bonuses that we all know about.

Let me read. In the Philadelphia case, Argenbright hired more than 1,300 untrained checkpoint screeners from 1995 through 1998 without checking their backgrounds. Among these employees were dozens of criminals. That is in quote marks—''dozens of criminals.'' According to the Government's sentencing memorandum, Argenbright falsely certified the company had done the background checks and fraudulently charged the airlines for this work. In other words, they lied about the background checks and charged the airlines for the background checks they lied about. Yet they hold us up for an entire month because we want to prevent further negligence. As has been stated, we had a pretty sobering lesson with Pan Am 103 and we knew how security was lax at that particular time, so we were working to strengthen it. We were going to have higher standards. We were going to have more training. We were going to have supervision and more pay.

And then in 1996, TWA 800. Guess what. We had all kinds of studies, commissions, hearings. All this debate about contracts has been ongoing now for 15 years. What did we come up with? More higher standards, more training hours, more supervision, and more pay. But you have to contract out.

No one would ever think contracting would help the Border Patrol. No one would think of contracting out the FBI. No one would ever think about contracting out the security and protection of the President, the Secret Service. No one would think about contracting out our security, the Capitol Police.

Walking into the Capitol today, I was asked, should we get the National Guard around the Capitol? We have the Capitol Police. They are not only adequate, they are more than adequate. They have been doing an outstanding job. We don't need any more National Guard troops running around and everything else of that kind. Terrorists would do better than getting a Senator or two or a bunch of them. They would be replaced by the Governor by sundown, so you couldn't get rid of them.

In any event, here we come. No one would think about contracting out the Customs agents or any of these other security workers or the 669,000 civilian workers in defense. They are Civil Service, they get health care. They get retirement benefits. They are stable. They are reliable. They are professional. They are accountable. That is what we are trying to do in a bipartisan fashion.

Who is holding the Senate up? The lying, thieving lobbyists who said contract, contract, contract out.

We have federalization in the bill. I want to see who comes to take it out of the bill. The unmitigated gall of that crowd running around here after learning what we've learned for 15 years, and particularly after the September 11 hijackings and terrorist killings, they have the unmitigated gall to say that is what we ought to do again.

They don't have any idea of security. They have an idea of their political issue and their reelection because they pledged to downsize, get rid of the Government—the Government is not the solution, the Government is the problem. So they can't viscerally, ideologically, or philosophically, even think in terms of security. They are like a chicken with the line in the sand: In my reelection, I pledged to get rid of the Government, and I'm not about to vote for 28,000 professionals.

If we get the bill to the House, we can negotiate what is necessary. The traveling public are ready, willing, and anxious to pay for it. Heavens above, we ought to at least take away the threat of being shot down. The day before yesterday, and yesterday again, somebody hands a note to the pilot, and good gosh, you have F–16s, A–10s, F–15s flying above ready to shoot you down. Who wants to get on a plane and get shot down?

This bill, S. 1447, will take care of that. We lock the cockpit door; it is never open. Let me emphasize, the chief pilot of El Al said: My wife can be assaulted in the cabin, but I don't open that door. The intended hijacker knows he will not be able to hijack the plane. He can start a fight. He can maybe kill some people. He is going to get killed himself.

You can see how the traveling public is ready to take them out. They did on the flight yesterday. They did on the flight the day before. More power to these patriotic Americans. The people understand. When is the Senate going to understand and cut out this dillying around and get together to pass security, safety? It is unheard of that they would resist, having learned from all of these other experiences, having learned from September 11 to not even give it a second thought, just bite their teeth and say: We are not going to have the Federal Government do anything. We don't trust government.

I think we were elected to get the Government to work. And we have tried the so-called contracting already. We can easily lock that door. That does away with the expense of everybody being on alert, flying planes around. No one put that cost down in defense, but we will get the Defense appropriations

measure, and they will find out, as a result of our dillying around, we have a charge now for guard units that are alerted—to do what? To shoot down domestic flights. Why? Because of the Senate.

We should have gotten off our backsides and seen reality and been ready, by gosh, to get moving here on an airline security measure. Yes, we federalize. We are proud of it. It is taken care of. It is paid for. The pilots are for it. The executives are for it. The flight attendants are for it. The municipal association is for it. Everybody is for it except the lobbyists, who want to continue to cheat and continue to defraud. Isn't it grand? We have put up with it long enough.

There is no reason we can't get through this bill today. We have two or three amendments. I think we can temporarily set aside Carnahan. We have the final vote at 1:35, so that time has been changed because the distinguished cardinal is coming to town and we have a prayer service. So we will go along and put it off for another hour, but they can debate that amendment. Everyone knows its merit. Otherwise, we ought to have two or three amendments here this morning and move ahead this afternoon.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, at 1:35 we will vote on the Carnahan amendment. I am proud to be a sponsor with Senator CARNAHAN. I thank Senator CARNAHAN for the thoughtful amendment she has proposed. I join in urging our colleagues to support that amendment.

As the opening prayer indicated, we all have a sense as we rise on the Senate floor about the momentous time this is, the 1-month anniversary of the terrorist attack. We are being summoned as a nation to give thoughtful prayer and consideration to those who lost their lives. Our colleagues are doing so at the Pentagon and other services throughout the day. We are all mindful of that, and supportive of it.

But we also want to carry on our Nation's business, and we are mindful of the actions that have been taken and will be taken in the very near future. We know that just after the attacks on the World Trade Center and the Pentagon that all the airlines effectively were grounded for a period of time, as a direct result of that. We found that the airline industry was compromised and was facing a very bleak and ominous future. Whether the industry itself was going to be able to survive was in question.

Those issues were talked about here, discussed, debated on the floor of the Senate. It is unusual that the Federal Government effectively closes down a particular industry, an industry that has very broad implications in terms of our economy. But, the federal government took that action and, therefore, we felt we had an additional responsibility to help, assist, and offset the losses of those airlines, particularly those losses that had been incurred as a result of the Federal action.

Of course it is a complicated issue because some of these airlines were facing difficult financial situations at best and those adverse situations were accelerated because of the actions of the Federal Government. But no one questions or doubts that the actions taken by the FAA and Department of Transportation were in the national interest. No one questions that. So we have a responsibility to address that.

In a matter of really 2 or 3 days here in the Senate we took action, some $15 billion to make sure the airline industry was going to be preserved and that there were a range of different financial supports for the airline industry. As a result, we took care of an industry and we took care of management personnel, but we failed, in a very serious way, to take care of the workers in that industry who were just as adversely impacted as those who fly the planes and the management personnel who supervise the industry, without which the airline industry would not be able to function. These workers were left out and left behind. That was a critical mistake.

The Carnahan amendment is an attempt to remedy that mistake. 120,000 workers were directly affected by the decision regarding the airline industry, which is trying to get back on its feet. As a direct result of the terrorist attack, those 120,000 workers have lost their jobs—the flight attendants, reservation clerks, baggage handlers, caterers, mechanics, those who make the spare parts and those who service and clean the aircraft—they would be working today. They would have a future of some hope and some opportunity. Now 120,000 of them have lost their jobs. The Carnahan amendment will not restore their jobs, but it will ease the pain that these workers are experiencing by extending unemployment compensation, to which they have indirectly contributed, maintaining their health insurance, and maintaining the opportunity for some training for these workers.

They lost their jobs, not because they didn't show up for work, not because they have not worked and had superior job performance over a period of years—one worker who I met on Sunday night before returning to Washington, had worked for the airline for 10 years. Yet they were cutting down, people who had worked there for 10 years—she lost her job. She had been an outstanding employee.

All this amendment is saying is, as we took care of the airline industry, as we took care of the management personnel, let us at least show some consideration for the 120,000 workers.

We know we have an important responsibility to pass this legislation. I am eager to vote for it and support the position of the Senator from South Carolina, in terms of the federalization of these workers at the airports. We can get through that today. No one is interested in undue delay.

We know we are also going to have the antiterrorism bill which we have every expectation will pass this week. Then we know we will have an opportunity to talk about the stimulus package, to try to meet our responsibility to the millions of workers who have been laid off, have lost their jobs and are suffering in all parts of our Nation. We have a responsibility to address those needs.

The Carnahan amendment basically addresses an issue of fairness. It is fairness to the workers. We are saying we took care of the industry in those emergency times in a few short days, but we left out the workers. That is unfair. Americans understand fairness. All we are saying, for those particular workers to whom we were unfair at that time when we passed the Airline Security Act, we are going to be fair to them to some extent. We are not going to restore their jobs, which would be something they would want and they would be eager to accept, but we are showing we are not forgetting them. That is why this Carnahan amendment is so important.

We have to speak for those workers. I supported the airline emergency legislation. It was important. But we recognize that at that time, as we were looking at the industry and also focused on the victims, those families who had gone through such extraordinary trauma and loss, the workers were left out and left behind. That was wrong. This amendment tries to redress that kind of injustice.

It is fair. It is sensible. It is responsible. It is a very moderate amendment in what it tries to do, in terms of the health insurance, training, and unemployment compensation. It would be wrong for this body to reject that proposal. I am hopeful that we will accept it and will vote on cloture and vote to accept this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I ask unanimous consent at this time to temporarily set aside the Carnahan amendment.

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

AMENDMENT NO. 1861

Mr. BREAUX. Mr. President, I rise to call up amendment No. 1861, which is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. BREAUX] proposed an amendment numbered 1861.

Mr. BREAUX. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . LESS-THAN-LETHAL WEAPONRY FOR FLIGHT DECK CREWS.

(a) NATIONAL INSTITUTE OF JUSTICE STUDY.—The National Institute of Justice shall assess the range of less-than-lethal weaponry available for use by a flight deck crewmember temporarily to incapacitate an individual who presents a clear and present danger to the safety of the aircraft, its passengers, or individuals on the ground and report its findings and recommendations to the Secretary of Transportation within 90 days after the date of enactment of this Act.

Section 44903 of title 49, United States Code, is amended by adding at the end the following:

''(h) AUTHORITY TO ARM FLIGHT DECK CREW WITH LESS-THAN-LETHAL WEAPONS.

''(1) IN GENERAL.—If the Secretary, after receiving the recommendations of the National Institute of Justice, determines, with the approval of the Attorney General and the Secretary of State, that it is appropriate and necessary and would effectively serve the public interest in avoiding air piracy, the Secretary may authorize members of the flight deck crew on any aircraft providing air transportation or intrastate air transportation to carry a less-than-lethal weapon while the aircraft is engaged in providing such transportation.

''(2) USAGE.—If the Secretary grants authority under paragraph (1) for flight deck crew members to carry a less-than-lethal weapon while engaged in providing air transportation or intrastate air transportation, the Secretary shall—

''(A) prescribe rules requiring that any such crew member to trained in the proper use of the weapon; and

''(B) prescribe guidelines setting forth the circumstances under which such weapons may be used.''.

Mr. BREAUX. Mr. President, it is absolutely, critically important that the bill before the Senate pass and be signed into law, and that it be passed and signed into law as quickly as possible.

One of the biggest concerns the American public have, ever since the tragic day of September 11, is the fear of getting back into airplanes in safety. That, certainly, by any measure, is an understandable fear.

If you look at some of the incidents that have occurred, even since September 11, you see a greater degree of concern than we have ever had since the Wright Brothers started flying airplanes about airplane safety.

Yesterday a plane had to make an emergency landing in Shreveport, LA, because of a disturbed, deranged passenger. We saw just a couple of days ago a passenger breaking into the cockpit of a commercial airliner—again a deranged passenger, not necessarily connected with any terrorist incident.

But all of this points to the fact that we can no longer do business as usual when it comes to airline security and safety. Our surface transportation subcommittee of the Commerce Committee, which I am privileged to chair, is also looking at the safety and security of not only airplanes, but also whether it is safe to ride on Amtrak passenger trains, whether it is safe to take a trip on a passenger cruise line with literally thousands of working people and crew on those ships as well as, literally, thousands of passengers. So all modes of transportation are being looked at as we have never before done in the history of this country. And that is good.

This Congress, in a bipartisan way so far, has been able to respond to those threats, has been able to produce legislation in a timely fashion, like the bill of the chairman, Senator HOLLINGS, that is before the Senate today. In a bipartisan fashion it says we are no longer going to be lackadaisical about airline security.

We are no longer going to give the job of making sure airlines are secure to the low bidder. We are not going to be worried about who can do it the cheapest but rather who can do it the best.

That is what this bill before the Senate, which I strongly support, is all about. It is must-do legislation, and it should be done as quickly as possible.

Along with that debate, a lot of people have made various suggestions about how we can further secure the flying public on airlines.

Some have suggested that every airline should have air marshals aboard. I think that is a good suggestion—people who are trained in order to prevent hijacking or disturbing the operations of the plane.

Some have suggested we ought to arm the pilot, the copilot, and the navigator, if there is one on a particular plane, so they can protect the cockpit.

Actually, I think the best way to protect the cockpit is to seal it off. If you can't get into the cockpit from the back of the plane, the plane cannot be hijacked to a different location. I think it is just that simple.

The security of the cockpit door so that it is completely inaccessible from the back of the cabin, unless the pilot and the copilot want it to be, is absolutely essential. This bill would allow that to occur. That is a degree of safety that is very important.

Others have argued that the pilot and the copilot should be armed. I do not know if they want to arm them with AK–47s or .38 or .45 pistols or rifles or shotguns. But they have suggested various methods to arm the crew of a plane with lethal weapons that could be used in the event of a disturbance by passengers who are intent on bringing down the aircraft or doing bodily harm to the people on the plane. I think that goes a little further than I think most Members of Congress are willing to go.

Obviously, if you have lethal weapons in a plane, a number of things can happen. Just like when you throw a ball at a football game, only two things can happen: You can complete the pass, or have an interception; or, possibly three: You can have an incompleted pass. Only one of those is good for your team.

When you arm the cockpit, a number of things can happen. Many of them are not good: You can have those weapons get into the hands of the hijackers themselves. You can have those weapons do bodily damage to passengers or kill them on the plane, by mistake or by accident. Or you can have a lethal weapon with a high-powered bullet actually penetrate the skin of the airplane, causing decompression of the airplane and causing it to be in a very precarious position and in danger of crashing and killing everyone on the plane.

A lot of bad, unintended things can happen if you arm the pilot and the crew with lethal weapons on the plane.

Therefore, my amendment simply says that we want to take a look at other types of weapons which would be nonlethal and which also could be effective in disarming people who are intent on bringing down or hijacking the plane, thereby providing greater security to the captain and the copilot of the plane.

My amendment is relatively very simple. It requires the Institute of Justice to assess the range of nonlethal weapons for use by flight deck crew members that could temporarily incapacitate an individual who presents a clear and present danger to that aircraft and present those findings to the Secretary of Transportation within 90 days.

If the Secretary—after they get that recommendation and after it has been carefully considered—determines that nonlethal weapons are appropriate and necessary and would effectively serve the public interest, then the Secretary may authorize the flight deck crew in an airliner to carry that less-than-lethal weapon while the airline is engaged in providing transportation.

If the Secretary makes the determination that they want to go forward, the Secretary must prescribe the rules the crew members have to follow. And they also have to establish the rules that require the crew members be in fact trained in the proper use of the weapon and precise guidelines as to when those weapons can be used.

It is very interesting. I am sure the Presiding Officer, with his military background, has seen a lot of different weapons that are lethal and nonlethal, of course.

On the nonlethal weapons, I had a demonstration in my office. It is another story about how they got the nonlethal weapons into my office. They

said they did not have much of a problem at all. They walked in with a suitcase full of very curious weapons and said they were bringing them to show me. And they got right in. I guess they were properly checked and that security was followed. I hope so.

The members of the Justice Department brought in a whole array of what they call nonlethal weapons that are available under current technology. They range from electronic shock weapons to stun guns. The brand name is Tasers. They are really interesting. They can incapacitate a person by merely touching them with the weapon. The new stun guns can actually deliver an electric shock to a disturbed or a terrorist individual from a distance of up to about 20 feet and incapacitate them with the stun gun in order for people to take control of those individuals while they are knocked semiconscious, not killing them but certainly incapacitating them so you can again control of the airplane. These are effective.

The technology is proven technology. And we are saying that the Department of Justice and the National Institute of Justice, which does that type of work within the Justice Department, should evaluate the potential for using these types of stun guns on airplanes. I think they can be very effective weapons in incapacitating someone who is trying to take over the airplane without doing deadly harm to other passengers and without danger of penetrating the walls of the airplane, decompressing the airplane, and causing severe problems.

These weapons can work. But I don't think I know enough about them—and I dare say most Members don't know enough about them—as to whether they can really be used on the airplane. That is why I am calling for this study and to report back to the Congress to let us know what they are doing. When the Secretary gets that report, he can authorize it if he thinks it is appropriate.

Other items that are nonlethal in addition to the stun guns are what they call chemical incapacitants, which is a fancy name for basically the pepper-spray-type system, which looks like a handgun or a pistol and shoots these little pellets that contain various pepper ingredients. They are very small.

When these pepper spray dispersants shoot these little pellets, they will hit the person in the chest. They don't break or explode violently, but they will burst open and spray the person who has been hit with it with a pepper-type ingredient which will incapacitate them temporarily and sufficiently to allow people to take control of that individual.

The anesthetizing darts are nonlethal projectiles which can anesthetize someone and incapacitate them at the same time. It is a little dart that cannot penetrate the cabin, but a dart would penetrate the individual to anesthetize and incapacitate them.

There are little things called impact projectiles, which are airfoil projectiles. They are hard plastic projectiles. If you get hit with them, you are going to get knocked down and not be able to continue doing what you were doing before you were hit by them; I guarantee it.

There are disabling devices called dazzling-laser-light devices, which are sort of interesting. They showed me these weapons in my office. You can hit a person in the face with this laser light, and the closer they come to the weapon, or the laser light, the less they can see because it really hits them with a laser light that absolutely temporarily blinds and they cannot see. This is a Flash Gordon-type of weapon that can incapacitate someone. It has a lot of possibilities.

Finally, physical entanglement devices: This is a small projectile that actually sends out a net. I have seen it used in wildlife reserves when wildlife officials try to capture a wild animal. This net covers the animal and allows the people to catch the animal for whatever purpose they are trying to catch it. It does not harm the animal, but it certainly incapacitates it. These same types of systems can be used in a plane and be very effective.

I do not know that any of these are the answer, but I do suspect one, or a combination of some of them, would be effective for the pilot, for the copilot, or for members of the flight crew, to give them extra protection.

I do not want to make a decision today in this Chamber that one of these is the best. That is why this amendment simply says we would require the Institute of Justice, within the Department of Justice, to assess the range of these weapons, and within 90 days—it is not going to take that long—to give a report to the Secretary of Transportation on their findings of whether one is good, one is better, one is not so good, or whether none of them is good, and make that recommendation to the Secretary.

Under my amendment, if the Secretary, after getting those recommendations, determines, with the approval of the Attorney General—and I have the approval of the Secretary of State—that it is appropriate and necessary and would effectively serve the public interest, then the Secretary can authorize the members of the flight deck to carry less-than-lethal weapons on board. I think it is in keeping with the chairman's desire to protect the passengers and crew.

This is a good bill. It should not be delayed. We should do it this week. It will be the added security that the American flying public will have, to give them the guarantee that, in fact, it is absolutely totally safe to get back in our planes to fly to whatever destination safely, and secure in the knowledge that everything has been done to protect them and the crew. I hope my colleagues will be in a position to realize this is the correct approach.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank our colleague from Louisiana, Senator BREAUX, for his thoughtful presentation.

The chief pilot of all the pilots of El Al, in his testimony, asked for stun guns at that particular time. I know there has been a suggestion about a Colt .45. I carried one of those for 3 years-plus, and other weaponry, in combat. But you do not want anybody with a Colt .45 on a plane. The distinguished Presiding Officer, as a great West Point graduate, knows you are liable to hit what you want to hit, but then the bullet could go through and ricochet around and hit two or three other people. That is just too much firepower.

This particular approach is deliberate and thoughtful. I would be ready to accept it on behalf of our side. We are checking with Senator MCCAIN and the other side right now to see what they desire. There could be further debate. I heard a moment ago that another Senator wishes to address the subject.

Let me commend Senator BREAUX for his leadership in this particular regard because this can be analyzed. Obviously, the Senators cannot analyze everything that is necessary to give the proper security. There is no doubt that some kind of added protection would be in order.

For my part, of course, when we close that secure cockpit door, we have pilots to fly, not to fight. So it is that even then, with a stun gun, fine, all right, so they cannot really kill someone, but even that would not be necessary in this Senator's view. But whatever the decision of the body is on this particular score, it seems to me that the Senator from Louisiana is on the right track.

It can be studied, analyzed, and provided for with this particular approach—not just for us, for wanting to have done something, to say, well, we are going to authorize a .45 caliber pistol or a Thompson submachine gun or an M–1, or anything else of that particular kind. We have to be far, far more careful in some of the security initiatives that we have undertaken.

I thank the distinguished Senator. We will check with our colleague who wants to be heard on this matter. Pending that, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. HOLLINGS. Mr. President, in urging the adoption of the Breaux amendment, there is one colleague at the memorial exercise who would want to be heard and perhaps have an amendment. The adoption of the Breaux amendment will not forgo any consideration he may have, if he thinks it is an improvement. I wanted to say that publicly because we are not trying, on the one hand, to disregard the desire of all of us to be at that memorial service and at the same time overriding the duty we have here on the floor to move this legislation.

In that light, I then urge the adoption of the Breaux amendment.

The ACTING PRESIDENT pro tempore. Is there further debate? If not, the question is on agreeing to the amendment.

Without objection, the amendment is agreed to.

The amendment (No. 1861) was agreed to.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that we set aside the Daschle-Carnahan amendment so that we can consider both the Inouye and the Rockefeller amendments.

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

AMENDMENT NO. 1865

Mr. HOLLINGS. Mr. President, the distinguished Senator from Hawaii, Mr. INOUYE, has an amendment that I send to the desk and ask the clerk to report.

The ACTING PRESIDENT pro tempore. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mr. INOUYE, proposes an amendment numbered 1865.

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

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

The amendment is as follows:

(Purpose: To authorize the Secretary of Transportation to grant waivers for restrictions on air transportation of freight, mail, and medical supplies, personnel, and patients to, from, and within States with extraordinary air transportation needs or concerns during national emergencies)

At the appropriate place, insert the following:

SEC. . MAIL AND FREIGHT WAIVERS.

During a national emergency affecting air transportation or intrastate air transportation, the Secretary of Transportation, after consultation with the Aviation Security Coordination Council, may grant a complete or partial waiver of any restrictions on the carriage by aircraft of freight, mail, emergency medical supplies, personnel, or patients on aircraft, imposed by the Department of Transportation (or other Federal agency or department) that would permit such carriage of freight, mail, emergency medical supplies, personnel, or patients on flights, to, from, or within States with extraordinary air transportation needs or concerns if the Secretary determines that the waiver is in the public interest, taking into consideration the isolation of and dependence on air transportation of such States. The Secretary may impose reasonable limitations on any such waivers.

Mr. HOLLINGS. Mr. President, this particular amendment has to do with waiver authority. At the time of the terrorism of 9/11, there were body parts in flight and prepared for flight in Hawaii to be used, of course, in life-saving organ operations. It was pointed out that those particular operations had to be stalled and set aside. This measure will provide emergency power to the Secretary to make a waiver for this reason in case planes have to be grounded, as was properly done on 9/11.

I urge for the adoption of that amendment. It has been cleared on both sides.

The ACTING PRESIDENT pro tempore. Is there further debate? If not, the question is on agreeing to the amendment.

Without objection, the amendment is agreed to.

The amendment (No. 1865) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 1866, 1867, AND 1868, EN BLOC

Mr. HOLLINGS. Mr. President, with respect to the three Rockefeller amendments, one has to do with safety and security of onboard supplies that the flight personnel and pilots are concerned with.

The other Rockefeller amendment has to do with property and passengers. We have prescribed, everyone can see it on page 18 of the managers' amendment, whereby every bit of passenger luggage, cargo, and property will be screened. This provision would guarantee that all objects are checked, as I read it, by adding language on page 18, insert ''cargo, carry-on, and checked baggage, other articles.'' The other articles would be anything else. So there would be no dispute on that particular amendment.

With the third amendment, the reference is to the Secretary ensuring that the training curriculum is developed in consultation with Federal law enforcement. The Federal law enforcement has the expertise necessary. We want to make sure of this. The distinguished Senator and chairman of our Aviation Subcommittee, the Senator from West Virginia, Mr. ROCKEFELLER, wants to make sure of it.

I send these three amendments to the desk and ask the clerk to report each.

The ACTING PRESIDENT pro tempore. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mr. ROCKEFELLER, proposes amendments en bloc numbered 1866, 1867, and 1868.

The amendments are as follows:

AMENDMENT NO. 1866

(Purpose: To establish minimum requirements for the antihijack training curriculum)

On page 17, line 16, after the period insert ''The Secretary shall ensure that the training curriculum is developed in consultation with Federal law enforcement agencies with expertise in terrorism, self-defense, hijacker psychology, and current threat conditions.''.

AMENDMENT NO. 1867

(Purpose: To require screening of carry-on and checked baggage and other articles carried aboard an aircraft)

On page 17, line 23, insert ''**AND PROPERTY**'' after ''**PASSENGER**''.

On page 18, line 5, after ''mail,'' insert ''cargo, carry-on and checked baggage, and other articles,''.

AMENDMENT NO. 1868

(Purpose: To ensure that supplies carried aboard an aircraft are safe and secure)

At the appropriate place, insert the following:

SEC. . SAFETY AND SECURITY OF ON-BOARD SUPPLIES.

(a) IN GENERAL.—The Secretary of Transportation shall establish procedures to ensure the safety and integrity of all supplies, including catering and passenger amenities, placed aboard aircraft providing passenger air transportation or intrastate air transportation.b)

(b) MEASURES.—In carrying out subsection (a), the Secretary may require—

(1) security procedures for supplies and their facilities;

(2) the sealing of supplies to ensure easy visual detection of tampering; and

(3) the screening of personnel, vehicles, and supplies entering secured areas of the airport or used in servicing aircraft.

Mr. HOLLINGS. I yield to the distinguished Senator from West Virginia.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I urge the adoption of each of the three amendments.

The PRESIDING OFFICER. Is there further debate? If not, without objection, the amendments are agreed to en bloc.

The amendments (Nos. 1866, 1867, and 1868) were agreed to.

Mr. ROCKEFELLER. I thank the Chair. They have been cleared on both sides.

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

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

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 1855

Mr. DASCHLE. Mr. President, I have come to the floor to speak to the Carnahan amendment. As everyone knows, the vote will be cast in a couple of hours. Today, it is 1 month since the terrorist attacks on America. In the days following September 11, we saw unbearable loss and unmatched heroism.

Now, as we take on those who perpetrated these attacks abroad, we have the opportunity—we have the duty—to prevent the economic aftereffects from rippling farther outward here at home.

For America's aviation workers and their families, the economic impact of the crisis is real, it is immediate, and it is devastating. Every day we see more reports of more layoffs. It is now estimated that 150,000 workers have lost their jobs in the airline industry alone. Many of these workers and their families have no income and no health insurance. What they face is not a recession; for them, it is a depression.

I think we all agree it was right for Congress to act quickly to stabilize the airline industry. It is long past the time for us, however, to help those aviation workers who got no help from that bill we passed a couple of weeks ago. That is what the Carnahan amendment would do. It is a fair, balanced, and temporary package of assistance to aviation workers.

There are those who say helping workers isn't relevant to this bill. Some are suggesting that we should again put off helping those working families. Let me ask you, how could you possibly say to 150,000 workers, who had good jobs one day and no jobs the next, that they are not relevant? How could you possibly tell 150,000 people, whose families have lost their source of income and, in many cases, their health care, that they should wait a little longer?

This is not a vote about relevance or timing. Let's be very clear about what this vote is. A vote against cloture is a vote against 150,000 aviation workers who lost their jobs as a direct result of the September 11 attacks. It is a vote against giving workers unemployment insurance. It is a vote against helping those workers and their families maintain health insurance. It is a vote against giving workers who lost their jobs training so they can find new jobs that will allow them to support themselves and their families.

A month ago today, America suffered the worst terrorist attack in all of history. All over the country, people are remembering the more than 6,000 innocent men and women who lost their lives on that terrible day. We need to remember that the people who died on September 11 were the terrorists' first victims. They were not their last. There are hundreds of thousands of other Americans who didn't lose their lives, but they did lose their livelihoods. They are the economic victims of the September 11 attack.

Right now, they are looking to us for help. They don't expect this Congress to solve all their problems. All they want is a little help to make it through one of the worst times in their lives.

Just days after September 11, when we passed that $15 billion airline bailout package, many of us wanted, even then, to include this help for displaced workers; but we were told: ''This is not the time. There will be another chance soon. We are going to consider an airline security bill. We can help the workers then.''

We reluctantly agreed to wait because we were told if we didn't get that airline bill done that Friday, the airlines would be grounded on Monday and we would see hundreds of thousands of additional workers out of work. So we passed that bill to keep our airlines flying, and keep those workers working.

After a week of delay, we are finally debating that airline security bill. Now what are we hearing? ''This is not the time. There is another bill coming, an economic stimulus package. We can help workers then.'' It is always ''then.'' It is never ''now.''

Senator CARNAHAN and others have put together a good, fair, affordable, and extremely limited assistance package for these workers. They have been remarkably flexible. They have made concession after concession. They have compromised and they have compromised.

They have cut the costs of the package by more than $1 billion. They have done everything anyone can do to build bipartisan support for this package.

It is time for Congress to show its commitment not only to the airline industry, but also to its workers. The time has come to move this package. We must not put these workers on hold yet again.

This issue is about values. We all espouse the importance of values. I have heard those speeches countless times here in the Senate Chamber how we hold our values so dear. Of all those values, I do not know of a value of greater import than the value of family, than the value of ensuring that we, as Americans, help one another. We built a country on those values—values of family, values of neighbor helping neighbor. This, too, is about values.

This is about preserving the integrity and the economic viability of those families who are the economic victims of September 11. This is about the values of people helping people in this country in a time of need.

The response since September 11th has been remarkable. Our country has responded in ways that make me proud to be an American. To watch those rescuers climb that rubble in the days following the attacks, as I did, to watch those Red Cross workers come to the site and work 20, 22-hour days as I did, to see people all over the country respond by putting up their flags, as they have, and, yes, to see Congress work together as closely as we have now for these last 4 weeks, makes me proud.

How sad it would be if we say, yes, we will help New York; yes, we will help the airlines; yes, we will try to do as many things as possible to put this country right again, but we will say no to those aviation workers.

Does that reflect our values? Is that in keeping with what we have done for these last 4 weeks? I do not think so.

I mentioned the word ''hope.'' The one thing we need to do, above and beyond anything else in our capacity as leaders in this country, is to give people hope. They need a reason for hope. That is what we are talking about this morning. That is why it is important we allow this legislation to pass. That is why we have to vote for cloture.

I hope every Member of this Senate, when they vote on cloture this afternoon, will imagine themselves sitting in the living room of one of those unemployed families. You are sitting in the armchair, and they are sitting on the sofa across the room, and they are asking you to vote. I would like you to look in their eyes and say no. No one could do that.

We have to look in their eyes in that living room. We have to say: We understand all of your anxiety and all of your pain and all of the economic concern you have for your family. And then we must say, in the context of values, and in the belief that neighbor helps neighbor in this country, we are going to help you, just as we helped the airlines, just as we, indeed, needed to help the people of New York. We are going to give you hope. We are going to say yes to you, too.

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. 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, I rise today to speak in strong support of S. 1447, the Aviation Security Act. I, first of all, extend my appreciation to the chairman of the Commerce Committee, Senator HOLLINGS, for the brilliant work he has done on this matter, and

to the ranking member, Senator MCCAIN, for his persistence and ability to work as a team with Senator HOLLINGS.

I see in the Chamber today somebody who has worked hard on this measure, and that is the Senator from Texas, Mrs. HUTCHISON. She also has done an outstanding job in working on a bipartisan basis to make sure airports are safe. I appreciate her help.

This bill is crucial to enhance aviation safety. It is critical, in fact, to enhance aviation safety and security for America, for the State of Nevada, for the State of Nebraska, for all States. This Aviation Security Act represents a well-crafted bill that provides a modern and effective aviation security program for our country.

This bill establishes, among other things, a Deputy Secretary for Aviation Security within the Department of Transportation; it mandates cockpit doors and locks to protect our flight crews. This is not something that is a choice; it is mandatory. And it federalizes airport screening of passengers and cargo.

This is so important. We have a system that is unique to this country where we have airlines putting out to the lowest bidder the job of protecting and ensuring our safety. It does not work. We all have been through airport security around the country. We know they are well-meaning people, but their average term of employment is 90 days, and then they are off doing something else. They are not trained well, they are not paid well, and they do not do a good job, as hard as they might try.

Democrats and Republicans alike have drawn the same conclusions: We must pass this very important legislation to protect the traveling American public. Why? Because we need to get America flying and flying a lot again.

The airline industry is a key component in our Nation's economy. My State is very dependent on our Nation's air transportation system. McCarran Airport in Las Vegas provided service for 34 million passengers last year. That is a lot of people. We expected more to come this year. We hope that still will be the case.

We are building another airport terminal. We are building a new airport in Las Vegas, one of the few places in the country where a new airport is being built. We received permission from Congress to use Federal land to build another airport about 35 miles outside of Las Vegas. That is now being done. So the airline industry is a key component of our Nation's economy. It is a key component of Nevada's economy.

The legislation we are considering today will bring our airport security system into the new century by reducing the risks that a commercial airliner will again be turned into a weapon of mass destruction. This is a goal on which we can all agree. This can never happen again.

I stress to my colleagues the need for this aviation security legislation is widely supported by the American people, and we must move forward now. The bill we are considering will allow the United States to move forward and provide our Nation the aviation security that is necessary to address this new century. It is a good bill for America.

This bill, we understand, is controversial in some people's minds. One of the reasons it is controversial is the amendment upon which we are going to vote at 1:35 p.m. today, and that is the Carnahan amendment. I applaud Senator CARNAHAN for her work on this legislation.

No one better among us can ever understand the loss in New York than Senator CARNAHAN, whose husband and son were killed in an airplane crash a short time ago. I am sure Senator CARNAHAN, being the sensitive person she is, was compelled to offer this legislation because she better understands how people feel after a loss such as this.

What does her amendment do? Her amendment would provide financial assistance, training, and health care coverage to employees of the aviation industry who lost or will lose their jobs as a result of the attack on September 11. The benefits would be distributed within the framework created by the Trade Adjustment Assistance Act. Based on preliminary estimates by the Congressional Budget Office, the cost is expected to be $2.8 billion, but this amendment is pared down. As the majority leader said, in an effort to work this through the process, we have pared this down, and rightfully so. It is not the full amount needed, but it certainly will be a tremendous shot in the arm for these people.

Who is eligible? Employees of airlines, commercial aircraft manufacturers, suppliers of airlines, and airports. Only those employees who lose their jobs as a direct result of the attacks on September 11, or security measures taken in response to the attacks as determined by the Secretary of Labor, will be eligible.

What are the benefits we are begging the Senate to approve? Provide an additional 52 weeks of unemployment insurance to people who no longer are working as a result of this incident. Fifty-two weeks of unemployment insurance benefits and training for those workers who lose their jobs. This training would allow workers who have permanently lost their jobs to receive income assistance and training to assist them in moving into a new industry or job.

There is also a provision to supplement unemployment insurance gaps; that is, provide 26 weeks of unemployment insurance-like benefits for those workers who would not otherwise qualify for unemployment insurance. They were working but maybe they had not worked long enough to qualify. This would include workers who have been recently hired, who had been working less than 6 months, part-time workers, low-wage workers, and workers with intermittent employment; for example, single parents who have had to take time off to care for their children.

This legislation would provide Federal reimbursement of COBRA health insurance premiums for eligible workers for up to 18 months and provide States the option to provide medicaid coverage for those workers who do not qualify for COBRA benefits. This would include new hires, low-wage, part-time, or intermittent workers as well as those workers whose employers did not provide health insurance or are independent contractors; for example, workers who load luggage or other cargo on the planes.

This legislation is important for the country, and this specific amendment is important for people who have been directly hurt, harmed, and damaged by this terrible act of September 11. People who step down into the well of this Chamber to vote should understand today this is more than political philosophy. It is a philosophy directed to say that this country cares, this country is concerned and wants to help those people who have been directly impacted, workers who have been directly impacted as a result of this incident of September 11.

I hope everyone will vote to invoke cloture.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. MIKULSKI. Mr. President, I also rise as a cosponsor of the Carnahan amendment to help those who are most hurt by the economic impact of the terrorist attacks of September: the unemployed airline and airplane manufacture workers.

Thousands of American workers have lost their jobs during this economic downturn. These workers need our help. That's why we need to act quickly on a robust stimulus package targeted at workers.

No workers have been hit as hard as those in the airline and aviation industry; 140,000 thousand of these workers have been laid off since the terrorist attacks of September 11. Unemployment is steadily rising. Last week the largest number of people in 9 years filed for unemployment, over 528,000 people. That's nearly the population of Baltimore City; 650,000 people live in Baltimore.

These are the pilots, the flight attendants, the baggage handlers, the concessionaires, and the aircraft builders. These workers have: lost their paychecks, lost their health care and could lose their homes. They need help immediately, just as we've helped their former employers with a $15 billion stabilization package of grants and loan guarantees.

I am confident that the airline industry and the U.S. economy will recover; But help is needed today. How would the Carnahan amendment help the airline workers?

Senator CARNAHAN'S amendment would provide financial assistance, training, and health care coverage to employees of the airline industry who lose their jobs as a result of the attacks on September 11, 2001.

The Carnahan amendment would provide income support by extending the number of weeks eligible individuals can receive unemployment insurance from 26 weeks to 79 weeks. That's a year and a half. These cash payments would not create a strain on state budgets because they would be funded entirely by the Federal Government.

For many workers do not meet their States' requirements for unemployment insurance would not be left out. They would receive 26 weeks of federally financed unemployment insurance.

Some workers may not return to their jobs within the airline industry. These people would be eligible for retraining benefits. Others may find alternative jobs within the airline industry. These workers would be eligible for training to upgrade their skills.

The amendment would enable laid off workers to keep their health care by expanding the COBRA program which helps people who've lost their jobs to keep their health insurance. The amendment enables the Federal Government to fully reimburse for COBRA premiums. Yet about half of those who lose their jobs are not eligible for COBRA, so the amendment would make these families eligible for Medicaid for up to 18 months, with the Federal Government covering 100 percent of the premiums.

I strongly support the Carnahan amendment. It's a thoughtful and comprehensive airline workers relief package. It's a good starting point to address the needs of working families. It also provides a good model for a broader economic stimulus package that Congress should consider soon.

Mr. LIEBERMAN. Mr. President, I rise today to support the Carnahan amendment.

All of America was shaken by the horrendous events of September 11. America's heart still aches for the thousands of people who lost their lives and whose lives have been altered permanently in one way or another.

And now, as we watch America valiantly begin to recover, we are just starting to realize the economic impact of this terrible tragedy. As we are all too well aware, people are losing their jobs and futures are at risk.

I cannot imagine living through the tremendous stress of the past several weeks only to be told that I have now lost my job or I am being laid off because my company cannot afford to keep running at full speed. Unfortunately, the numbers of layoffs are increasing and the unemployment rate is trending upward.

One of the industries hardest hit by the economic downturn is the airline industry. In the short span of just a few weeks, hundreds of thousands of workers at airlines, airports, aircraft manufacturers and at the companies that supply the airlines, have lost their jobs. Workers from commonly known companies like Boeing, Pratt and Whitney, American and United Airlines, to name but a few, are losing their jobs and being laid off, their futures are less than certain.

The effects have been devastating. Hundreds of thousands of men and women who support the airline industry are losing their family's primary source of income and health insurance.

But we can help. We can lend a helping hand to the thousands of displaced workers at these companies. We can restore their hope. We can make a difference.

That is why I support and I ask my colleagues to support Senator CARNAHAN's displaced worker relief amendment. This amendment would provide income support, job training and health care benefits for those airline industry workers affected by the aftermath of the events of September 11. It would extend State unemployment benefits to provide income, establish job re-training or job upgrade benefits to those who permanently lose their jobs in the airline industry, and provide critical health care coverage for the workers and their families. These initiatives will go a long way to restore the economic security of airline industry workers and their families.

No one expected the events of September 11, and no one envisioned these terrible events would have such devastating repercussions in our country's most critical transportation industry. I urge my colleagues to support this amendment and help airline industry workers get back on their feet and back to work.

Mr. TORRICELLI. Mr. President, today I rise in strong support of the Carnahan amendment to provide much needed assistance to airline industry employees.

Almost a month later, we are still sorting through the aftermath of September 11th. Thousands of people from New York and New Jersey were among those lost or injured on that terrible day. And now thousands more across the country are beginning to feel the economic impact of the tragedy.

A few weeks ago, this Congress did the right thing when we passed legislation to help the airline industry. As a result of the attacks, the airlines lost billions of dollars in the days that planes were grounded.

And so many people have decided not to fly, the airlines have cut the number of flights by 20 percent since September 11th.

In my State, that has meant 300 fewer daily flights out of Newark International Airport.

This Nation's economy depends on healthy airlines to keep people and goods moving, and Congress was right to help.

And now this Congress must continue to do right by passing this amendment to help the people who work for the airlines and related industries who have lost their jobs and health insurance as a result of this slowdown.

So far, more than 140,000 airline industry workers across the nation have lost their jobs and their healthcare. Virtually all of the airlines have laid off workers:

American Airlines—20,000 people; United Airlines—20,000 people; Delta Airlines—13,000 people; US Airways—11,000 people; Continental Airlines—11,000 people; Northwest Airlines—10,000 people; America West—2,000 people; Midway—1,700 people; and American Trans Air—1,500 people.

Airlines are a crucial employer in my state, more than 19,000 people in New Jersey are employed by the major airlines. Continental Airlines has one of its hubs at Newark International Airport.

But just a few weeks ago, 2,000 of those Continental workers at Newark were laid off.

And it is not just airline workers who are feeling the cuts. The people who provide the meal services and run the airport concessions have also suffered thousands of lay-offs.

We cannot continue to delay. We must pass this amendment to help these workers who have bills to pay and children to care for but who don't know where they will be getting their next paycheck.

This amendment provides critical assistance in three ways.

Income support: Under current law, laid-off workers are eligible for 26 weeks of State unemployment insurance. Under this amendment, they would be eligible for an additional 20 weeks of federal benefits.

Training: No one knows when these airline jobs will come back or in what other industries these laid-off workers will find work. Under this amendment, individuals who did not return to the airline industry would be eligible for retraining benefits; those who find alternative jobs within the airline industry would be eligible for upgrade training.

Health Care: For up to a year, the Federal Government would fully reimburse eligible individuals for their COBRA premiums. Individuals who do not qualify for COBRA and are otherwise uninsured would be eligible for Medicaid, with the Federal Government covering 100 percent of the premiums.

We have waited long enough. It is time to make good on our obligation to provide for the airline industry workers who have lost their jobs and health care. I urge passage of the Carnahan amendment.

Mr. FEINGOLD. Mr. President, this Nation is still reeling from the horrific events of September 11. During the past month, our country has come together to mourn those we have lost, to help those who have been injured, and to comfort the many families involved. We continue to honor those who rushed selflessly to the aid of the victims and those who still work tirelessly in the rubble. We support our men and women in uniform who are making a bold strike against terrorism half the world away.

The ripple effects of the terrorist attacks of one month ago are being felt across the country. One of those effects is the tightening of security measures around the country, perhaps most visibly at our Nation's airports. I commend the thousands of National Guard personnel who are patrolling our airports, including seven airports in Wisconsin.

The impact that these vicious attacks have had on the airline industry is undeniable. There is certainly a legitimate need to provide some kind of assistance to our Nation's airlines in this time of crisis, and for that reason I supported the airline relief package that the Senate adopted last month.

But this assistance should not stop at the board room door. We should not forget about airline employees and their families, including many Wisconsinites. In the past month, more than 100,000 layoffs have been announced by the airlines, and thousands more workers in related industries have been or will be laid off in the coming months. These massive layoffs are a double blow to an already shocked country.

Midwest Express Airlines, which is based in Oak Creek WI, has announced that it will lay off 450 workers, or 12 percent of its work force. Another Wisconsin-based airline, Air Wisconsin of Appleton, which is affiliated with United Airlines, has announced 300 layoffs, or 10 percent of its workforce.

These airline workers are not just statistics. They are our neighbors, our friends, and our constituents. It is past time that we act to ensure that those who work for our Nation's airlines and their families receive adequate relief, including continued access to health care and unemployment and job training assistance. The amendment offered by the Senator from Missouri, Mrs. CARNAHAN, will provide these workers with this crucial assistance.

I disagree with the argument that this amendment is not relevant to the underlying airport security legislation. The financial well-being of all Americans is a vital part of our national security.

I urge my colleagues to vote for cloture on the Carnahan amendment and to support its passage.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I say to our colleagues who have suggestions or amendments on this bill, that we want to encourage them to come down because we have the cloture vote on the Carnahan amendment scheduled, and once that is disposed of we hope we can move to the relevant amendments that people have to offer and finish this bill today.

I think it is the intention of the majority leader, and the minority leader as well, to have an aviation security bill passed today. I think we can do it because we only have a few amendments, and there are qualified legitimate differences of opinion and we can take those up and go forward. So I hope everybody will come down.

What we have is 95-percent agreement on the basics of this bill. The Carnahan amendment has a lot of positives, and I think we will pass something for our airline workers who have been laid off and workers in other industries who have been laid off because of the economic downturn. I do not think it should go on this bill because, frankly, I do not think we are ready yet. I do not think we have all of the relevant information we need to know about what is not covered in unemployment compensation and COBRA to determine how much the Federal Government needs to step in. So I hope we would not go to the Carnahan amendment. I hope we would be able to go to the rest of the bill and the legitimate differences on the aviation security issues so we can move down the road.

We will deal with the employees who have been laid off, and it is my hope that many of the people who have been laid off in one industry will be able to go into the areas where we know we are going to increase employment. We are going to increase employment in the defense area. We are going to increase employment in airline security and airport security. That is the bill we are trying to pass right now, which we think will create many new jobs.

The way we are trying to pass this bill is as a quality aviation security package that assures we have a qualified workforce to do this law enforcement responsibility, and we are trying to make sure there is a clear standard in every airport. We need a uniform standard. That is why our bill tries to make sure we have screeners who have the qualifications and standards that would be required to have this uniformity.

I think we are making great progress. I am very pleased that we are. I hope everybody will cooperate. I hope we can keep extraneous amendments off, even if they have a lot of merit, because we have not finished passing emergency legislation yet from what happened on September 11.

Sad to say, we are now memorializing the 1-month anniversary of this terrible tragedy to our country, but I would also say we are making great progress since September 11. We have already passed $40 billion in authorization for emergency expenditures to help clean up New York and the Pentagon and to help the victims in their earliest needs. We have already allocated money for emergency needs for our Department of Defense, and I can not think of anything more relevant and more urgent than the needs of our military today as we know we are in a mobilization that is required to win this war on terrorism.

We have already allocated the billions of dollars that will be required for that. At the same time we are also trying to take care of the Afghan people, who are fleeing their homes, by trying to make sure we have humanitarian aid for them.

We need to add aviation security as an accomplishment. We need to add the aid to the terrorism bill that gives our intelligence agencies the capabilities they need to continue their extraordinary investigation of the terrorist cells that have tentacles throughout our country and throughout other countries around the world. So I hope the antiterrorism bill and the aviation security bill will be passed by the Senate this week. We could be very pleased with that accomplishment on the 1-month anniversary of this tragedy. That, coupled with progress on aviation security and antiterrorism would be the right approach to continue moving down the road and meeting our responsibility to deal with this emergency.

What has come out every day since September 11 is the spirit of the American people. From the horrible tragedy of September 11, we are seeing extraordinary heroism displayed every day by the American people—a spirit seen especially when you go home. I have gone home every single weekend since September 11. The flags are flying in people's homes, the flags are flying in people's businesses, the flags are flying on people's cars and people are doing added things for their neighbors and friends. All of these things have certainly bonded Americans.

In 1 month, we have come of age in our generation. We are dealing with a crisis that has not presented itself to our generation in our live time's, and

now we have it. I think we are responding very well. I am proud of the progress we are making.

I look forward to continuing work on aviation security and antiterrorism this week. I hope we will then go on to the economic stimulus package, dealing with the displaced employees, for next week's accomplishments. We are making progress, and I am proud of America today. I think we are going to be filled with pride as we move down the road to see how America is coming together to meet the crisis of our generation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise today to express my support and commend the President's back-to-work relief package.

From the workers in New York whose offices now lie in rubble to the workers on the opposite coast who have lost their jobs in a massive layoff, the terrorist attacks of September 11 have had a devastating impact on our Nation's workforce. Just as we must rebuild the structures damaged or destroyed, we must help to rebuild the lives of workers who have been displaced because of the attacks.

As the ranking member of the Subcommittee on Employment, Safety, and Training, I am particularly concerned with providing effective and immediate assistance to workers affected by the terrorist attacks. To do so, the President's package must:

1, be targeted to individuals directly impacted by the September 11 attacks;

2, build upon existing programs, not create new ones. That is a major point. We are doing a lot of things well already. We don't need a new Federal bureaucracy to do it;

3, provide State and local flexibility to address needs;

4, enable individuals to return to the workforce as quickly as possible through job training and job search assistance.

The President's back-to-work relief package is, indeed, based on these principles. He deserves our unyielding support for a proposal that is based on what works best for workers.

To enhance existing assistance programs available to displaced workers, the President's proposal will extend unemployment benefits by 13 weeks for Americans who have lost their jobs as a result of the terrorist attacks. It will provide $3 billion in special national emergency grants to States to help displaced workers maintain health coverage, to supplement their income, and to receive job training. It makes $11 billion available to States to help low-income displaced workers receive health insurance. And, finally, it encourages displaced workers to take advantage of the more than $6 billion in existing Federal programs that provide job search, training, and placement services.

While the President's package is targeted to workers directly impacted by the terrorist attack, it is not restricted to employees of the airlines and related industries. That is an important point. There are many workers in other industries who have also lost their jobs as a consequence of the attacks. It is inequitable to deny them relief provided only to employees in certain industries.

I am especially pleased to see that the President's proposal will utilize national emergency grants under the Workforce Investment Act to provide additional assistance to those communities and populations hardest hit by the terrorist attacks. I have been a strong supporter of the Workforce Investment Act and the fundamental principles upon which this landmark legislation was based.

Under the Workforce Investment act, States and localities have increased flexibility to meet the needs of the local and regional labor markets. Today, in the wake of the tragic events of September 11, it is even more critical that States have the flexibility to effectively respond to the needs of their dislocated workers.

States affected by the terrorist attacks will be able to receive national emergency grants. The States may in turn use these funds to help ensure that dislocated workers maintain health insurance coverage, that they receive income support during the recovery period, and they return to the workforce through training and job search assistance.

Both the Workforce Investment Act and the President's package recognize that decisions regarding worker assistance should be made by those closest to the problem and, therefore, closest to the solution. State and local governments—not the Federal Government—are best positioned to respond to workforce needs. That is the way our system is set up.

Under the President's package, national emergency grants may be used to provide training and job search assistance. In addition, displaced workers are encouraged to take advantage of the $6 billion in existing Federal programs that provide training and placement services. Rather than waste precious time and resources on creating new Federal programs, displaced workers can immediately access one-stop centers and receive job assistance services. In fact, New York, Massachusetts, and Minnesota have already applied for national emergency grants in the wake of the attacks.

Finally, the President's proposal is termed a relief package. It is designed to provide supplementary, temporary work to displaced workers during the recovery period after the terrorist attacks. Now is not the time to create widespread new Federal programs and entitlements. Now is the time to address the immediate needs of workers who have lost their jobs as a result of the tragic events of September 11 while utilizing existing programs to help these people return to the workforce as quickly as possible. Ultimately, this approach, which the President has taken, will best serve these workers and the American economy.

The question we must all answer is, How do we define success? The answer is, Getting everybody back to work. How do we achieve that? We activate proven, existing, and therefore immediate programs administered by those closest to the people. I trust Mayor Giuliani and I trust Governor Pataki to be responsive, just as I trust the mayor of Boston and the Governor of Minnesota. A lot of that is because these people have already been dealing with these existing programs. We don't need to be creating something new just to throw money at them.

In closing, I say to my colleagues, the President's back-to-work relief package is aptly named. It is designed to return to the workforce those who lost their jobs as a result of the events of September 11. The best way to help stimulate our economy is to get these people working again as soon as possible.

To recap, I am in opposition to the cloture motion filed. We will vote on it at 1:35. I commend the President for taking a broader look and particularly commend the President for his willingness and desire to use those existing programs and existing people who are already in place, use the talents that have already been built and trained to do it, to provide the necessary recovery we need, without winding up with an additional bureaucracy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. CARNAHAN. Mr. President, I appreciate the remarks of my distinguished colleague from Wyoming, and I agree with him 100 percent that there is no need for an additional program in which to dispense these funds that we wanted to get to our airline workers so quickly. That is why my amendment is set up to service needs under the Trade Adjustment Assistance Act, already in place, that has worked so well at the Department of Labor. I appreciate his concern for that, but I would like to reassure him that we have taken that into consideration.

Mr. President, I would like to start by thanking my colleagues who have risen in support of this amendment. I am heartened by their efforts on behalf of the airline industry. I am also very pleased to ask unanimous consent that Senator SPECTER be added as a cosponsor of this amendment.

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

Mrs. CARNAHAN. The amendment provides assistance to airline industry employees who are laid off from their jobs as a result of terrorist attacks that occurred on September 11. It brings assistance to those who had been employed by airlines, airports, aircraft manufacturers, and suppliers to airlines. For those workers, this legislation would provide three basic benefits.

First, it extends unemployment compensation for an additional 20 weeks after employees have exhausted their State benefits. This provides a safety net to help them make their mortgage payments, to feed their families for a few extra months while they are trying to get new jobs.

Second, this legislation provides training assistance to workers who will not be able to return to their former jobs, training that is so essential today in a changing economy.

Third, this legislation helps workers maintain health insurance for themselves and for their families. As my colleagues know, many workers who were laid off are eligible to purchase health insurance from their former employer. The average cost of these premiums is $500 per month. People who have been abruptly laid off will not have an extra $500 a month to spend on health insurance. Without help, they will be without health coverage.

This legislation reimburses the cost of those health insurance premiums for 12 months. For those workers who are not eligible to purchase health benefits, this legislation enables States to provide Medicaid benefits. This is an important step for Congress to take to prevent even more children from joining the ranks of the uninsured in America.

Some have suggested the benefits I propose are out of line with what has been provided to other workers who have lost their jobs. Let me respond by pointing out that I modeled my legislation after an existing program, the Trade Adjustment Assistance Act. The Trade Adjustment Assistance Act provides help to those workers who have lost their jobs as a result of trade agreements. That program provides extended unemployment compensation for 52 weeks—much longer than the 20 weeks that I propose. That program also provides training for 18 months, while I have proposed providing training for less than 12 months.

The Trade Adjustment Assistance Program has been a lifeline for many workers. Between 1994 and 2000, over 1 million workers received these payments. I am glad they did. But let's be clear; these workers get more generous benefits than all other workers who lost their jobs during that time period.

The State with the most workers receiving unemployment and training benefits under TAA is Texas. Texas has 8 percent of all the workers in this program, about 86,000 people. Workers from Texas companies such as Big Dog Drilling, Tubby's Auto Service, and Rio Grande Cutters participate in this program. These workers qualify for enhanced benefits because they lost their jobs due to trade. Why shouldn't airline workers who lost their benefits when they lost their jobs due to terrorism qualify?

My legislation provides one thing that the Trade Adjustment Assistance Act does not, and that is health coverage. I have added this because I believe it is important that these workers and their families be able to maintain their health coverage. I am pleased that President Bush has recognized this need as well.

Last week, the President laid out some options for how the Government can help provide health coverage to unemployed workers. Today is our chance to rise to that occasion.

My amendment will also be an economic stimulus. It will put money into the pockets of Americans who need it most. We know these families will spend the money. They need it to pay their bills. That is what we need to get the economy going. We need consumer spending.

Finally, some have argued that this amendment has no place on an airline security bill. I respectfully disagree. Right now we are passing legislation in response to the terrorist attacks. These airline industry workers were laid off as a result of these attacks. The linkage is direct.

We must act today. There is no reason to delay assistance any longer. We acted quickly to provide $40 billion in response to the terrorist attacks and the cleanup of Manhattan. That was the right thing to do. And we acted quickly to shore up the airlines with $15 billion, and that was the right thing to do. Now is the time to do something for workers. A vote at 1:35 this afternoon is the first opportunity since the terrorist attack that we will have to invest in our workers, the heart and the soul of America. I have collaborated with my colleagues on both sides of the aisle drafting this amendment. We have come up with a reasonable proposal. Now I am asking simply that my colleagues allow the Senate to vote on this proposal. This amendment deserves an up-or-down vote. I hope the Senate does the right thing this afternoon.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I would like to respond to the Senator from Missouri by saying, first of all, I don't think this is a question of whether we are going to respond to people who have been affected by the events of September 11. The question is how best to respond to that. As she noted, the President has a proposal that is going to broadly deal with the problems of unemployment associated with the attacks on September 11. But the question here is whether we are going to focus on extending unemployment benefits, as the proposed amendment does, or are we going to get people back to work? It seems to me these people would much prefer to get their jobs back, to get back to the routines they enjoyed prior to September 11, rather than focusing for a long time on extending unemployment benefits, having to buy health insurance under COBRA, and having to be retrained for a different job.

My guess is these people would be very happy just to get the old job back doing the same work they were doing before. That is why I think we have the focus wrong.

I have proposed, and I am going to be urging my colleagues to very seriously consider, as part of the economic stimulus package a tax credit to get people traveling again. The problem is people are not traveling. If we had as much travel today, 1 month after this event, as we did on the day of September 11, all of the people we are concerned about under this amendment would have their jobs. We would not be worried about unemployment benefits. We would not be worried about training them to do a different kind of job. They would have the same job they had exactly a month ago. So shouldn't we be trying to get the American public back to the habits it had prior to September 11? And that specifically relates to travel. There is no question that of all of the economy, the travel industry is the most hard hit by the attack. That should be obvious to everyone. It seems to me it should also be obvious, if we are going to talk about benefiting that segment of the economy, either to help the people who were unemployed as a result of it or to stimulate the economy, what we need to do is focus on the air, where the patient is hurting the most.

The patient was hurting on September 11. Our economy was not in good shape. You could say we had a case of pneumonia. We were going to be getting better over time, of course. We were going to be treating it with antibiotics, but that was the condition then. Since then what has happened, if you want to have a gruesome analogy, is we had an accident in which the arm was practically cut off. We are bleeding to death, and we have to stop the bleeding in that the part of the body that is hurting the most and that is the travel industry.

So why aren't we focusing our efforts on getting that industry back going again? That will save the jobs of the people who want nothing more than to go back to work. My proposal gives a tax credit for the people to travel. It says if you make a financial commitment to travel before the end of this year, you get a tax credit of $500 on

your 2001 taxes; if it is a joint filing, $1,000. That is enough to stimulate people to get back into the habits they had prior to September 11. All you have to do is make that financial commitment. It can be air travel, automobile, or bus. It can be a reservation at the hotel. We have people who are hurting far more than just people who worked at airports—from the maid who makes up the bed in the hotel to someone who, frankly, was working at Boeing aircraft making airplanes; they are not making them because nobody is buying them and because people aren't traveling—all the way from A to Z. We have people throughout our economy—about one in seven jobs in the civilian sector—who are adversely affected by the events of a month ago. Throughout the economy, the ripple effect of these attacks is incredible.

I talked to the CEO of Phelps-Dodge Corporation, a copper company in Arizona. They had a big contract with Boeing to supply a special alloy metal used in making airplanes. We need to think about the impact of what occurred throughout the economy. It is not just people who work at airports on whom we ought to be focusing; we ought to be focusing on the economy broadly and on everybody affected by the travel industry.

How do you directly deal with that problem in the quickest way that gets the people their jobs back? You do that by providing some kind of incentive for people to resume the habits they had exactly a month ago.

I haven't heard a better idea than the one I proposed with this tax credit. When you file your taxes for 2001 and calculate your tax liability to the Government, and you subtract $1,000, that is a pretty good incentive. You wouldn't have to travel before the end of the year as long as you made your financial commitment to do so. You could be traveling next Easter. It could be tourism; it could be business; it could be just going to visit somebody; it could be visiting a sick relative—whatever it is.

People are now disinclined to travel primarily because they are unsure of the safety of the airline industry. They are unsure generally of what is in our future. Frankly, they need to get back into the habit of doing what they did before September 11 or terrorists will have won. The purpose of terrorism is to demoralize. It is to change for all of America the way we conduct our society and our culture. That is their effort. They are going to succeed in that if we simply throw up our hands and say, well, for all of the people who are out of work, we might as well find something else for them to do because we will never get back to the way we were before September 11.

I reject that. We can get back to the way it was before September 11. A lot of things are going to change. We have to convince the American public that it is safe to travel. If we can't do that, we are not doing our jobs.

I have been on six separate commercial air trips since the events on September 11—flying back home and then back to Washington. I believe it is safe to travel. I think it is safer to travel than prior to a month ago.

We have to pass legislation that convinces the American public that they can travel safely. Then I think we have to provide them some financial incentive because of our general economic conditions. That incentive would be to get them to go back to traveling, and to do so quickly. If we wait for all of this work throughout the system for a couple of years, then everybody is going to be the loser. We will have all of these people unemployed. We will have to pay additional benefits in health care and retrain them to do something else. It would be far easier, less disruptive, better for the economy, and, frankly, better for the psyche of the Nation to get back to the place we were a month ago where people who lost jobs could go back to doing what they were doing before.

It seems to me that instead of hastily acting on the proposal that only applies to a narrow segment of our society—frankly, a minority of the people who have been harmed by the attacks on September 11, a minority of the people who have been harmed as a direct result of the American public traveling less—let's do two other things: Let's take a look at what the President proposed in the way of benefits for people who have lost their jobs but is broader based in approach; second, let's get the American public traveling again.

I urge my colleagues, as we are putting together this so-called stimulus package, to differentiate between all of those wonderful ideas that have been trotted out and proposing all kinds of things to spend money for or cutting taxes that we think will have some long-term effect on the economy—distinguishing between those proposals, on the one hand, and others which can immediately and directly stimulate the economy in the precise areas where it is needed the most.

What area needs it the most? The travel industry. What area was hit the hardest by the attack last month? The travel industry. What area, therefore, should we be focusing on? The travel industry. If we do that, we are not going to have to worry about extending unemployment benefits because we will get these people back to work.

Isn't that far better than focusing and, in effect, saying there is nothing we can do about it and we might as well decide right now to extend all of these unemployment benefits and retrain people to do some different job? I think they would rather go back to the job they were doing a month ago. That is what I propose we do.

Two things: No. 1, defeat this amendment. I think we ought to focus on the President's proposal instead; and, No. 2, we ought to agree that we have to have in the stimulus package something that will stimulate trade quickly.

If somebody can come up with better idea than a tax credit proposal, I welcome it. In the meantime, that is what is on the table.

I urge my colleagues to support this as a way of stimulating travel, of getting people back to work again, and of denying the terrorists the victory they sought of demoralizing the American people.

We will not be demoralized. We will not be defeatists and say we are going to have to change our way of doing things by putting people on the unemployment rolls and retraining them to do something else. I reject that. We have to deny the terrorists the victories they sought. I think the way I propose to do it is the best way.

With all due respect of my friend from Missouri, I think her proposal—I understand why it is being put together—is not the best medicine for what we are facing today.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. DAYTON. Mr. President, I am pleased to rise today to support the amendment offered by my distinguished colleague from Missouri, Senator CARNAHAN.

I have been listening to some of the discussion this morning. Frankly, I believe there is much value on both points of view to commend. I think we err if we consider some of these proposals to be either/or propositions.

This last Monday, the senior Senator from Minnesota, PAUL WELLSTONE, arranged a hearing in Minnesota on the effects of the September 11 disasters on people of our State. It was an excellent hearing. It lasted for about 3 hours. We had representatives from the business community testify about their needs, including the head of the Carlson corporation, one of the largest travel firms in America, headquartered in Minnesota. Marilyn Carlson Nelson spoke very eloquently about the need for the kind of assistance that my good friend and colleague, Senator KYL from Arizona, just described. We also heard from a number of the workers who were affected in Minnesota by the events and the aftermath of the events of September 11.

As you may know, in my home State of Minnesota, Northwest Airlines is one of the largest employers within the State. It employs over 21,000 Minnesotans. It has operations worldwide. It has an enormous impact on our State's economy. In the immediate aftermath of the September 11 bombings, they announced the layoff of over 4,500 Minnesotans. These are men and women

from all backgrounds and walks of life—corporate executives to mechanics, to airline attendants, to stewardesses. It also affected people in the ancillary businesses that relate to the airline industry: Carpet cleaners, food processors, delivery men and women.

The hearing underscored the urgency and the precariousness of many of these people's situations. People want to be working; there is no question about that. They don't want to be out of a job. They don't want to be drawing unemployment benefits or receiving other kinds of assistance. But the hard reality is they are out of work today. Their prospects of being called back to work tomorrow are somewhere in between slim and none.

I agree with the Senator from Arizona that the object here is to get these people back into their previous employment. I think we have taken some important steps in that direction.

We provided emergency aid to the airline industry in the form of immediate cash assistance and in the form of loan guarantees which the Senator from West Virginia and the Senator from South Carolina and other colleagues have been marshaling through this body. But that is not going to get these people back to work tomorrow. It is not going to meet their need for emergency assistance until they do.

We heard from, particularly women, including one I remember distinctly. I remember on Monday, an Ethiopian woman—the mother of eight children—who works, along with her husband. She works in the sector providing food services to airplanes. She lost her job. Because she worked there an insufficient length of time, she is not eligible to receive unemployment benefits from the State of Minnesota. She lost her health coverage for herself and her family of eight children when she was laid off of work. She is not receiving any unemployment assistance today. She receives no health care assistance for herself and her family.

So my question to those who oppose this amendment is, what happens to them? What happens to people who at this point are not even receiving any unemployment assistance or any health care assistance? It is bad enough that we are going to deprive those who do qualify today for an abbreviated period of 26 weeks, at which point they are going to lose a continuation of their unemployment benefits, of their health care coverage, but what about the people—and I was amazed at this hearing last Monday to realize that there are a great number of people in Minnesota, and I assume then across the country, since we are one of the best States in the Nation of covering people and making people eligible for these assistances—what is going to happen to this woman with eight children, and to others like her—thousands of others across this country—who are not even today receiving any unemployment benefits, who today do not have any health care coverage? What is going to happen to them if we do not take this action today?

I must say, I am also, frankly—''disappointed'' would be a mild word—I am really shocked that this body is suddenly so stingy when it comes to providing the help and assistance that real people, working people, people who are among the hardest working strivers in our society—suddenly when it is their turn to receive some necessary help, the cupboard is bare or the budget does not provide for assistance, or we just do not have enough money to provide help for them.

Two weeks go, my colleagues and I in the Senate joined—I believe it was almost unanimous—together to provide help to bail out the airline industry. Prior to that vote, we were told there was not enough time to come to an agreement on the Carnahan amendment to add assistance for the workers to the assistance we were providing to the corporations who run these airlines.

As I said, I am very sympathetic to their plight because Northwest Airlines is one of the largest and most important employers in the State of Minnesota. But it was my understanding—and in hindsight, I guess I was maybe mistaken to have relied upon the assurances that were given to us prior to that vote—I relied on those assurances that there would be a subsequent package that would have bipartisan support sufficient to pass it that would be in support of the Carnahan amendment.

On that basis, I, and most of the Senate, if not all of the Senate, voted in favor of that legislation. And I am glad I did. But now, frankly, I am shocked to find out that agreement does not suffice, and that even after we have taken this Carnahan amendment—and I commend the distinguished Senator from Missouri for her hard work on this, along with others, and for the dialogue that they have had across the aisle—but the fact is, this has gone from over a $3 billion price tag—I think close to $5 billion initially; after costed out, to $3 billion—and now I am told it is $1.9 billion. We continue to pare it back. Yet we, possibly, do not have sufficient support today to adopt it.

That means I go back to that Ethiopian mother of eight children and say: Sorry, you just have to make it somehow without any benefits. You have to make it somehow without any health coverage for your family. We don't have enough money to do that, but we have enough money to provide loan guarantees and financial assistance to the corporations.

We also, according to what I am reading today, have the debate upcoming on economic stimulus. We are going to have an administration proposal supported by many of the very people who oppose this assistance for workers. According to the Washington Post today, that is going to cost revenue between $90 billion and $120 billion in the year 2002. This includes a provision allowing business to write off 30 percent of the value of their new assets. It would reduce revenue by $48 billion in this year.

They want to speed up the phasing in of the tax reductions, passed last spring, for the very wealthiest people in this society, bring those rates down, accelerate the elimination of the estate tax, as though encouraging people to—what?—die sooner, and that is going to stimulate our Nation's economy?

We hear, on the one hand, we have all this extra money available for these kinds of very questionable tax breaks that are certainly going to benefit the wealthy. They are going to benefit already profitable corporations, who are maybe going through a difficult period of time but, frankly, are still going to do just fine; but there isn't enough money here to provide for that mother back in Minnesota with eight children because it is not that we do not have the money, but that we do not have the heart to do it.

So again, I say to Senator CARNAHAN, congratulations on a job very well done. I hope the amendment will receive the kind of consideration from our colleagues today that enables it to be adopted because I, frankly, think if we do not do so, if we do not even follow suit with what the President, to his credit, is supporting, that we are going to go back to a very serious divide in this body and in this country between those who somehow qualify for these additional considerations at this point in time and the real people, people who are really down and out, through no choice or fault of their own.

Are we going to say, sorry, we are not going to help you, not because we do not have the money to do so but because we do not have the will to do so? I think that would be cruel and unusual punishment for them.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Florida). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. MURKOWSKI. Mr. President, I believe it would be appropriate to ask unanimous consent that I may introduce an amendment, two amendments on the Aviation Security Act. It may be necessary to set aside the Carnahan amendment for an opportunity to introduce two amendments.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, if the Senator will withhold, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator withhold?

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may introduce one amendment that I don't believe is controversial. It covers the issue of allowing pilots to continue to fly until the age of 63.

Mrs. HUTCHISON. Mr. President, the Senator from New Hampshire is asking that we object to every unanimous consent request regarding offering of amendments. Will the Senator withhold to let me see if I can get a procedure by which the Senator from Alaska can offer the amendment.

Mr. MURKOWSKI. 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. 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.

Mr. MURKOWSKI. Mr. President, I call up amendment No. 1863, which is at the desk.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mr. ROCKEFELLER. Reserving the right to object, this amendment, as I understand it, is the first amendment that will be unrelated to the bill. I don't want to comment further on that. We are going to have our cloture vote at 1:35. I object, at least for this period of time.

The PRESIDING OFFICER. Objection is heard.

Mr. MURKOWSKI. Mr. President, I wonder if I may ask unanimous consent that I be allowed to speak as in morning business for about 8 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THE NEED FOR PILOTS TO HAVE GUNS IN THE COCKPIT

Mr. MURKOWSKI. Mr. President, it was my intent to call up two amendments. But there is objection. As a consequence, I will use this opportunity to discuss the merits since I will not be offering the amendments now. They have already been filed at the desk. It is my intent, at the appropriate time, without objection, to ask for a recorded vote on the amendments. I want to speak on the application of the amendments and the importance of the amendments.

One of the amendments seeks to address the issue of what we do with our commercial aviation safety relative to the reality that we do put our lives in the hands of the pilot in command—and the copilot, to a degree, depending on who has control of the aircraft. With the limited knowledge that we have relative to the two aircraft that went into the World Trade Center, and looking back at the apparent effort by passengers and, perhaps, some members of the crew, to try to take over the aircraft that went down in Pennsylvania, one clearly can project what the outcome might have been had the captain of any of those aircraft had a handgun in the cockpit, available for such a set of circumstances.

It reminds me of an occasion with a little different circumstance. I will try to put it in the vein in which it was communicated to me. It is not an exact parallel, but it represents a reality associated with a handgun emergency. My wife and I were in New York a number of years ago and had been to the theater and were going back to our hotel in the financial district. As the taxicab came to a stoplight with several other cabs, there was a policeman with his baton tapping on the windows.

The cabbie rolled down the window and the policeman said: How is your fare?

He said: Fine. And then the window was rolled up and the taxicab went on.

I asked the cabbie: What was that all about?

He said: We have had a number of robberies and a couple of taxicab drivers have been murdered in New York, so we are tightening up security.

We went on for a while, and I casually said: Have you ever had a problem?

He said: Only once.

I asked him what the problem was. He said he was taking a couple somewhere and felt a little uneasy because they didn't seem to know where they were going. He took them to an area, and he decided the best thing he could do would be to let the fares out. There were two women and a man. As he told them to get out of the cab, suddenly he felt a razor at his neck. They said: Turn over your wallet, and all the money you have.

He said: I can't until I get out of the cab. They had to move at that time so they could get out of the back seat and he could get out of the front seat. As he did, he reached under the seat and pulled out a pistol. The next time they confronted him, they were looking right at the end of his barrel.

I asked him: What did you do then?

This is the part of the story that is really not apropos.

He said: I lined them up to the fence and robbed them.

I thought that was an interesting turn of events.

I said: Did you report it?

He said: Well, no, I didn't have a permit for the gun.

That is a little story that I think applies, at least in the sense that had the pilot in command had the availability of a gun, things might have been entirely different. One of my amendments seeks to arm pilots of commercial aircraft with handguns, and I think the justification for that speaks for itself.

We put our lives in the hands of a pilot. Aviation security is of vital importance to our Nation's security, our economy, and we have learned a lot since the tragic events since September 11 about how much our Nation depends on our freedom to move about our country. We also rely, obviously, on our lifeline of shipments and products. Most importantly, our citizens rely upon the airlines for safe transit around the country and throughout the world.

I think it is our duty to ensure that they are traveling safe and secure, and their confidence by our efforts will decide the future of air travel in our Nation and, in turn, the health of our country. Throughout this debate, we must remember that, as each passenger boards a commercial airliner, they first look toward the cockpit. They look toward the cockpit and the flight crew for their immediate security, because we all know that they, indeed, have our lives in their hands and they are trained and competent. When the plane rises into the sky and the wheels tuck away into the underbelly of the aircraft, it is the pilot, copilot, and sometimes the navigator—the entire flight crew—who serve as the last line of defense and security for that aircraft and the passengers therein.

So we as legislators, and as passengers, trust the flight crew with our safety and security. We must ensure that they have the tools to compete, if you will, and to complete the task. For this reason, I have an amendment at the desk, which I will not call up at this time, but I intend to do so when there is no objection. This amendment would be to the Aviation Safety Act, and it would allow pilots, copilots, and in the case of navigators on commercial aircraft the ability and authority to carry a handgun while in flight for the defense of the plane.

We are talking about putting air marshals on the aircraft, aren't we? We are talking about allowing them to be armed. The authority of an air marshal currently on an aircraft indeed suggests that that individual is armed. You can't put air marshals on all flights, but you can provide the authority for the captain and copilot to carry a handgun in the cockpit.

I think this is, first and foremost, really an effort to increase the level of safety aboard our commercial fleets. It is intended to give crew members the weapons and the necessary skills to thwart future hijacking attempts and to assist Federal sky marshals assigned to commercial aircraft.

I don't take this amendment lightly. My amendment does not cavalierly attempt to hand out guns to flight crews

and simply wish them the best. Because of the September 11 tragedy, and the tactics used by the hijackers that day, we must change the way aircraft and passengers are protected, and I believe my amendment contributes to that effort because it provides for strict and thorough background checks on all individuals who would be armed under this provision.

Secondly, it would require that flight deck personnel attend a training program approved by the Secretary of Transportation in consultation with other appropriate Federal agencies.

My amendment also requires annual recertification to ensure that flight deck personnel maintain a high level of training.

Third, this amendment deputizes flight deck personnel who have passed training certification. This is a critical component, and this amendment is necessary because it is imperative to keep the crew protected and in control of the craft, but it is carefully tailored to limit authority to cockpit protection.

As many in this Chamber are aware, there is a large percentage of pilots who have served in the military. Many have served in law enforcement. In fact, many also serve as Reservists in different branches of the military. These pilots have been trained in the use of weaponry. Why not utilize the trained personnel we already have?

I am not alone in this. The Airline Pilots Association supports this concept. They have written to the FBI requesting a program to train cockpit personnel, and I have heard from many pilots, particularly in my State of Alaska and around the country, who support it.

Frankly, many of our aircraft in Alaska fly in the bush and carry guns on the aircraft in control of the captain. It is done for a number of reasons, primarily not associated with terrorism, but simply the reality if you have an accident, if you go down in an isolated area, you damn well better have a gun for your own survival and that of your passengers. Why not further enhance the chances of passenger and aircraft survival.

I applaud the administration and this Congress for moving quickly to secure the cockpit cabins and adding the sky marshals who, obviously, will have guns, improving airport perimeter security, training screening personnel, and increasing flight deck security. But we must also afford passengers the utmost security after the plane has cleared the runway. Arming pilots is not the only solution, but it is an important component because it might have resulted in those aircraft not reaching the tragic end they did.

The pilots know what they need. The pilots have spoken. The passengers certainly will support it, and the Congress should pass it. I encourage my colleagues to support this amendment when it does come up and is not objected to and the entire Aviation Security Act.

There is one other amendment I wish to talk about but which I am not prepared to offer because of the objection, but I plan to offer an amendment that would repeal the Federal Aviation Administration rule which requires pilots who fly under part 121 to retire at age 60. It might be a good thing if we had to retire around here at age 60, but obviously there is no check and balance on the Senate, but there is on pilots.

If you are 60, you are through. How ridiculous is that? This was something that was done many years ago. I would much rather fly with an experienced pilot who has lived to 60, and the fact that suddenly he turns 60 and he is no longer fit to fly is totally unrealistic. The hours gained and the experience gained provides a level of safety with which we all feel more comfortable.

If you fly with a person who has limited hours, who may be very young and very quick, they may not have the experience to know what to do under certain conditions, mechanical, weather, or otherwise.

This amendment seeks to end blatant age discrimination against our Nation's commercial pilots. Under the amendment I propose, pilots who pass the physical and are in excellent health will be allowed to continue to pilot commercial aircraft until their 63rd birthday. This is optional. They do not have to. They can retire at 60. We are offering an extension.

The amendment will also allow the FAA to require pilots to undergo additional medical and cognitive testing for certification as well as established standards for crew pairings. In many European countries you can fly until 65. What is the difference?

This measure was the subject of a full Commerce Committee hearing and was voted out of committee by a majority in March of this year. This issue has had a hearing.

Why does the FAA mandate pilots retire at 60? Good question. According to the agency, it is because of ''medical uncertainties concerning pilot health after the age of 60.'' That was a long time ago. We live longer. We are in better health. We have regular physicals.

There are other theories. While public comments were accepted, no public hearing to debate the issue was ever held. Think of that. While public comments were accepted by the FAA, no public hearing to debate the issue was held. Despite broad industry, pilot and union opposition, the rule went into effect in 1960. The union supported it then. They wanted the pilots to be allowed to fly longer.

Since that time, we have seen studies sponsored by the FAA. None produced concrete evidence that pilots over 60 years of age are a threat to the flying public. In fact, the studies have not even included pilots over 60. Why? The FAA believes it lacks scientific consensus, whatever that means, in favor of changing the age 60 rule. The argument exists that there is no test that can determine the medical and psychological fitness of a pilot to fly after 60. However, advanced physiological and neurobehavioral testing methods do exist to test pilots of any age.

Today, simulator training data estimates the risk of incapacitation due specifically to cardiac complaint as only one event in more than 20 million flight hours. Sudden in-flight incapacitation is clearly a far less threat to aviation safety than are mishaps due to, what? Inexperienced pilot error, those pilots who are younger and who simply do not have the time, experience and know-how to recover from situations that can occur.

Medical science has vastly improved since 1959 with improvements in diagnosis which include early detection, prevention, health awareness, exercise, and diet. All of these factors have increased life expectancy since 1959.

Airline pilots consistently demonstrate superior task performance across all age groups when compared to age-matched nonpilots. Pilots are also subjected to comprehensive medical examinations, when? Every 6 months.

In the 42 years since the rule was promulgated, there has not been any evidence shown that pilots over age 60 are not fully capable of handling their flight responsibilities. As many of my colleagues are aware, up until the end of 1999, pilots were allowed to fly past the age of 60 in commuter operations.

This amendment also brings to mind several other pieces of legislation. During the debate on the Senior Citizens' Right to Work Act of 2000, Senators supported the notion that workers today live longer, are healthier, and live more productive lives, and that senior workers are an invaluable resource to our Nation.

When enacting the Experienced Pilot Act of 1978, Congress stated that the age 60 rule is arbitrary and discriminatory on its face. It deprives qualified individuals of the right to continue in their occupation and, at the same time, deprives the airlines of their most qualified and experienced employees.

The time has come for Congress to repeal the age restrictions for commercial pilots. We have had the hearings, and we have the need. Years of medical and safety data have failed to support the position that the chronological age of 60 represents a passenger safety concern. Therefore, as long as pilots can pass the rigorous medical exam, he or she should be allowed to fly.

We are proposing this only until age 63. We will evaluate the program, obviously, after that time. Air service is critical, as we know, to keeping commerce alive. Experienced airmen are

especially critical in rural States. In my State of Alaska, we have a huge land mass, one-fifth the size of the United States. Many of our smaller carriers provide the training ground for pilots and then suddenly those pilots leave to go work for the larger airlines. We are constantly experiencing a level of experience that lends itself occasionally to accidents as a consequence of the inexperience. We want to keep pilots, and if we could even bring some back who are over 60 and want to keep flying in the commuter area, I think it would be beneficial.

It is time we end age discrimination once and for all and keep experience in the cockpit. I recognize some of the unions are a little jumpy on this one, but those pilots in the right seat, the copilots, are going to want to fly a little longer when they get a little older, too. So this thing can all level out.

The difference between the unions on this issue and the airlines is it is a business decision, a matter of retirement. What we are talking about is a need for these pilots to fly. They are healthy. Give them another 3 years, evaluate the program, and get the benefit of experience.

I thank the Chair for the attention and the courtesies of allowing me to finish, and at an appropriate time I want to advise the floor managers I intend to offer the amendments that are at the desk for a formal introduction and ask for rollcall votes at that time.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated October 1, 2001, from Alaska Airlines pilot Carroll John Campbell.

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

CHUGIAK, AK, *October, 1, 2001.*

Hon. Senator ROBERT SMITH,
U.S. Senate, Washington, DC.

DEAR SENATOR SMITH: I am writing in response to a conversation I had with one of your staff members concerning aviation safety. My name is Carroll John Campbell. I am an airline pilot with Alaska Airlines. The recent change in the tactics of hijackers aboard our aircraft have necessitated a change in our response as an airline crew and as a traveling public. Today, one has to believe that if a terrorist breaches the cockpit, which is easy, they are going to kill everyone on board the aircraft and any number of people on the ground. Our current security procedures lack the ability to stand in the way of these atrocities. New, stronger cockpit doors are a must, and even those may be compromised. In this event, the only thing standing between the airplane and our friends and families on the ground is the flight crew.

Lethal weapons are the surest means of defense. Handguns are our best option. Non-lethal weapons such as stun guns are of limited value in a phone booth sized compartment when fighting a knife. I would much rather have the knife.

Current FAR's (108.11) authorize crews to be armed. However, the FAA and airline policy double team the pilot to keep us unarmed. We need new fool proof legislation that guarantees any pilot who wants to be armed, can be armed.

I will be happy to work with your office to draft this legislation. The public is finally demanding our incapable security system be fixed after these horrendous attacks on Sept. 11, 2001. Please don't let them down.

Sincerely,

CARROLL JOHN CAMPBELL.

AVIATION SECURITY ACT—Continued

The PRESIDING OFFICER. The Senator from Nevada, the assistant majority leader, is recognized.

Mr. REID. Mr. President, during the next 55 minutes we are under controlled time, controlled by the majority and minority leaders. So if anyone desires to speak on this very important matter which will occur, as I said, in 55 minutes—each side has an equal amount of time—I will yield to whomever wants to speak.

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.

Mrs. CLINTON. 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 Senator from Nevada.

Mr. REID. We have plenty of time. I ask the Senator from New York, how much time does the Senator wish to use?

The PRESIDING OFFICER. There are 25 minutes 48 seconds remaining on the Democratic side.

Mrs. CLINTON. Mr. President, I expect to consume 5 minutes or less.

Mr. REID. On behalf of the majority leader, Senator ROCKEFELLER will yield the time until the vote occurs, or if Senator HOLLINGS comes in, he will yield the time.

Mrs. CLINTON. Mr. President, I do not want to impinge upon the time of my good friend, Senator ROCKEFELLER.

Mr. REID. No. Please go ahead.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I rise again in support of the amendment offered by Senator CARNAHAN to provide immediate assistance to the over 100,000 airline workers and those in aviation-related industries who have been laid off and lost their jobs as a direct result of the terrorist attacks of September 11.

I just came from a very moving ceremony of commemoration at the Pentagon, where the lives of those military and civilian employees at the Pentagon, as well as the lives of the crew and passengers of the airplane that was mercilessly driven into the Pentagon, were honored.

I know we are working on other kinds of relief, and I am grateful to the President, the administration, and my colleagues for the work that is being done on the economic stimulus package and for the work that is being done with respect to unemployment insurance and dislocated workers' assistance, but I believe we have an obligation to move quickly with respect to the workers who have been laid off through no fault of their own or of their industry, and we cannot wait for the larger packages to be put together and negotiated.

Just as we must provide security to all Americans who are flying in our skies, we also should provide economic security to those who have supported us in the hundreds of thousands and millions of flights that were a matter of course before September 11. They were doing an important job in maintaining our free travel and supporting an important economic activity, and now they are confronting the cruelest kind of questions: How will they make their next car payment? How will they be able to afford the clothes their children might need? How will they know whether to go out and look for another job or hope and wait that business picks up on our airlines? I do not think we should be leaving our workers who have already been laid off. They need our help right now. I do agree we have to address the need to help all workers.

In New York, for example, the State labor department is estimating that 285,000 workers throughout New York will lose their jobs as a result of the attack we suffered. I do not think we should leave any of these workers behind. If we are trying to build confidence—confidence in consumers, confidence in citizens—then we should address the needs of those people who have been economically harmed by these attacks. I respect the work that others are undertaking. I will support that.

I ask this Chamber to send a message by voting in favor of Senator CARNAHAN's amendment that we are not going to just bail out airlines; we are not just going to protect the traveling public. We are going to help protect economically those who we hope will be back in the skies, back behind the counters, handling the baggage.

I met yesterday with a group of executives from the travel and tourism industry. Stories from them about the low occupancy rates, the fact that people are not traveling for business or pleasure, were very disturbing to me. Everyone knows we have real economic challenges. The last thing in the world we need is people who are scared to go about their daily business, who are scared to take that long-planned trip to Disney World, who are scared to fly across the country to show off their new baby to their mother or grandmother.

Until we can get that confidence up—and I applaud our wonderful leadership

of Chairman HOLLINGS and Ranking Member MCCAIN on the aviation security bill—until we can get that confidence once again moving forward so people will fly, we can't turn our backs on those men and women who were the backbone of this airline industry.

I hope every Senator will support the Carnahan amendment and do everything possible to demonstrate our concern and commitment to those who were on the front lines and lost their jobs and livelihood because of the terrorist attacks.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I commend the Senator from New York for her statement.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia controls the time.

Mr. ROCKEFELLER. Mr. President, I yield 10 minutes to the Senator from Illinois.

Mr. DURBIN. I thank the Senator from West Virginia for yielding time and commend my colleague from New York for her statement. What she has heard in traveling about her State and the Nation I have heard in Illinois. During the last 2 weeks I had roundtables across my State, from the city of Chicago to major cities downstate, bringing in business and economic leaders and saying, what can we do at this moment to breathe life back into this economy? They have said, restore consumer confidence. We have to get people back into the stores and making decisions for purchases.

The Carnahan amendment which we are going to consider today takes an unfortunate group of people related to the aviation industry, who have been disadvantaged by being laid off or terminated, and says we are going to try to give them a hand to get back on their feet as quickly as possible.

A few weeks ago when President Bush suggested we help the aviation industry, I was happy to do it. We have 50,000 people in the Chicagoland area who work in aviation in some way, shape, or form. We are proud to be the home of United Airlines, a major hub for American Airlines, and now the business headquarters for Boeing aircraft. With that sensitivity, I voted for that bill, understanding that unless we got the airlines back on their feet, it was unlikely the economy would respond. So we gave some $5 billion in grants and $10 billion in loans to the industry.

The sad part was the bill was passed in a hurry and didn't include everything that should have been included. It did not include the Carnahan amendment. Senator JEAN CARNAHAN of Missouri has rightfully stated that if we are going to help the companies, if we are going to help the airlines, don't forget the employees. She notes, in preparing for this bill, that some 140,000 people related to airlines and the aviation industry may find themselves laid off as a result of the September 11 terrorism attack against the United States.

I met with several flight attendants today who worked for Trans World Airlines, now part of American Airlines. They were concerned about the fact that 20 percent of their flight attendants have been laid off already. We have seen 20,000 employees at United and American laid off, and perhaps even more.

The heartening thing is people are flying again. I notice it in the airports. I am glad to see it. We want to encourage more and more people to take that trip, whether it is for business or for pleasure. But in the meantime, over 100,000 of our fellow Americans in jobs related to the aviation industry are struggling to survive.

Senator CARNAHAN's amendment addresses three particular areas that need to be changed in the law to help these people. First and foremost, eligibility for unemployment compensation. The 26-week eligibility certainly may be enough, but Senator CARNAHAN suggests we give them eligibility for an additional 52 weeks, if necessary. Most of them will either be back at work or find another job before that, but giving them the peace of mind that they will have unemployment compensation is appropriate.

Second, she talks about training. Some of the people in the industry may decide to go into another field—for one thing, into security. We have talked about aviation security. We will need some of the best and brightest working in our airports and all across this country to protect the people and the traveling public. She includes in her amendment a training provision. I think that makes sense as well.

The last point is one that not only makes sense for 140,000 aviation industry employees, but it makes sense for every American. Senator CARNAHAN wants to make certain that we help these laid-off employees pay for their health insurance. When I was in Chicago, I talked to some administrators of hospitals. They said if we reach a point where more and more people are out of work and lose their health insurance, these folks will turn up at the hospital sick, and they will be treated, but the cost of their treatment will have to be absorbed by the hospital and generally by everyone else paying health insurance premiums. It makes sense, under the Carnahan amendment, to be sensitive to this, to help the laid-off aviation and airline industry employees pay for their health insurance.

A lot of Members have talked about how to get the economy moving again. Believe me, by taking this group of employees and saying to them, we are going to give you a helping hand, it has to help them, their families, and our economy in general. Having said that, I will vote for the Carnahan amendment. I hope my colleagues on both sides of the aisle will join me.

I suggest further that there are many people in many other industries who are also losing their jobs. A friend of mine who has a number of hotels told me about the necessary cutbacks in employment at those hotels. Many know that the people working in hotels, whether in food service or working in room service, or trying to do the housekeeping, have startup jobs. They are low paying jobs. And these folks are being laid off. Many of them are facing very difficult times. I am glad the President has suggested extending unemployment insurance. But we as a Congress should be sensitive to this as well.

If you want to know how to stimulate America's economy, it is not by leaving our friends, neighbors, and relatives by the side of the road as we press forward. Bring them along on this journey. Bring them along to see the economy's rebirth, which I believe will take place. It means that Congress has to do something about it.

Frankly, let me tell you, a few of my colleagues, and only a few, think the way to get the economy moving again is not to pay attention to the unemployed and the laid off but rather those who are doing well and are prosperous. They are suggesting we should, again, give tax cuts to the wealthiest people in America. That is just incredible to my mind, to suggest at this moment in our history we would show less sensitivity to those who are out of work and more generosity to those who are already doing extremely well.

I think if we are going to have tax cuts, they should be focused on those in the lower and middle-income categories, the millions who have been left behind by the original tax cut package which Congress passed a few months ago, and others who need a helping hand. It is by invigorating our economy in this way that I think we will see the restoration of consumer confidence.

I hope this Congress not only passes the Carnahan amendment to help the specific employees but goes on to pass an economic stimulus package which can be helpful as well. How can we do it? One suggestion is a moratorium on the FICA tax, a holiday on the FICA tax. It means a 7 or 8 percent increase in pay for every employee in America. That means more money to take home when it is payday, more money to spend, I hope, to get this economy moving. That is something that can be done quickly and across the board.

The one thing Congress usually fails to do is come up with a solution in a timely fashion. Sadly, we don't have time on our side. We have started the holiday buying season and purchasing season across America. We need to do

something this month, in October, or early November that will tell people they are going to have more resources to deal with meeting the needs of their family and planning for the holidays. That means doing something immediately. Putting a moratorium on the FICA tax is one of those things. It will be seen in the next paycheck. People will know it instantly.

There are also suggestions of State sales tax holidays. That is something we ought to explore. Of course, the Federal Government would compensate the State and local governments for the loss of revenue from sales tax, but it would mean a reduction in price of many products which people might turn around and buy.

These are reasonable suggestions. I also think we ought to consider in the economic stimulus package tax benefits to businesses which are now making necessary investments in security. These investments are important. They are absolutely critical in light of the September 11 attack, and we ought to help these businesses—whether it is in surveillance cameras or additional security personnel. Unfortunately, those acquisitions do not add to productivity; they just take from the bottom line. If we can help businesses get through this, then they may not be forced to lay off people because of the pressures they face as a result of the recession we are currently experiencing.

So I say to my colleagues, as you consider all the possibilities of what we might do this week, don't forget the people on the front line. Don't forget the aviation and airline employees. We were good to their companies when we should have been. I was happy to cast my vote that way. But I believe we should not forget the men and women who make up the employee workforce of the aviation and airline industry. I am going to support the Carnahan amendment and recommend all my colleagues do the same.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ROCKEFELLER. Mr. President, I yield 5 minutes to the Senator from Minnesota.

Mrs. BOXER. May I ask my friend, would he be willing to yield me 3 minutes following completion of the remarks of my colleague? Would he yield me 3 minutes once the Senator finishes?

Mr. ROCKEFELLER. I say to the Senator from California, there are at least one, perhaps two Senators on this side of the aisle who wish to speak.

Mrs. BOXER. Would they be willing to yield me the 3 minutes?

Mrs. HUTCHISON. I will agree to that if following the 8 minutes I will have the opportunity to give Senator ALLARD 10 minutes, and then I will take the rest of my time according to—let me just ask how much time is remaining on my side?

The PRESIDING OFFICER (Mr. JOHNSON). There remains 23 minutes 48 seconds.

Mrs. HUTCHISON. If I could have some time following the Senator from California, I agree to that.

Mrs. BOXER. I thank my friend from Texas.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I can do this in less than 5 minutes because it feels as if every day, day after day after day, week after week after week, I have been on the floor to speak to the question of simple justice, which is to make sure we provide help to aviation employees.

I am starting to regret that I just didn't hold up the $15 billion package for the industry. I want to support the industry. I think it was the right thing to do. But I knew then—I have been here long enough—that this was some leverage that we had to make sure the employees were included.

I don't think the aviation industry was exaggerating their difficulty. We were very worried about what was going to happen, but I knew we would have some leverage for employees. But on the basis of commitments that had been made from other Senators that surely we were going to help the employees, I thought: Let's go forward and help the aviation industry. Surely there will not be any opposition to helping the employees.

We have 4,500 Northwest employees out of work. There is also Sun Country; there is Mesaba Airlines. There are other aviation employees out of work as well. I find it hard to believe that we do not have enough heart here to provide the help for them.

We have an aviation airline safety bill on the floor with Senator HOLLINGS providing great leadership. It is an important piece of legislation and must be passed. It makes all the sense in the world to support the Carnahan amendment. For people who are in a lot of economic pain, the Carnahan amendment says do three things: No. 1, extend the unemployment benefits up to a year; No. 2, since the economy is fluid and some people may want to get skills for other jobs that are available, make sure you have the workforce development; No. 3, and I argue most important of all, since it is terrifying not only to be out of work but to know in a couple of months you are not going to have any health care coverage for yourself and your loved ones, provide up to 12 months of helping these families afford health care coverage for themselves and their children.

Is this too much to support now? Instead, we have a second-degree amendment. I will not get into ANWR. Some of my colleagues are so much in a rush to help the oil industry, so much in a rush to do something that is environmentally reckless—it doesn't have a heck of a lot to do with what we need to do by way of having an independent energy policy—anything that can be done to block help for hard-pressed employees who are out of work. This doesn't make sense.

I was convinced 2 weeks ago when we passed this package for the companies that there would not be any resistance at all. I said yesterday—I will say it again—99.9 percent of the people in Minnesota believe that we should not only help the industry, but we should be helping the employees. Mr. President, 99 percent of the people in Minnesota believe it is a matter of elementary justice and fairness. Apparently too many Senators do not get it, and they are blocking this assistance.

If this is the dividing line between Democrats and Republicans, I am proud to be a Democrat. Better yet would be if we had the support of every single Senator, which would be the right thing to do, but apparently we have an all-out effort to block this package.

I wish my colleagues had such passion and had such a heart not to oppose helping people who are flat on their backs but to help them instead. And the Senator from Illinois is right. Actually the sooner we do this the better because the fact is, we are in a recession in our country. It is a deep recession. It has cut across a broad section of the population—certainly in Minnesota, way beyond the aviation industry. There are lots of small businesses and lots of other employees—tourism, you name it—and the fact is, we need to pass an economic stimulus package. We need to pass an economic stimulus package that puts the purchasing power back into the hands of working families—whether it be tax rebates vis-a-vis payroll tax that helps them or whether it be a massive school construction program where we repair buildings that have been crumbling and create jobs; whether it be affordable housing and we create jobs; whether it be extending unemployment benefits; getting the health care benefits; whether or not we do a lot of other things that will help employees support their families and buy in this economy.

The sooner the better. We ought to be supporting the Carnahan amendment as an important first step.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized for 3 minutes.

Mrs. BOXER. Mr. President, this country gives trade adjustment assistance to workers when they lose their jobs due to trade. I support that. We all seem to support that. But it is shocking to me that a number of people in this Senate today do not support such

assistance because of terrorism, an attack on our country, on our people, on our workers. It is stunning to me.

You will hear every excuse in the book about why it doesn't belong on this bill. People cannot pay their mortgages; they have been laid off. They cannot pay their health insurance; they have been laid off.

Let me read to you simply a letter that went out from one of my airlines, American Eagle:

> Unfortunately, due to the circumstances of this national emergency which are beyond our control, it may be necessary to close or reduce the size of some of our business locations. This will cause some or all American Eagle personnel at those locations to be laid off. Because American Eagle's future rests on how well we can rebound from our current situation, we cannot say at this time how long these layoffs may last.

We gave the airlines a huge package. I supported it. I still support it. But I assumed we would follow it up to help those people who make those airlines run. I am shocked, stunned, and in disbelief that we are not here as patriotic Americans, both sides of the aisle, standing up for the patriotic workers who lost their jobs because of an attack on the United States of America.

I will look at this vote very carefully. It will hurt my heart if we don't win this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I yield 10 minutes of my remaining time to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Thank you, Mr. President, I thank the Senator from Texas.

(The remarks of Mr. ALLEN pertaining to the introduction of S. 1532 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. LEVIN. Mr. President, I support the Carnahan amendment which addresses the issues faced by employees who have been dislocated as a result of the September 11 terrorist attacks against the United States. While we have not yet determined the full impact of the events of September 11 on our economy, the preliminary information from the Department of Labor estimates that over 200,000 U.S. jobs were eliminated in September. This includes a first-time unemployment claim increase of over 7,700 jobs in my own State of Michigan. Expectations are that the October unemployment claim numbers will be even higher. Many of these workers were individuals employed in the airline and travel related industries. The Carnahan amendment will help these workers by providing extended income support, training benefits and health care benefits.

The issue of assisting dislocated workers should have been addressed last month when we passed legislation to assist the airline industry at a price tag of $15 billion. But over the objections of many of us, provisions to assist workers in the airline and travel industry were taken out of the airline industry assistance bill. We cannot continue to sit by idly while thousands of American workers lose their jobs because of the actions of terrorists. We now have an opportunity to assist workers who have been devastated economically by the tragic events of September 11. Senators who oppose assisting those workers should at least allow the Senate to debate the issue openly and vote quickly on the bill on its merits.

The Carnahan amendment specifically addresses the current economic situation of employees of airlines, commercial aircraft manufacturers, suppliers to airlines and airports. This bill currently has bipartisan support and over 35 cosponsors. I would like to commend Senator CARNAHAN for her tireless efforts to assist dislocated workers.

The Carnahan amendment would provide individuals who exhaust their 26-week eligibility for State unemployment insurance an additional 20 weeks of cash payments funded entirely by the Federal Government. The bill would also allow individuals who do not meet their States' requirements for unemployment insurance to receive 26 weeks of federally financed unemployment insurance.

The bill would also allow individuals who would not be expected to return to their jobs within the airline industry to become eligible for retraining benefits. Individuals who would not be expected to return to their jobs, but who may find some alternative job within the airline industry, would be eligible for upgrade training.

Finally under the provisions of the Carnahan amendment, the Federal Government would fully reimburse eligible individuals for their COBRA premiums so they can continue to be fully insured. Individuals who do not qualify for COBRA and are otherwise uninsured would be eligible for Medicaid with the Federal Government covering 100 percent of the premiums. These health care benefits would last for a maximum of 12 months.

I can't stress enough the importance of assisting these dislocated workers. The tragedy of September 11 has brought American families closer together and given us all an opportunity to help those who have been directly affected by the terrorist attacks. I hope that in the Senate's newly found spirit of bipartisanship, we can agree to help those American workers who urgently need our assistance.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. CARNAHAN. Mr. President, how much time is remaining on our side?

The PRESIDING OFFICER. Two minutes.

Mrs. CARNAHAN. Mr. President, I ask unanimous consent that I be allowed to speak for 3 additional minutes, for a total of 5 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. CARNAHAN. Mr. President, this Senate has acted swiftly and with unity in response to the September 11 terrorist attacks. We provided $40 billion to begin the relief effort. We authorized the President to use force in pursuing the terrorists and the nations that harbor them. And we created a $15 billion relief package to help stabilize our Nation's airlines.

I have been very proud of the manner in which this body has acted over the last month, but we have not yet acted on behalf of the tens of thousands of Americans who have lost their jobs as a result of these attacks. Now is the time to do something for the workers.

Before we passed the airline stabilization bill, I came to this Chamber on several occasions to argue on behalf of including assistance to displaced workers as part of that package, but in an effort to pass the bill expeditiously, I was asked to withhold my amendment. So I did. That was the right thing to do.

We cannot delay any longer. Some of my colleagues have spoken in opposition to my amendment, by arguing that we have already helped airline workers by providing assistance to airlines. That is only half right. By helping the airlines avoid bankruptcy, we saved many jobs. However, we have not done anything for the families of the 140,000 airline industry employees who are losing their jobs despite the airline stabilization package.

The $15 billion we gave to the airlines is not helping those families pay their mortgage. That money is not helping them put food on the dinner table. And that money certainly is not helping them pay for health insurance for their families. The modest assistance provided in this amendment will help these families deal with a tough situation.

There are hundreds of thousands of Americans who are losing their jobs. Some of my colleagues have asked why we should provide special assistance to airline workers.

First, let me say, I am eager to work with President Bush and my colleagues to provide assistance to all displaced workers as a part of the economic stimulus package. This vote is not a choice between my plan and the President's plan. We can do both. I believe we must address airline workers separately, and now.

Furthermore, current law already treats some displaced workers differently than others. The Trade Adjustment Assistance Program provides special benefits to workers who have lost their jobs as a result of increased

imports. Over 1 million workers have benefitted from this program. I am glad they did. But let's be clear; they received a better benefit package than other laid off workers. If we can provide these benefits to aid workers who lost jobs due to trade, can't we do so for workers who lost their jobs due to terrorism?

The amendment we are about to vote on would provide similar benefits to airline industry workers who have lost their jobs as a result of the September 11 attacks.

The more than 140,000 airline industry employees who are being laid off have been dealt a terrible blow. I don't know how many Members of this body know what it is like to be a child in a family with a laid off worker. I do. My grandparents, with whom I lived for many years, when my parents worked, lived in this very city. I can recall a time when my grandfather, a carpenter, came home and sat in the kitchen and said to my grandmother: I have been laid off. I remember her tears, and I remember their fears, as they did not know what the future held for them.

It is time we gave to these workers of America's airlines a sense of confidence that their future is assured. This is our chance to send a message to the workers of America that we know they are facing hard times, we want to help, and this Senate stands ready to take action.

It is not enough to say, wait for the next piece of legislation, and the next after that. It is not enough to say that we have to move on to other pressing business. This measure deserves an up-or-down vote on its merits, not a filibuster.

I urge my colleagues to let the Senate vote on this amendment, and I urge a vote in favor of cloture.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank Senator CARNAHAN for her amendment. I congratulate her and express my appreciation for her efforts on behalf of employees of the airlines who have suffered directly as a result of Federal action.

I am sympathetic to the needs of the displaced workers who she and so many of our colleagues want to address. I say this to the Senator: I believe this issue has to be addressed. There are people who, as a result of Federal action, were put out of work. That is a fact.

I cannot support this amendment. For one reason, Senator HOLLINGS and I made a commitment; and we made that commitment because, if we allow one amendment that is not germane to this bill, then there is no reason why we should not allow numerous others, which is the same reason why I will oppose any other amendment, including the Murkowski-Smith amendment.

But I hope we can work together. I think Senator CARNAHAN's amendment needs to be narrowed dramatically. I think it can be addressed to specific individuals who have been affected by Federal action. I believe in the Senator's amendment there are some employees who are not directly impacted who would receive help that may not be necessary.

I also submit that both the airlines and the employees needed to be helped. We did give financial assistance to the airlines, and we do need to move forward. I know the chairman shares my views that we need to move forward on that issue.

I agree that we still need to provide assistance to workers who have been laid off as a result of these attacks. The appropriate amount, nature, and recipients of Federal assistance for the unemployed is a difficult and inevitably contentious issue.

Last night Senator GRAMM criticized the Carnahan amendment for being unfairly narrow because it only helps certain industry sectors where workers have been laid off as a result of the September 11 attacks and does not address hotel workers, restaurant workers, transportation service workers, travel agents, and many others whose layoffs can be attributed to terrorist actions. I do not agree with that comment.

I understand that the benefits provided under the expanded trade adjustment assistance model are over and above traditional unemployment assistance available to other displaced employees.

In addition to concerns about the scope of the amendment—which may be overinclusive in some respects and underinclusive in others—I think there are very significant practical problems that render the amendment fundamentally unworkable.

The Carnahan amendment charges the Department of Labor with paying 100 percent of eligible workers' COBRA premiums and suggests these premiums be made directly to insurance providers. I understand, however, that Labor simply has no mechanism in place for doing this. Determining COBRA eligibility; verifying the amounts that are owed to insurers on behalf of tens of thousands of workers; to whom it is owed; and how it is to be paid is not something that can be turned around overnight. If the intention is to provide laid off workers with benefits in the near term, the Carnahan COBRA compensation mechanism does not seem very workable to me.

But having addressed some of the concerns I have with it, let me reiterate again, however, that I agree with what Senator CARNAHAN and others are doing in trying to provide assistance to workers who have been laid off as a result of the terrorist attacks.

I look forward to working with her and others.

I say to Senator CARNAHAN, no matter how this amendment is taken care of—and I believe that the required 60 votes will not be obtained by the sponsor of the amendment—the issue is not going away. I know that Senator HOLLINGS and I are committed to working with the Senator. We have taken care of the shareholders and the airline executives and the airlines themselves. Now we need to take care of the unfortunate victims of this terrorist attack.

I hope Senator CARNAHAN recognizes that it is not out of a lack of sympathy, but we simply have to move forward because the safety and security of Americans on airliners is the most important and paramount factor, and the reason why this legislation is on the floor, as we speak—safety and security. That is why this amendment has to be rejected at this time, in my opinion.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, is there time remaining on our side?

The PRESIDING OFFICER. There are 10 minutes remaining.

Mrs. HUTCHISON. Mr. President, I agree with my colleague, Senator MCCAIN. I support much of what is in the Carnahan amendment, but this is not the right vehicle for it. It has not yet been determined how much we need to do and how we should do it. We need to work that out.

I will be working with Senator ALLEN, Senator CARNAHAN, and others to assure we have the help we need for displaced workers. Right now, if we are going to keep jobs in the aviation industry, we need to pass the Aviation Security Act. If something is going to keep the bill from having the strong support of the Senate, then we will get bogged down in that amendment.

Let's get these people back to work. The way we get them back to work is for people in America to be secure in flying again. That is what our bill will do. It is going to provide a security system that gives people confidence that they will be safe when they fly. If we can bring the people back to flying again, we will bring the jobs back on the market. That is what these people want. They want to work for the same airline, the aircraft manufacturing company or the hotel that they left. The way to keep those jobs is to bring the public back to flying again.

We want business as usual in our country. We want the economy to stabilize. We want to get those people back on the job. They would rather work than collect unemployment benefits. We can put them to work if we can pass this aviation security bill. We are very close. If we can keep from starting a process of having extraneous amendments on this bill, we will be able to pass it because we will be able to take

amendments, vote on them, and pass the bill. I hope we will be able to do that tonight.

I thank everybody who has cooperated so much on the bill. I look forward to working on passage of the bill after we have taken the stand that we will not allow extraneous amendments.

I ask the distinguished Senator from Arizona if it would be proper to yield back the time and start the vote.

Mr. MCCAIN. Mr. President, I yield back the remainder of my time.

CLOTURE MOTION

The PRESIDING OFFICER (Mrs. LINCOLN). All time is yielded back. Under the previous order, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Daschle amendment No. 1855 to S. 1447, the Aviation Security bill:

Harry Reid, Bob Graham, Bob Torricelli, Jean Carnahan, Jeff Bingaman, Maria Cantwell, Richard J. Durbin, John Kerry, Jay Rockefeller, Mark Dayton, Ben Nelson, Evan Bayh, Tim Johnson, Russell Feingold, Kent Conrad, Tom Daschle, Bill Nelson, Edward M. Kennedy, Barbara A. Mikulski, and Paul Wellstone.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 1855 to S. 1447, a bill to improve aviation security, and for other purposes, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 56, nays 44, as follows:

[Rollcall Vote No. 293 Leg.]

YEAS—56

Akaka	Dayton	Levin
Baucus	Dodd	Lieberman
Bayh	Dorgan	Lincoln
Biden	Durbin	Mikulski
Bingaman	Edwards	Miller
Boxer	Feingold	Murray
Breaux	Feinstein	Nelson (FL)
Brownback	Fitzgerald	Nelson (NE)
Byrd	Graham	Reed
Campbell	Harkin	Reid
Cantwell	Hollings	Rockefeller
Carnahan	Inouye	Sarbanes
Carper	Jeffords	Schumer
Chafee	Johnson	Specter
Cleland	Kennedy	Stabenow
Clinton	Kerry	Torricelli
Conrad	Kohl	Wellstone
Corzine	Landrieu	Wyden
Daschle	Leahy	

NAYS—44

Allard	Crapo	Hagel
Allen	DeWine	Hatch
Bennett	Domenici	Helms
Bond	Ensign	Hutchinson
Bunning	Enzi	Hutchison
Burns	Frist	Inhofe
Cochran	Gramm	Kyl
Collins	Grassley	Lott
Craig	Gregg	Lugar
McCain	Sessions	Thomas
McConnell	Shelby	Thompson
Murkowski	Smith (NH)	Thurmond
Nickles	Smith (OR)	Voinovich
Roberts	Snowe	Warner
Santorum	Stevens	

The PRESIDING OFFICER (Ms. CANTWELL). On this vote, the yeas are 56, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. MCCAIN. Madam President, it is clear a majority of the Senate wants to act in favor of taking some action for those directly affected by the shutdown of America's airlines after September 11. So if a majority of the Senate has expressed their will, I strongly suggest we sit down and negotiate a reasonable package. We did take care of the airlines in a very generous package. Now we need to move forward with an agreement that would get at least 60 votes so we can address the needs and plight of 100,000 employees, at least, who have been rendered unemployed by the September 11 events.

I voted to not invoke cloture on this amendment. I intend to work with my colleagues on both sides of the aisle so we can come up with a reasonable package to compensate individuals who were directly affected by an act of the Federal Government. That is what we are talking about. That is what we are talking about. I always thought one of the obligations of government was to care of those who were affected by events and decisions beyond their control. It was a decision of the Federal Government, and a right one, to shut down the airlines of America, including 3 weeks at Reagan National Airport.

I want to work with my colleagues and get this legislation in a package that can be agreed to by, hopefully, all, including the administration. I believe very strongly we need to act on it. I don't want to be repetitive except to say we should have a sense of urgency about 100,000 employees who were rendered unemployed just as we did over the plight of the airlines and their shareholders and executives, as well as the American flying public.

Very shortly we will hopefully move to an amendment from Senator SMITH and Senator MURKOWSKI. In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Madam President, with the consent of the two managers of the bill, we have three people who wish to speak on the vote that just took place. I ask unanimous consent Senators DODD, CANTWELL, and REID be allowed to speak for a total of up to 15 minutes, and prior to that, Senator MURKOWSKI will introduce his amendment. As soon as we finish with the three speeches, we will move to the Smith-Murkowski amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I failed to acknowledge we still have pending the Carnahan amendment. So what I would ask in the consent is we temporarily set aside the Carnahan amendment; that we go to the Murkowski amendment, but at such time as the majority leader, who offered the amendment on behalf of Senator CARNAHAN, comes to the floor, that he be recognized to take whatever appropriate action on the underlying amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Alaska.

AMENDMENT NO. 1863

Mr. MURKOWSKI. Madam President, it is my intention to propose amendment No. 1863, about which I have already spoken at some length. This particular amendment allows, under the circumstances, the extension to commercial airline pilots the right to fly beyond the age of 60 to the age of 63. It is my intention to ask for a recorded vote on the amendment.

I ask that the clerk report the amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 1863.

Mr. MURKOWSKI. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To establish age limitations for airmen)

At the appropriate place, insert the following:

SEC. ___. AGE AND OTHER LIMITATIONS.

(A) GENERAL.—Notwithstanding any other provision of law, beginning on the date that is 6 months after the date of enactment of this Act—

(1) section 121.383(c) of title 14, Code of Federal Regulations shall not apply;

(2) no certificate holder may use the services of any person as a pilot on an airplane engaged in operations under part 121 of title 14, Code of Federal Regulations, if that person is 63 years of age or older; and

(3) no person may serve as a pilot on an airplane engaged in operations under part 121 of title 14, Code of Federal Regulations, if that person is 63 years of age or older.

(b) CERTIFICATE HOLDER.—For purposes of this section, the term ''certificate holder'' means a holder of a certificate to operate as an air carrier or commercial operator issued by the Federal Aviation Administration.

(c) RESERVATION OF SAFETY AUTHORITY.—Nothing in this section is intended to change the authority of the Federal Aviation Administration to take steps to ensure the safety of air transportation operations involving a pilot who has reached the age of 60, including its authority—

(1) to require such a pilot to undergo additional or more stringent medical, cognitive, or proficiency testing in order to retain certification; or

(2) to establish crew pairing standards for crews with such a pilot.

Mr. MURKOWSKI. Madam President, it is my understanding at a time agreed upon by the floor leaders, Senator SMITH will be recognized to offer a first-degree amendment for himself as well as Senator MURKOWSKI regarding cockpit security, and no second-degree amendments will be in order.

I further ask consent that there be 20 minutes for debate equally divided in the usual form; that upon the use or yielding back of the time, the amendment be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Reserving the right to object, is this the amendment we anticipated coming up?

I have no objection.

Mr. MURKOWSKI. I thank the Chair.

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

Mr. MURKOWSKI. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 1855

Mr. DODD. Madam President, if I may, I want to take a couple of minutes to express my disappointment at the Senate's failure to invoke cloture and to allow for the consideration of the Carnahan amendment. I am saddened, in the midst of this otherwise harmonious relationship we have been developing, that we would deny the opportunity to have a vote, an up-or-down vote, where 51 votes would win, 50 or fewer would cause the amendment to fail. We are not even going to have a chance for a straight vote on the amendment being offered by the Senator from Missouri.

Let me tell you why I am disappointed. First, I think the country has, with almost unanimity, watched the Congress of the United States and the President of the United States work in a fashion unprecedented for those of us who are today serving here. There are some whose service goes back many years. But I suggest even for those with the longest service in the Senate, they could not recall a time during their service when we have been as united as a people and as united as public servants as we are today.

With that as a backdrop, it was terribly disappointing to me to see us walk away from those individuals who every day go to work and try to make our airlines work as well as they can. We all stood together here—with the exception of 1 vote—when the airline industry came up and said, we need some help. We did not get involved in filibusters or demanding 30 hours of debate. Democrats and Republicans, with the exception of one of our colleagues, raised their hands and cast their votes ''aye'' to help out this industry.

The suggestion was made during that debate that we could not do anything to help out the workers right away but we would do it as soon as we could. So we said: Fine, with that kind of a general assurance, we will vote to bail out the shareholders—in effect. That is what we did. I voted for that bill, and I am glad I did. I think it was necessary because not just the airlines but other industries that depend upon a healthy airline service would be adversely affected as well.

But to turn around and say to the thousands of people who have lost their jobs, whose home mortgages, car payments and health care benefits are in jeopardy—you must go find a meaningful level of employment in an economy that was already in trouble before September 11. Mr. President, I do not understand this Chamber that could find in its pockets enough money to bail out a shareholder and yet couldn't find the small change to bail out innocent people.

This has been tough enough on our country over the last month. We have seen today at the Pentagon, and elsewhere, memorial services to recognize the contribution of those who lost their lives. That is appropriate and proper.

I listened to the eloquent words of the Secretary of Defense, and the eloquent speech of the President to the employees at the Pentagon, and to the world, for that matter.

But it is our obligation as well, not only to recognize those who have given their lives but to also recognize the living and what they are going through. The idea that you cannot have a simple vote on whether or not you are going to extend unemployment insurance for an additional number of weeks; that you are not going to provide for COBRA continuation coverage for individuals—I do not understand that.

What happened to us in the last couple of weeks? When it comes to those at the very top of the income spectrum, with all due respect, they are not the ones suffering from the airline industry problems. But the idea that the majority of people who lose their jobs have little or no value is something I do not understand.

My hope is that we have a vote on this issue and those who did not vote for cloture would cast a vote in favor of the thousands who have lost their jobs and find themselves and their families in a very precarious situation.

Individuals who do not qualify for extended health insurance under COBRA and who are otherwise uninsured would be eligible for Medicaid, with the Federal Government covering 100 percent of the premiums. For a few weeks, to get people back on their feet, could we not find it in our hearts to extend to them the kind of help they need?

Mrs. BOXER. Will my friend yield for a question?

Mr. DODD. I am happy to yield.

Mrs. BOXER. I took to the floor earlier, in a brief moment that I had, and I made the connection between trade adjustment assistance and this bill.

The PRESIDING OFFICER (Mr. REID). The time of the Senator from Connecticut has expired.

Mrs. BOXER. I ask for 2 additional minutes.

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

Mrs. BOXER. I made the connection between trade adjustment assistance and this bill, which Senator CARNAHAN based on the Trade Adjustment Assistance Act. I ask my friend, doesn't he think if we can help people when they lose their job because of trade, we should help people when they lose their job because of a terrorist attack on this country? I ask him, doesn't it seem ironic that somehow, when you lose your job because of trade, you get the help, but not if it is a result of a terrorist attack?

Mr. DODD. I think the Senator from California raises a very good question, and one that she provides the answer for in her question.

Obviously, over the years, we have said to people, if you lose your job because of trade policies—which we think have a long-term beneficial effect on the country and we see something good come out of that—if you lose your job because we are trying to achieve a greater good, we will step into that breach and provide some assistance to you and your family.

How ironic that when something terrible happens and you lose your job, we can't provide benefits to help you and your family during difficult times.

I am stunned by this. I thought this was going to be a non-issue. I could see where people might want to modify this a bit. Instead of 52 weeks, make it 45 weeks; instead of 100 percent of Medicaid, we will make it 90 percent.

I can understand people making a case that we need to modify the Carnahan amendment. But not to provide for any kind of alternative is something that just gets away.

We have to finish the bill. I know the distinguished chairman of the committee has an awful burden to get this done. He has argued very persuasively that we have a responsibility to meet the security needs.

Mr. President, I ask for 1 additional minute.

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

Mr. DODD. I understand the sense of urgency to get this done. I am sure my friend from South Carolina would not argue with that coming up rather quickly as we did with the airline bailout. That didn't take long. We managed to find the time around here to come up with the time to debate it, discuss it, and work it out. Again, I voted for that bill. I would again today. I don't argue with that at all.

But I am stunned that we can't find the time somehow to say to those thousands of workers—baggage handlers, flight attendants, and mechanics—who have lost their jobs and are wondering how they are going to make ends meet—we have time for everybody but you. Everybody else got in line. But you don't. We are sending the message that we don't have enough time to take care of you.

I am terribly disappointed that our colleagues have decided to reject this cloture motion. But I tell you that people out there have lost their jobs. Millions of other Americans are watching this vote to see what we did to average people out there on this day, 1 month later. We memorialize those who lost their lives but this Chamber couldn't find in its heart to come up with a few extra dollars to help some people who have lost their work.

That is a sad day. That is not the way to commemorate those who gave so much 1 month ago. I am deeply disappointed in my colleagues.

The PRESIDING OFFICER (Mrs. BOXER). Under the previous order, the Senator from Washington is recognized.

Ms. CANTWELL. Madam President, I also rise with a great deal of frustration over the last vote where the majority of my colleagues in the Senate want to act to help workers who have been impacted by the acts of September 11 and the emergency that has prevailed; that we do something to help those who have been most impacted by job layoffs by cutbacks in major industries related to transportation; and that we act immediately.

I am very frustrated, even though a majority of my colleagues want to see such legislation passed to help workers who are going to be laid off, who are going to have to struggle with how to pay for health insurance, who will not have the assistance for job training that might put them back in the economy sooner, that they are going to be without assistance. They are going to be without that assistance, even though a majority of my colleagues wanted to see that legislation passed, because we could not get this cloture vote in the Senate today.

I ask, if not now, when?

We were told after the events of September 11, when everybody wanted to work in a bipartisan fashion to expedite the decisionmaking in the Senate, that we needed to band together. We did. We acted quickly on legislation to help and assist the airline industry. I think the vote was 98 to 0.

At that same time, we were told we need to act now to help the industry. We will come back to help workers. So with earnest, Senator CARNAHAN, Senator KENNEDY, myself, and Senator MURRAY from Washington have been working diligently on this proposal.

Today we are sending the wrong message to the American people. We are sending the message that this body thinks it is more important to help the corporate executives and the shareholders of the airline industry than it is to help the American workers. That is absolutely the wrong message.

When you think about it, consumer confidence counts for about two-thirds of our economy. In the past month of September, consumer confidence has been at its all-time low since 1996.

This is an economic issue. Just as the assistance package for the airlines was an economic issue, this assistance to the workers is an economic issue. Instead of working together in a bipartisan fashion, we showed our partisan colors today by not allowing this vote to take place. The majority of Senators wish this legislation would have passed.

In Washington State, where 20,000 to 30,000 workers could be laid off by the end of next year, the impact will be real. Some estimates are that a $1.29 billion loss will be felt by our local economy. That is quite significant in the State of Washington where we have already been feeling the impact of the downturn in the economy.

When you think about the individual workers, yes, they will receive some unemployment benefits. What about health care? When you think about it, a typical worker in the aerospace industry might make $40,000 to $50,000. Yet the impact of losing that income and having unemployment insurance is not being able to pay for health care benefits. An average worker with a family might pay as much as $850 a month for the loss of health care benefits, on top of other bills they have to pay—for their mortgage, for their food, and for their children's education.

We are sending a terrible message that it is more important to help corporate executives and shareholders than to care about the educational needs of the airline workers in our country. That is the wrong message.

We need to move ahead in a bipartisan fashion to think about the ripple effect on our economy. It is not just the airline manufacturing industry, as I said, with 20,000 to 30,000 layoffs, but the hundred-plus thousand layoffs in the airline industry overall. That impact on our economy at a time when our economy is already seeing a downturn is not the kind of message we need to be sending.

It is very important that we move ahead. If not now, when will we act to support workers in this country in their time of need?

I yield the floor.

Mr. REID. Madam President, the majority leader is now in the Chamber. I am not going to use the 5 minutes allocated to me under the previous order. I ask unanimous consent that the time be given to the majority leader.

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

Mr. DASCHLE. Madam President, I come to the floor to express my grave disappointment at what the Senate has just done.

This is the first time we have said no to any of the victims of disaster of 1 month ago. It is the first time we have said no to working families struggling to put their lives back together.

I am troubled, disappointed, and disillusioned.

I will say this: We will not give up. We will not quit. We will not allow those workers to in any way believe that this country is going to turn its back on them when they need it the most. We will help them. We will find a way to do this. We will keep the fight. We are committed, as people determined to help all of those who are hurting so badly, including those who have no job, including those who have no health insurance, including those who need training today—including all of those victims. We cannot say no to these people. We will be back. We will not give up.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Nevada.

Mr. REID. Madam President, under the previous order, it is now my understanding we are going to go to the Smith-Murkowski amendment on a 20-minute time agreement; is that right?

Mr. HOLLINGS. That is right.

The PRESIDING OFFICER. The Senator is correct.

The Senator from New Hampshire.

AMENDMENT NO. 1874

Mr. SMITH of New Hampshire. Madam President, I have amendment No. 1874 at the desk, and I ask for its immediate consideration as described under the previous order.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for himself, Mr. MURKOWSKI, Mr. BURNS, and Mr. THURMOND, proposes an amendment numbered 1874.

Mr. SMITH of New Hampshire. Madam President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To further provide for the safety of American aviation and the suppression of terrorism)

At the appropriate place, add the following:

SEC. . FLIGHT DECK SECURITY.

(a) TITLE.—This Section may be cited as the 'Flight Deck Security Act of 2001'.

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

(1) On September 11, 2001, terrorists hijacked four civilian aircraft, crashing two of the aircraft into the towers of the World Trade Center in New York, New York, and a third into the Pentagon outside Washington, District of Columbia.

(2) Thousands of innocent Americans and citizens of other countries were killed or injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders.

(3) These attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon.

(4) These attacks were by far the deadliest terrorist attacks ever launched against the United States and, by targeting symbols of America, clearly were intended to intimidate our Nation and weaken its resolve.

(5) Armed pilots, co-pilots, and flight engineers with proper training will be the last line of defense against terrorists by providing cockpit security and aircraft security.

(6) Secured doors separating the flight deck from the passenger cabin have been effective in deterring hijackings in other nations and will serve as a deterrent to future contemplated acts of terrorism in the United States.

(c) AVIATION SAFETY AND THE SUPPRESSION OF TERRORISM BY COMMERCIAL AIRCRAFT.—

(1) POSSESSION OF FIREARMS ON COMMERCIAL FLIGHTS.—The FAA is authorized to permit a pilot, co-pilot, or flight engineer of a commercial aircraft who has successfully completed the requirements of section (c)(2) of this Act, who is not otherwise prohibited by law from possessing a firearm, from possessing or carrying a firearm approved by the FAA for the protection of the aircraft under procedures or regulations as necessary, to ensure the safety and integrity of flight.

(2) FEDERAL PILOT OFFICERS.—

(A) In addition to the protections provided by the section (c)(1) of this Act, the FAA shall also establish a voluntary program to train and supervise commercial airline pilots.

(B) Under the program, the FAA shall make available appropriate training and supervision for all such pilots, which may include training by private entities.

(C) The power granted to such persons shall be limited to enforcing Federal law in the cockpit of commercial aircraft and, under reasonable circumstances the passenger compartment to protect the integrity of the commercial aircraft and the lives of the passengers.

(D) The FAA shall make available appropriate training to any qualified pilot who requests such training pursuant to this Act.

(E) The FAA may prescribe regulations for purposes of this section.

(d) REPORTS TO CONGRESS.—Not later than six months after the date of the enactment of this Act, and every six months thereafter, the Secretary of Transportation shall submit to Congress a report on the effectiveness of the requirements in this section in facilitating commercial aviation safety and the suppression of terrorism by commercial aircraft.''.

Mr. SMITH of New Hampshire. Madam President, I say to my colleagues, I will be very brief. If there are others who wish to speak, they may want to come to the Chamber. We have only, as I understand it, 20 minutes equally divided.

This amendment, I say to my colleagues, is the one that has been known as the gun-in-the-cockpits amendment. I am pleased to report that, to the best of my knowledge, the Senate has agreed to accept this amendment, which I think is good news for the airline industry and good news for all of us who fly across America, and all over the world, as a matter of fact.

First of all, I thank my colleagues, Senator MURKOWSKI and Senator BURNS, for their leadership, and also Senator THURMOND for working with me to put this amendment together. Also, Senator MCCAIN and Senator HOLLINGS were very helpful as we worked out the compromise so we could offer this amendment without a lot of rancor.

The motto of my legislation is that armed pilots are the first line of deterrence and the last line of defense—the first line of deterrence because terrorists will know that armed pilots will be able to defend the cockpit and defend the aircraft from a hijacking; the last line of defense because when all else fails, including the air marshals and perhaps even a reinforced cockpit door, an armed pilot will be in the cockpit to defend that cockpit from terrorist hijackers.

I think it is important for us to think and reflect back on what has happened in the past month. We all know what happened on September 11. Those terrorists got in that cockpit, and the pilots had no defense once that door was kicked in, except their bare hands. We have had another——

Mrs. BOXER. The Senate is not in order, and I am extremely interested in hearing about the content of this amendment. I hope the Senate can be in order.

The PRESIDING OFFICER. The Senator is correct. Senators will take their conversations to the back of the Chamber.

The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I thank the Senator from California for her courtesy.

In the last week, we have had another incident—not a terrorist incident but one where a person got into the cockpit and caused the plane to be destabilized momentarily.

I think it is important to understand, after all of the events of September 11, and all of the efforts we have made to encourage and bring people back to flying again, we still had another incident where a person actually got into the cockpit.

Now we know—and we are working on all of this—we are going to reinforce the cockpit doors; there will be armed marshals; we are going to increase security on the aircraft. All of these things are being done. But I would ask my colleagues to reflect for a moment as to what would happen if, in spite of all of that—in spite of all three of those things: The marshals, the reinforced cockpit doors, and increased security around the aircraft—somebody got into that cockpit again. They could bring that plane down.

If, in fact, a pilot had a gun, that pilot would have the opportunity to stop that hijacker or person coming into that cockpit to cause damage. If the pilot could not do it, if the pilot did not have a weapon, and that person got into the cockpit, the worst of all things could be that the hijacker would commandeer the plane and do some terrible destruction using the aircraft as a weapon of mass destruction. But what might happen, and what could have happened last time, were it not for the brave passengers on Flight 93, we could have to shoot down our own commercial aircraft with our own American citizens in that aircraft.

It is far preferable to have the pilot shoot the hijacker and maintain control of the cockpit than it is to have the hijacker get control of the cockpit and have the President of the United States have to make that god-awful, gut-wrenching decision to shoot down a commercial aircraft to save the lives of thousands, killing perhaps a couple hundred American citizens. So this is the right thing to do.

The Senator from California mentioned that she wants to know the content of the amendment. The content of the amendment, I say to the Senator, is very reasonable. It says that the FAA is authorized to permit, if the airlines and the pilots would agree to do it—if they did agree; no one is forced to carry a weapon into the cockpit. That is the pilots' and the airlines' decision.

So I think it is reasonable. I have met with dozens of pilots on this issue, many from New Hampshire and Massachusetts, some here, from most of the airlines. I know there are very few who disagree with this amendment, but the vast, overwhelming majority of the pilots, probably 95 percent of them, agree with it. It is the right thing to do, and not only for safety reasons but also, if we are going to bring back the airline industry and get those people back to work who have lost their jobs, we have to bring passengers back to the airplanes; we have to restore their confidence.

I am going to feel a lot more confident knowing that pilot is going to have the opportunity to stop that hijacker when that hijacker comes through that cockpit door, if he gets through the cockpit door in spite of all the other things we are doing.

So remember, this is not an amendment that is just hanging out there with nothing else. This is an amendment that is working in conjunction

with increased airport and aircraft security, reinforced cockpit doors, and perhaps a Federal marshal—at least spot-checked on flights. It goes with all of that. And this is the final stop, so that pilot can have the assurance, with that TV camera or monitor, so he or she can see what is going on in the back of that aircraft, in the cabin. At that point, the pilot can turn and be prepared to face that hijacker who could cause unbelievable destruction.

So I am pleased and proud to offer the amendment on behalf of myself, Senator BURNS, Senator MURKOWSKI, and Senator THURMOND. I know there are others who support it as well.

Madam President, I know other people would like to speak, so I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I support this amendment.

The PRESIDING OFFICER. Who yields time to the Senator?

Mr. SMITH of New Hampshire. I yield the Senator whatever time she wishes to consume.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank my friend.

Madam President, as someone who for a long time has taken the opposite position on guns, I think this amendment makes sense.

We are working toward having air marshals on our airplanes. We will also be working—and I want to announce here my support of the Burns amendment—to really move security into the Department of Justice where it belongs.

Until we do all this, I think this amendment makes sense. It gives the FAA a chance to decide if they think it is prudent for a pilot, who is trained, and who wants to, and who is willing to, to be able to defend the aircraft.

I just want to remind my colleagues that every single plane that was hijacked was going to my State of California. I want you to know that every time I think about this, I think of how many people are suffering. I think we need to do everything we can to prevent any more of these hijackings from occurring.

Therefore, I believe this amendment is right. I believe it is prudent. It also was supported in front of our Commerce Committee—I see my chairman in the Chamber—by the gentleman who represented the pilots at the last hearing we had.

So I thank my friend. I am supporting this amendment, as well as the Burns amendment.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH of New Hampshire. Madam President, I yield whatever time he may consume to the Senator from Montana.

The PRESIDING OFFICER. Two minutes remain to the sponsor.

Mr. SMITH of New Hampshire. Before I yield, however, I ask unanimous consent to have three letters of support printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

GUN OWNERS OF AMERICA,
Springfield, VA, October 3, 2001.

DEAR SENATOR: Senator Bob Smith will be introducing an amendment to the Aviation Security Act. I urge you to vote in favor of his amendment.

The Smith amendment will provide the opportunity for pilots to use firearms to defend their passengers and planes, as well as provide for reinforcing the cockpit doors on commercial aircraft.

I urge you to vote for the Smith amendment, as it can help save the lives of pilots, crew members, and passengers—not to mention the lives of thousands of citizens on the ground.

Sincerely,

JOHN VELLECO,
Director of Federal Affairs.

NATIONAL RIFLE ASSOCIATION OF AMERICA, INSTITUTE FOR LEGISLATIVE ACTION,
Washington, DC, October 3, 2001.

DEAR SENATOR: In the aftermath of the tragedy that occurred on September 11th, various proposals have been offered to deal with airline security. As the United States Senate begins debate on the Aviation Security Act, S. 1147, amendments may be offered relating to pilot and passenger security.

One proposal, sponsored by Senators Bob Smith and Conrad Burns, addresses pilot safety by allowing—not requiring—properly trained commercial pilots, co-pilots, and flight engineers to carry firearms. On behalf of the 4 million members of the National Rifle Association, I urge you to support this common sense and well-balanced measure.

Armed pilots with proper training and suitable equipment will be the last line of defense against hijackers and terrorists in providing cockpit and aircraft security. Obviously, proper training is an essential component of this legislation. Along with the possibility of U.S. Air Marshals accompanying commercial flights, this measure would send a strong message to potential attackers that self-defense exists in the air as well as on our land.

The National Rifle Association stands with the Air Line Pilots Association and the Allied Pilots Association in supporting this amendment. This measure will provide both deterrence to hijackers and terrorists and safety to airline employees and the traveling public. Please vote ''yes'' on the Smith/Burns amendment to S. 1147.

Sincerely,

CHARLES H. CUNNINGHAM,
Director, NRA Federal Affairs.

AIR LINE PILOTS ASSOCIATION, INTERNATIONAL,
Washington, DC, October 3, 2001.

Hon. ROBERT C. SMITH,
U.S. Senate, Washington, DC.

DEAR SENATOR SMITH: On behalf of the 67,000 members of the Air Line Pilots Association, International, I want to offer our most sincere thanks and our support for your amendment to S. 1447, which would provide for armed federal pilot officers.

The Administration, Congress, and the industry are all heavily involved in activities and discussions aimed at improving security. Many of the proposed security initiatives and proposals will take months, even years to implement; some of them are also very expensive.

We have learned, in a most tragic fashion, that the occupants of the cockpit must be protected in the event of a cockpit door breach in order to prevent further loss of life to passengers, crew, and those on the ground. Provision of armed air marshals and enhanced cockpit doors will help. However, not all flights will have the protection of air marshals, and new, more secure cockpit doors will not be installed overnight.

For those reasons, it is our strong belief that the last line of defense must be a method of training, deputizing and arming those pilots who both volunteer and qualify to carry a means of lethal self-defense. Not all pilots will want to carry a weapon, and some who do may not qualify under the FBI's strict screening and training criteria, but there will be thousands of our members who can meet both criteria. Once the cost of training these pilots is complete, there would be virtually no other expense for providing an FBI-trained federal officer in the cockpit who is capable of administering lethal force.

In addition to adding a genuine security enhancement in the very near term, the creation of a federal pilot officer program would also generate a tremendous amount of confidence among pilots to protect themselves and, thereby, their passengers. We believe that your proposal, if implemented, should also translate into greater confidence in air travel security by the traveling public and help the airlines return to profitability much sooner than they could otherwise.

In summary, we believe that your proposed federal pilot officer program is a most reasonable, practical, cost-effective, and efficient means of enhancing airline security. ALPA supports it and we urge its enactment.

Sincerely,

DUANE E. WOERTH,
President.

Mr. SMITH of New Hampshire. I yield to the Senator.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. I thank my friend from New Hampshire.

Madam President, I want to say to all those folks who would be critical, this does not make it mandatory for a weapon to be on the flight deck. This says they are able to take one if they are comfortable with one.

I point to American Airlines Flight 11, which was the first plane to hit the north tower. The pilot was a Vietnam veteran and the copilot was a Navy Top Gun pilot. On American Airlines Flight 77, Charlie Burlingame was a graduate of the U.S. Naval Academy and a Top Gun pilot. On United Airlines 175, which was the second plane to hit the south tower, both the pilot and copilot were veterans, one a Navy pilot, one a Marine Corps veteran.

What we are saying is, if these men and women who operate the flight deck are comfortable with a weapon, they should be allowed to have a weapon. That is what this amendment says.

I thank the Senator from New Hampshire for his leadership and the Senator from California for her support.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the following letter from the Allied Pilots Association be printed in the RECORD in support of amendment No. 1874.

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

ALLIED PILOTS ASSOCIATION,
Fort Worth, TX, October 7, 2001.

Hon. ROBERT SMITH,
United States Senate,
Washington, DC.

DEAR SENATOR SMITH: On behalf of the Allied Pilots Association, which represents the 11,500 pilots of American Airlines, I wish to express our strong support for the ''Flight Deck Security Act of 2001.''

We must take immediate action to enhance our nation's aviation security. We believe the ''Flight Deck Security Act,'' S. 1463, will help ensure the safety of both airline flight crews and the flying public.

APA supports allowing qualified pilots to carry firearms. The majority of our pilots have served in the military, where they received weapons training, and many are already qualified to handle small arms. Armed pilots will help deter terrorists from attempting to hijack an aircraft. Furthermore, they would provide a last line of defense to resist the hijacking of commercial aircraft.

The Allied Pilots Association urges the Senate to pass the ''Flight Deck Security Act.'' We believe S. 1463's voluntary firearm program should be enacted immediately.

Sincerely,

Captain JOHN DARRAH,
President,

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. Madam President, how many minutes would the Senator want?

Ms. MIKULSKI. I know there is an amendment. I want to make some general comments about the bill. What would be the appropriate way?

Mr. MCCAIN. I ask unanimous consent that we temporarily set aside the amendment and the Senator from Maryland be allowed to speak for 5 minutes on the legislation.

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

Ms. MIKULSKI. I thank the Senator from Arizona, the national leader on this topic.

Madam President, we just came from the Pentagon memorial for all of those who died at the Pentagon on the fateful day, 9/11, one month ago.

We have been going to several memorials. They have been heartfelt. Whether it was at Emmitsburg for the National Fallen Firefighters Memorial, today at the Pentagon, joining with Senators LOTT and DASCHLE, having the resolution on a national day of remembrance, all of these are very special to me because on that fateful day, I lost 60 Maryland constituents: 54 at the Pentagon, those who were working at the Pentagon and who were on that fateful flight. Six others, who we currently know of, lost their lives at other sites.

I know the Chair knows we feel a great debt of gratitude to the gallant people on Flight 93 who probably saved our lives. I support the memorials. I was honored to be there.

I am pleased to join in a resolution for a national day of remembrance. I think we need a permanent way of remembering those people who died on that very fateful, grim, horrific day. The way we honor their memory is to make sure it never, ever can happen again.

This is why I am so passionate about our moving our aviation security bill, why I am very firm in terms of trying to make our railroads safe and also ensuring that those people who work in the field of transportation and in airports and airlines are not doubly victimized, first by the terrorists and then by an economic compensation system that leaves them without jobs, without incomes, without future training, and a bleak future. We should not doubly punish them by leaving them without an economic security safety net.

I plead to my colleagues today: Let us put aside our ideologies on how we think Government should be this size or Government should be that size. We need to think about what is the right thing to do for the American people. I want to get America moving again. I want them to be on the rails. I want them to be in planes. I want them to feel free to travel. This is why I am so passionate about the need to have an aviation security bill that also federalizes our security operations.

It ensures that we have the best to guard us. We have the best to guard us at the military; God bless them. We have the best to help rescue us in our fire and police departments; God bless them. Let's have the very best and the best trained at our airports.

While we are making our airports safe, let us look at other areas of vulnerability, and then that goes to our railroads. We need, again, passenger screening. We need baggage screening. We need to assure the safety of our tunnels, of which we have many in the Northeast corridor. I know the Chair is from a railroad corridor State. Last but not at all least, I am concerned about those 528,000 people who filed for unemployment last week. That is just a little bit less than the size of my great city of Baltimore. A half million people are on unemployment, not because they were laggards, not because they don't want to work, not because they don't want to show up for duty, but because of circumstances outside of their control.

We have it within our control to make an economic safety net for them. I say to my colleagues, we have clotured this; we have bargained that; we have negotiated that. Let us get back to the spirit we had a few weeks ago when we were not a Republican Party or a Democratic Party. We were the red, white, and blue party. Let's do right for airline security. Let's do right for railroad security. Let's do right for the people who have lost their jobs because of terrorist attacks. That will be the best permanent memorial we could make to those who have fallen because of this horrific deed.

Madam President, four civilian airliners from three of our Nation's airports were used as weapons of war on September 11. As we're debating this legislation, our military is taking action against those who were responsible. One way to support our troops is to improve safety for all Americans. That's the goal of this legislation. This bill enables us to take three concrete actions to improve the safety of our skies.

Security is a high skill job. Yet airport screeners in this country are low paid—$6.00 an hour or less. Fast food restaurant employees are paid better.

They are poorly trained. The FAA requires 12 hours of classroom training. Other countries do a better job. France requires 60 hours of training. Belgium requires at least 40 hours. Often, those who perform the training have had only a few hours of training themselves.

They are inexperienced. Turnover rates are alarming: 126 percent from May 1998 through April 1999 at our nation's 19 largest airports; as high as 416 percent in some instances.

They have low morale which leads to poor performance.

FAA inspection reports reveal significant weaknesses in the performance of our airport screeners. Security inspectors showed that BWI ranked fifth among major airports in the number of bombs, grenades or other weapons that went undetected in federal inspections.

This is not a new problem. The GAO reports that in 1987 airport screeners missed 20 percent of the potentially dangerous objects used in tests and it's been getting worse over the past few years.

Part of the solution is to federalize our airport security workforce. We have Federal officials protecting our borders and protecting our President. We also need Federal officials protecting our flying public. Why federal workers? They can be fully trained and monitored. Their primary goal would be safety, not the economic bottom line. The Hollings bill does this by Federalizing airport security operations, by requiring extensive training—40 hours of classroom training, 60 hours of on-the-job instruction—by deploying law enforcement personnel at each airport, including armed personnel at airport security screening locations.

The safety of our pilots is critical to ensuring the safety of the passengers. The tragedies of September 11 showed that we need to strengthen the cockpit door and locks to prevent entry by non-flight deck crewmembers.

In a hijacking situation, we've always focused on deterrence, that pilots and copilots should negotiate with hijackers until the aircraft is safely on the ground. September 11 shattered that idea.

This bill prohibits access to the flight deck cockpit by any person other than a flight deck crew member. It requires the strengthening of the cockpit door and locks to prevent entry by non-flight deck crew members and requires commuter aircraft that do not have doors to get doors.

On September 11, some heroic Americans on United Airlines flight 93 lost their lives as they confronted the terrorists. They prevented the plane from flying into the Capitol or the White House. These brave citizens lost their lives, yet they saved many others—perhaps even those of us in this chamber.

Yet we can't ask American citizens to risk or lose their lives. We need Federal air marshals on our airplanes to protect our citizens.

The Sky Marshal Program dates back to the Kennedy Administration when the concern of hijackings to Cuba was prevalent. In 1970, the program was greatly expanded to include 1,500 U.S. Customs officers, 800 military personnel. Two years later, the U.S. Customs Sky Marshal Program was phased out.

Then, in 1985, a 727 TWA flight from Athens was diverted to Beirut where terrorists murdered Robert Dean Stetham of Maryland. The highjackings of 1985 prompted Congress to reinstate the Air Marshal program, but it is spartan and skimpy.

This legislation would require a marshal on every flight. That's about 25,000 flights a day, pre-September 11, on all domestic flights and on all international flights originating in the U.S.

The events of September 11 were an attack against America and against humanity. We are a nation that is grief stricken, but we are not paralyzed in our determination to rid the world of terrorism. In the mean time, we must act to make transportation safer in the United States. We must have a sense of urgency and pass this legislation immediately.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Madam President, unless the Senator from New Hampshire would like to speak again, we yield back the remainder of our time and urge adoption of the amendment.

The PRESIDING OFFICER. If all time is yielded back, without objection, the amendment is agreed to.

The amendment (No. 1874) was agreed to.

Mr. McCAIN. Madam President, I move to reconsider the vote.

Mr. SMITH of New Hampshire. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1875

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Madam President, I have an amendment and I send it to the desk and ask for its consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS], for himself, Mr. McConnell, Mr. DEWINE, and Mrs. BOXER, proposes an amendment numbered 1875.

Mr. BURNS. Madam 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 make the Attorney General responsible for aviation safety and security)

On page 4, strike lines 10, 11, and 12.

On page 4, line 13, strike ''(B)'' and insert ''(A)''.

On page 4, line 18, strike ''(C)'' and insert ''(B)''.

On page 4, line 22, insert ''and'' after the semicolon.

On page 4, beginning with line 23, strike through line 5 on page 5.

On page 5, line 6, strike ''(E)'' and insert ''(C)''.

On page 5, between lines 13 and 14, insert the following:

(b) ATTORNEY GENERAL RESPONSIBILITIES.—The Attorney General of the United States—

(1) is responsible for day-to-day Federal security screening operations for passenger air transportation or intrastate air transportation under sections 44901 and 44935 of title 49, United States Code;

(2) shall work in conjunction with the Administrator of the Federal Aviation Administration with respect to any actions or activities that may affect aviation safety or air carrier operations;

(3) is responsible for hiring and training personnel to provide security screening at all United States airports involved in passenger air transportation or intrastate air transportation, in consultation with the Secretary of Transportation, Secretary of Defense, and the heads of other appropriate Federal agencies and departments; and

(4) shall actively cooperate and coordinate with the Secretary of Transportation, the Secretary of Defense, and the heads of other appropriate Federal agencies and departments with responsibilities for national security and criminal justice enforcement activities that are related to aviation security through the Aviation Security Coordination Council. On page 5, line 14, strike ''(b)'' and insert ''(c)''.

On page 6, line 4, strike ''(c)'' and insert ''(d)''.

On page 10, between lines 6 and 7, insert the following:

(a) AIR MARSHALS UNDER ATTORNEY GENERAL GUIDELINES.—The Attorney General shall prescribe guidelines for the training and deployment of individuals authorized, with the approval of the Attorney General, to carry firearms and make arrests under section 44903(d) of title 49, United States Code. The Secretary of Transportation shall administer the air marshal program under that section in accordance with the guidelines prescribed by the Attorney General.

On page 10, line 7, strike ''(a) IN GENERAL.—'' and insert ''(b) DEPLOYMENT.—''.

On page 10, line 23, strike ''(b) DEPLOYMENT.—'' and insert ''(c) TRAINING, SUPERVISION, AND FLIGHT ASSIGNMENT.—''.

On page 11, line 14, strike ''(c)'' and insert ''(d)''.

On page 11, line 20, strike ''(d)'' and insert ''(e)''.

On page 12, line 3, strike ''(e)'' and insert ''(f)''.

On page 12, line 4, before ''Secretary'' insert ''Attorney General and the''.

On page 12, line 22, before ''Secretary'' insert ''Attorney General and the''.

On page 12, line 24, strike ''the Secretary'' and insert ''they''.

On page 13, line 3, strike ''(f)'' and insert ''(g)''.

On page 18, beginning in line 2, strike ''Secretary of Transportation, in consultation with the Attorney General,'' and insert ''Attorney General, in consultation with the Secretary of Transportation,''.

On page 18, line 11, strike ''Secretary'' and insert ''Attorney General''.

On page 18, beginning in line 17, strike ''Secretary of Transportation, in consultation with the Attorney General'' and insert ''Attorney General''.

On page 18, line 25, strike ''Secretary'' and insert ''Attorney General''.

On page 19, line 4, strike ''Secretary'' and insert ''Attorney General''.

On page 19, line 7, strike ''Secretary'' and insert ''Attorney General''.

On page 19, beginning in line 12, strike ''Secretary of Transportation, with the approval of the Attorney General,'' and insert ''Attorney General''.

On page 20, line 9, strike ''Secretary'' and insert ''Attorney General''.

On page 20, beginning in line 12, strike ''Secretary, in consultation with the Attorney General,'' and insert ''Attorney General, in consultation with the Secretary of Transportation,''.

On page 20, beginning in line 14, strike ''Secretary'' and insert ''Attorney General''.

On page 21, beginning in line 3, strike ''Secretary and''.

On page 21, line 12, strike ''Administrator'' and insert ''Attorney General''.

On page 21, line 19, strike ''Administrator'' and insert ''Attorney General''.

On page 21, line 23, strike ''Administrator'' and insert ''Attorney General or the Secretary of Transportation''.

On page 22, line 4, strike ''Administrator'' and insert ''Attorney General''.

On page 22, beginning in line 7, strike ''Secretary of Transportation'' and insert ''Attorney General''.

On page 22, line 9, strike ''the Attorney General or''.

On page 22, strike lines 13 through 22.

On page 22, line 23, strike ''(c) TRANSITION.—The Secretary of Transportation'' and insert ''(b) TRANSITION.—The Attorney General''.

On page 23, line 3, strike ''Secretary'' and insert ''Attorney General''.

On page 23, line 6, strike ''Secretary'' and insert ''Attorney General''.

On page 23, beginning in line 18, strike ''Secretary of Transportation, in consultation with the Attorney General,'' and insert ''Attorney General, in consultation with the Secretary of Transportation,''.

On page 23, line 23, strike ''Secretary'' and insert ''Attorney General''.

On page 24, line 20, strike ''Secretary'' and insert ''Attorney General''.

On page 24, beginning in line 21, strike ''Secretary'' and insert ''Attorney General''.

On page 25, line 3, strike ''Secretary'' and insert ''Attorney General''.

On page 25, line 11, strike ''Secretary'' and insert ''Attorney General''.

On page 25, beginning in line 14, strike ''Secretary'' and insert ''Attorney General''.

On page 26, line 3, strike ''Secretary'' and insert ''Attorney General''.

On page 26, line 15 strike, ''Secretary'' and insert ''Attorney General''.

On page 29, beginning in line 1, strike ''Secretary'' and insert ''Attorney General''.

On page 29, line 20, strike ''Secretary'' and insert ''Attorney General''.

On page 29, beginning in line 23, strike ''Secretary of Transportation'' and insert ''Attorney General''.

On page 29, beginning in line 25, strike ''the Attorney General, or''.

On page 30, line 6, strike ''Secretary'' and insert ''Attorney General''.

On page 30, line 14, strike ''Secretary'' and insert ''Attorney General''.

On page 30, beginning in line 21, strike ''Secretary'' and insert ''Attorney General''.

On page 31, beginning in line 5, strike ''Secretary of Transportation'' and insert ''Attorney General''.

On page 31, line 9, strike ''Secretary'' and insert ''Attorney General''.

On page 31, line 22, strike ''Secretary'' and insert ''Attorney General''.

On page 31, line 25, strike ''Secretary'' and insert ''Attorney General''.

On page 32, line 1, strike ''Secretary of Transportation'' and insert ''Attorney General''.

On page 32, beginning in line 4, strike ''Secretary'' and insert ''Attorney General''.

On page 32, line 7, strike ''Secretary'' and insert ''Attorney General''.

On page 32, line 11, strike ''Secretary of Transportation'' and insert ''Attorney General''.

On page 33, line 3, strike ''Secretary of Transportation'' and insert ''Attorney General''.

On page 33, beginning in line 5, strike ''Secretary'' and insert ''Attorney General''.

On page 33, line 9, strike ''Secretary'' and insert ''Attorney General''.

On page 33, line 13, strike ''Secretary'' and insert ''Attorney General''.

On page 33, line 16, strike ''Secretary'' and insert ''Attorney General''.

On page 33, line 19, strike ''Secretary'' and insert ''Attorney General''.

On page 33, line 22, strike ''Secretary'' and insert ''Attorney General''.

On page 34, line 15, strike ''Transportation'' and insert ''Justice''.

On page 34, line 17, strike ''Secretary'' and insert ''Attorney General''.

On page 34, line 21, strike ''Secretary'' and insert ''Attorney General''.

On page 34, line 22, strike ''Secretary'' and insert ''Attorney General''.

On page 35, line 4, insert ''(a) IN GENERAL.—'' before ''Section''.

On page 35, between lines 19 and 20, insert the following:

(b) COORDINATION WITH ATTORNEY GENERAL.—Section 44912(b) of title 49, United States Code, is amended by adding at the end the following:

''(3) Beginning on the date of enactment of the Aviation Security Act, the Administrator shall conduct all research related to screening technology and procedures in conjunction with the Attorney General.''.

Mr. BURNS. Madam President, Senator DEWINE of Ohio and Senator MCCONNELL of Kentucky are cosponsors of this amendment. It has been a subject of conversation for the last week. The events of September 11 changed a lot of things—where we place emphasis and how we do business in this town. We are changing who is directly responsible and directly accountable for airport security.

When I first looked at the legislation as it was being drafted, there was one glaring fault. That was that the enforcement of security and safety of America's traveling air passengers was still in the Department of Transportation. I have believed since September 11 that something had to be changed. In other words, we had to do something that would give the flying public a sense of security and safety and the rules would be made outside of the Department of Transportation. I believe it should be in the Department of Justice.

If you look at what we have to do and the areas in which we have to do it, the argument that the chairman of the full committee made, which is when you take those areas of intelligence and passengers lists, which we are going to have to scrutinize a little bit better and more in the future than we have in the past, when we take a look at the outside of the airport or the peripherals and the security of the airport security itself, when you look at security in the check-in area and also the area known as the departure gate, then we shift our emphasis to cargo, that which is shipped on regularly scheduled flights and also among the people who are in the air freight business, also the area in which we park our aircraft overnight or aircraft that has been parked for some length of time, and the aircraft itself—those are distinct areas where we have responsibilities for security and safety—no other agency in the Government is better equipped to do the job in all those areas than the Department of Justice.

So what my amendment says is that we give a bright line of authority to the Attorney General, who is accountable and responsible for the security and safety of air traffic. That does not say that the Department of Transportation, or even the FAA, doesn't have a little say about what goes on in their business. They should be able to set some of the rules and make sure aircraft are certified to fly and pilots are certified to fly, and those things. But on the security end of it, America is telling me they want law enforcement powers just for the sense of security when they travel.

I have often used this analogy with folks who like football and those folks who like baseball and basketball: they are great sports, but you never see the teams refereeing or umpiring themselves. It has to be done by an entity that understands the rules or the mission of safety, and security. So that is where we are.

That is what this amendment is all about. It allows a setting of standards. It allows the checking of employees, if they work in sensitive areas, such as bag handling, and they are near the aircraft. Those employees are going to have to stand the scrutiny of the Justice Department in order to get a job on the ramp, so to speak.

When I came out of the Marine Corps, I worked for the airlines for about 3 years. I understand what goes on out there. They are not doing many things differently today than they did 35 or 40 years ago. They have better equipment. They don't have to lift as much as we used to in the old days, but there is more security.

What this amendment does is it says the Department of Justice, the Attorney General of the United States of America, will be responsible for setting up the apparatus through the Justice Department to make sure that our areas are secure and people are safe when they fly.

So I offer this amendment. I ask for your support as we move forward. I think we have worked out just about all of the kinks. We have people who want to make statements. I say to my ranking member and my boss on the Commerce Committee that they want to speak a little bit on this amendment. Then I will turn it over to him.

I yield the floor.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I say to my friend from Montana, who I have had the privilege of working with for many years on the Commerce Committee, I think this is a good amendment. One of the reasons I think it is a good amendment is because we are trying to address a major issue with this legislation, and that is to restore confidence on the part of the American people in the belief that they can fly on airliners and be in airports with a sense of security.

I think the Senator's amendment, by putting these responsibilities into the Department of Justice, will increase that confidence factor rather dramatically. I don't think right now that most Americans know who is in charge of the airport screening procedures. I have often asked that question myself. I don't think Americans believe that one agency that is in charge has done a very good job, whoever is responsible for it. We see continued breaches of airport security—even after September 11. So I think the amendment of the Senator from Montana is a good one. I think it will move the process in the direction we are seeking for this legislation.

I thank Senator BURNS for his active participation and involvement in this issue. I know Mr. MCCONNELL, the Senator from Kentucky, wants to speak on this amendment as well. If the chairman wants to speak, perhaps we can wait a few minutes for Senator MCCONNELL after he finishes.

I yield the floor.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Arizona has pointed out the main concern that we have, and that is that airline travelers have complete confidence in the security, safety, and normalcy of our airlines—as we are all pleading with the people of the country to get back to normal travel. The best way to do that is to have law enforcement immediately connected to personnel in and around the facility, and out on the tarmac, that they are all aware of security threats—specifically, to be on the lookout for people on a watch list.

The overall security effort would be developed, no question, by the FBI domestic homefront security office. They are the ones that would have immediate knowledge of anyone on a watch list, communicating immediately, of course, with their screeners and others working in the airport and its facility.

I think it is a well-considered measure. The Senator from Montana recommended this when we approached this subject 3 or 4 weeks ago. We talked back and forth. We are trying to get things done. In order to get things done, sometimes your own personal choice is subjugated to the good of the body generally. The good of the body and the White House, for that matter, was to put responsibility for airport security under the Department of Transportation's purview.

But there is no question, as the Senator from Arizona says, this amendment would facilitate the enactment and passage of this legislation. I support it.

Mr. BURNS. Mr. President, the bill we are discussing today would help to ensure the safety of flying for passengers on the planes as well as innocent civilians on the ground.

However, I am concerned that the bill will broadly expand the law enforcement authority of the Department of Transportation and the Federal Aviation Administration. I believe we should let experienced law enforcers set the standards to protect the safety of commercial air operations.

The mission of the DOT is to:

> serve the United States by ensuring a fast, safe, efficient, accessible and convenient transportation system that meets our vital national interests and enhances the quality of life of the American people, today and into the future.

The mission of the U.S. Marshall Service under the oversight of the Attorney General is to:

> enforce federal laws and provide support to virtually all elements of the federal justice system by providing for the security of federal court facilities and the safety of judges and other court personnel; apprehending criminals; exercising custody of federal prisoners and providing for their security and transportation to correctional facilities; executing federal court orders; seizing assets gained by illegal means and providing for the custody, management and disposal of forfeited assets; assuring the safety of endangered government witnesses and their families; and collecting and disbursing funds.

The key phrase is to ''enforce Federal laws.'' The Justice Department is a law enforcement body. That agency is tasked to protect the American people through the enforcement of laws set by Congress.

Prior to 9/11, the primary responsibility for aviation security was shared by the FAA, airports and the carriers.

The FAA set the standards and regulations that were followed by the airports and carriers. The FAA was responsible to provide threat information obtained from the intelligence community to the security apparatus protecting our airports and carriers.

The Air Marshall program, although active, was relatively non-existent as there were fewer than 50 security personnel enlisted to secure our passenger airplanes.

Airports remain responsible for the physical security of airport facilities, law enforcement and security personnel. In Montana, our Governor has temporarily deployed the Montana National Guard to protect our airports while a threat remains significant. I have discussed airport security with Montana's airport managers and they have informed me of their current practices.

Airlines and cargo carriers are responsible for implementing those security activities that directly affect the flow of passengers, baggage and cargo aboard aircraft.

Since 9/11 we have entered a new era. The last hijacking of a U.S. airline using a weapon was in 1989, when a passenger used a starter pistol and two folding knives to hijack an American Airlines plane.

Prior to that, a Pacific Southwest Airline jet crashed in 1987 after a former ticket agent for the airline smuggled a gun aboard and broke into the cockpit, killing the flight crew. All 43 people aboard were killed.

But is was the bombing of Pan Am flight 103 on Dec. 21, 1988 over Lockerbie, Scotland that turned the attention of security officials from guns to bombs, which can be relatively small and made of plastic.

While we have upgraded our equipment to detect bombs, we have not addressed concerns about uniform standards used to detect potential human threats in a plane.

At airport security checkpoints, walk-through metal detectors currently screen passengers. If the detector alarms, screeners use metal-detecting hand wands. Nonmetallic objects, including plastic and ceramic weapons, will generally not be found by either procedure.

At the same checkpoints, carry-on bags are screened by equipment that displays an x-ray image of bag contents. An operator who sees a suspicious object in the image, or whose view is blocked by a concealing object, may hand search a bag as a backup procedure. Nonmetallic objects may be visible in the checkpoint x-ray image, but less clearly than metal items, and operator training has, up to now, been focused on identifying metal items.

The checkpoint screeners who work for these private security companies have rapid turnover, more than 100 percent per year at many airports. The pay is low and is largely attributed to this high rate of turnover.

Until directed otherwise by the Secretary of Transportation on September 12, 2001, many small knives, such as pocketknives, were permitted on board aircraft, even if detected by security personnel.

I have concerns about unsecured access to the plane. There were several reports about finding box cutters and other potential weapons on planes that had landed on 9/11/01. These findings could lead one to believe there were other planned attacks during that fateful day.

Prior to 9/11, several people had access to an aircraft and could, perhaps, leave a weapon in a hidden location for use by someone else. These people include the flight crew, maintenance personnel, cleaners, caterers, and baggage handlers.

The DOT Inspector General reported his office was able to gain unauthorized access to secure areas of airports 68% of the time in tests during 1998 and 1999 and has found in audits that background checks of airport personnel are ineffective and are frequently not conducted as required.

I encourage my colleagues to support this amendment. We need to establish a national standard that protects American citizens. I believe the Justice Department is the proper authority to set that standard.

I thank the chairman, and I yield the floor.

AMENDMENT NO. 1855, WITHDRAWN

Mr. REID. Mr. President, I ask unanimous consent, on behalf of Senator DASCHLE, that the Carnahan amendment be withdrawn.

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

The Senator from Ohio is recognized.

AMENDMENT NO. 1875

Mr. DEWINE. Mr. President, I rise to support the Burns amendment. First, I congratulate my colleague for his work on this amendment. He has been very diligent in explaining in meeting after meeting off the floor of the Senate for the last week or 10 days why his amendment should pass. I congratulate him on his amendment. I congratulate him on his diligence and his perception of what we should be doing.

This is a simple amendment, one that I believe makes a very big statement. The statement says we believe our Justice Department is best suited to manage particular aspects of security at

our airports. The reality is we need accountability. We need to know there is an agency in charge that knows how to manage security. That agency, I believe, is the Justice Department of the United States.

I say that because the Justice Department is in the business of law enforcement, and it is in the business of security in the Marshal Service. Protecting our airports and protecting the traveling public is a law enforcement and a security function. It is a function, I believe, best handled by the Department of Justice.

The fact is, those in charge of law enforcement have a different way of looking at things. I first understood that when I became an assistant county prosecuting attorney at the age of 25. I could not believe how the police officers in Xenia, OH, or the sheriff's office in Fairborn, OH, saw things differently than I saw them.

They saw things through the eyes of a trained officer. They saw things from the law enforcement point of view. They saw things from a security point of view. We would go to crime scenes, and they would explain what they saw. We would look at situations where we were worried about security, and they would see things that I would never see.

It is not just training. It is not just experience. It also is a culture. I guess we use the word ''culture'' when we do not know another word to explain it, but it is a fundamental way of approaching things.

I believe it makes eminent sense to take an agency that is concerned every single day about the security of Americans—that is what they get paid to do—and say we are going to put you in charge of the flying public's security while they are on the ground. We are going to leave it up to the FAA, the experts, about how to fly, when those planes fly, when they do not fly, and things that go on in the air. But when we are talking about ground security, we are going to leave that up to other experts, and those experts are in the Justice Department.

We have an example of how this is done. Justice really does two things: They do law enforcement, but they also do security. The Marshal Service does security every single day. They break it down. They make a distinction between the sworn officers and the contract employees. Later on in this debate, before final passage, I am going to have a little more to say about that.

When you go in, for example, to a Federal courthouse, or when you go into a Federal building, it is the U.S. Marshal Service that is in charge of that security. So there is precedent for doing this. There is an experience level that exists in the Justice Department.

I do not want to take a lot of the time of my colleagues, but I again congratulate my colleague, Senator BURNS, for this idea. I think it is the right idea. It basically says the whole issue of security on the ground—not just the checking of the baggage, not just the checking of the passengers, but the whole view and concept of what should be done in regard to each individual airport in this country—should be in the hands of the experts. And I believe those experts are in the Justice Department.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask unanimous consent to set aside the pending amendment in order to address some amendments that have been agreed to on both sides.

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

AMENDMENT NO. 1876

Mr. MCCAIN. Mr. President, on behalf of Senator DOMENICI, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. DOMENICI, proposes an amendment numbered 1876.

Mr. MCCAIN. 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 further enhance research and development regarding aviation security)

At the appropriate place, insert the following:

( ) ADDITIONAL MATTERS REGARDING RESEARCH AND DEVELOPMENT.—

(1) ADDITIONAL PROGRAM REQUIREMENTS.—Subsection (a) of section 44912 of title 49, United States Code, is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

''(4)(A) In carrying out the program established under this subsection, the Administrator shall designate an individual to be responsible for engineering, research, and development with respect to security technology under the program.

''(B) The individual designated under subparagraph (A) shall use appropriate systems engineering and risk management models in making decisions regarding the allocation of funds for engineering, research, and development with respect to security technology under the program.

''(C) The individual designated under subparagraph (A) shall, on an annual basis, submit to the Research, Engineering and Development Advisory Committee a report on activities under this paragraph during the preceding year. Each report shall include, for the year covered by such report, information on—

''(i) progress made in engineering, research, and development with respect to security technology;

''(ii) the allocation of funds for engineering, research, and development with respect to security technology; and

''(iii) engineering, research, and development with respect to any technologies drawn from other agencies, including the rationale for engineering, research, and development with respect to such technologies.''.

(2) REVIEW OF THREATS.—Subsection (b)(1) of that section is amended—

(A) by redesignating subparagraphs (A) through (F) as subparagraphs (B) through (G), respectively; and

(B) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

''(A) a comprehensive systems analysis (employing vulnerability analysis, threat attribute definition, and technology roadmaps) of the civil aviation system, including—

''(i) the destruction, commandeering, or diversion of civil aircraft or the use of civil aircraft as a weapon; and

''(ii) the disruption of civil aviation service, including by cyber attack;''.

(3) SCIENTIFIC ADVISORY PANEL.—Subsection (c) of that section is amended to read as follows:

''(c) SCIENTIFIC ADVISORY PANEL.—(1) The Administrator shall establish a scientific advisory panel, as a subcommittee of the Research, Engineering, and Development Advisory Committee, to review, comment on, advise the progress of, and recommend modifications in, the program established under subsection (a) of this section, including the need for long-range research programs to detect and prevent catastrophic damage to commercial aircraft, commercial aviation facilities, commercial aviation personnel and passengers, and other components of the commercial aviation system by the next generation of terrorist weapons.

''(2)(A) The advisory panel shall consist of individuals who have scientific and technical expertise in—

''(i) the development and testing of effective explosive detection systems;

''(ii) aircraft structure and experimentation to decide on the type and minimum weights of explosives that an effective explosive detection technology must be capable of detecting;

''(iii) technologies involved in minimizing airframe damage to aircraft from explosives; and

''(iv) other scientific and technical areas the Administrator considers appropriate.

''(B) In appointing individuals to the advisory panel, the Administrator should consider individuals from academia and the national laboratories, as appropriate.

''(3) The Administrator shall organize the advisory panel into teams capable of undertaking the review of policies and technologies upon request.

''(4) Not later than 90 days after the date of the enactment of the Aviation Security Act, and every two years thereafter, the Administrator shall review the composition of the advisory panel in order to ensure that the expertise of the individuals on the panel is suited to the current and anticipated duties of the panel.''.

Mr. MCCAIN. Mr. President, for the information of my colleagues, this amendment provides for the appointment of an advisory board which would make recommendations concerning the best way to ensure the best technology is available to increase security, especially at airports, but also at other vital installations around the country. It is a good amendment. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1876) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1877

Mr. McCAIN. Mr. President, on behalf of the Senator from Georgia, Mr. CLELAND, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for Mr. CLELAND, proposes an amendment numbered 1877.

Mr. McCAIN. 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 expand the registration requirements with respect to airmen)

At the appropriate place, insert the following:

SEC. ___. AMENDMENTS TO AIRMEN REGISTRY AUTHORITY.

Section 44703(g) of title 49, United States Code, is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking ''pilots'' and inserting ''airmen''; and

(B) by striking the period and inserting ''and related to combating acts of terrorism.''; and

(2) by adding at the end, the following new paragraphs:

''(3) For purposes of this section, the term 'acts of terrorism' means an activity that involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State, and appears to be intended to intimidate or coerce a civilian population, to influence the policy of a government by intimidation or coercion or to affect the conduct of a government by assassination or kidnaping.

''(4) The Administrator is authorized and directed to work with State and local authorities, and other Federal agencies, to assist in the identification of individuals applying for or holding airmen certificates.''.

Mr. McCAIN. Mr. President, this amendment by the Senator from Georgia has been agreed to on both sides. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1877) was agreed to.

Mr. McCAIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. REID. Will the Senator from Arizona yield for a very brief statement?

Mr. McCAIN. It will be my pleasure.

Mr. REID. Mr. President, I withdrew the Carnahan amendment. One reason it was withdrawn is because of the statements made by the Senator from Arizona that on the next vehicle moving through here, we can look to help the employees we are trying to help, and he said he would help us. He has been very good on this legislation, and his statements regarding these displaced workers and people who need help so badly is very much appreciated.

Mr. McCAIN. I thank the Senator from Nevada. We are in the process of continuing negotiations. I think we are very close to an agreement between myself and the principals.

AMENDMENT NO. 1878

Mr. McCAIN. Mr. President, on behalf of Senator THOMPSON, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for Mr. THOMPSON, proposes an amendment numbered 1878.

Mr. McCAIN. 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 amend the Aviation Security Act to ensure that those responsible for security meet performance standards, and for other purposes)

Insert at the appropriate place the following:

SEC. . RESULTS-BASED MANAGEMENT.

(a) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end of the following:

§ Performance Goals and Objectives

(a) SHORT TERM TRANSITION.—

(1) IN GENERAL.—Within 60 days of enactment, the Deputy Secretary for Transportation Security shall, in consultation with Congress—

(A) establish acceptable levels of performance for aviation security, including screening operations and access control, and

(B) provide Congress with an action plan, containing measurable goals and milestones, that outlines how those levels of performance will be achieved.

(2) BASICS OF ACTION PLAN.—The action plan shall clarify the responsibilities of the Department of Transportation, the Federal Aviation Administration and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

(b) LONG-TERM RESULTS-BASED MANAGEMENT.—

(1) PERFORMANCE PLAN AND REPORT.—

(A) PERFORMANCE PLAN.—

(i) Each year, consistent with the requirements of the Government Performance and Results Act of 1993 (GPRA), the Secretary and the Deputy Secretary for Transportation Security shall agree on a performance plan for the succeeding 5 years that establishes measurable goals and objectives for aviation security. The plan shall identify action steps necessary to achieve such goals.

(ii) In addition to meeting the requirements of GPRA, the performance plan shall clarify the responsibilities of the Secretary, the Deputy Secretary for Transportation Security and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

(iii) The performance plan shall be available to the public. The Deputy Secretary for Transportation Security may prepare a nonpublic appendix covering performance goals and indicators that, if revealed to the public, would likely impede achievement of those goals and indicators.

(B) PERFORMANCE REPORT.—

(i) Each year, consistent with the requirements of GPRA, the Deputy Secretary for Transportation Security shall prepare and submit to Congress an annual report including an evaluation of the extent goals and objectives were met. The report shall include the results achieved during the year relative to the goals established in the performance plan.

(ii) The performance report shall be available to the public. The Deputy Secretary for Transportation Security may prepare a nonpublic appendix covering performance goals and indicators that, if revealed to the public, would likely impede achievement of those goals and indicators.

§ Performance Management System.

(a) ESTABLISHING A FAIR AND EQUITABLE SYSTEM FOR MEASURING STAFF PERFORMANCE.—The Deputy Secretary for Transportation Security shall establish a performance management system which strengthens the organization's effectiveness by providing for the establishment of goals and objectives for managers, employees, and organizational performance consistent with the performance plan.

(b) ESTABLISHING MANAGEMENT ACCOUNTABILITY FOR MEETING PERFORMANCE GOALS.—

(i) Each year, the Secretary and Deputy Secretary for Transportation Security shall enter into an annual performance agreement that shall set forth organizational and individual performance goals for the Deputy Secretary.

(ii) Each year, the Deputy Secretary for Transportation Security and each senior manager who reports to the Deputy Secretary for Transportation Security shall enter into an annual performance agreement that sets forth organization and individual goals for those managers. All other employees hired under the authority of the Deputy Secretary for Transportation Security shall enter into an annual performance agreement that sets forth organization and individual goals for those employees.

(c) COMPENSATION FOR THE DEPUTY SECRETARY FOR TRANSPORTATION SECURITY.—

(i) IN GENERAL.—The Deputy Secretary for Transportation Security is authorized to be paid at an annual rate of pay payable to level II of the Executive Schedule.

(ii) BONUSES OR OTHER INCENTIVES.—In addition, the Deputy Secretary for Transportation Security may receive bonuses or other incentives, based upon the Secretary's evaluation of the Deputy Secretary's performance in relation to the goals set forth in the agreement. Total compensation cannot exceed the Secretary's salary.

(d) COMPENSATION FOR MANAGERS AND OTHER EMPLOYEES.—

(i) IN GENERAL.—A senior manager reporting directly to the Deputy Secretary for Transportation Security may be paid at an annual rate of basic pay of not more than the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code.

(ii) BONUSES OR OTHER INCENTIVES.—In addition, senior managers can receive bonuses or other incentives based on the Deputy Secretary for Transportation Security's evaluation of their performance in relation to goals in agreements. Total compensation cannot exceed 125 percent of the maximum rate of base pay for the Senior Executive Service. Further, the Deputy Secretary for Transportation Security shall establish, within the performance management system, a program allowing for the payment of bonuses or other incentives to other managers and employees. Such a program shall provide for bonuses or other incentives based on their performance.

(e) PERFORMANCE-BASED SERVICE CONTRACTING.—To the extent contracts, if any, are used to implement this act, the Deputy Secretary for Transportation Security shall, to the extent practical, maximize the use of performance-based service contracts. These contracts should be consistent with guidelines published by the Office of Federal Procurement Policy.

Mr. THOMPSON. Mr. President. The attacks of September 11 demonstrated that we had not done all we could to prevent or mitigate them. But even these events weren't necessary to show us that. We have known for some time that airport security was less than acceptable, and we all agree that the system used to screen airline passengers and baggage needs to be overhauled. However, in the rush to fix the problem by ''federalizing'' the security workforce, I am concerned that not enough attention is being given to a critical flaw in existing security operations, that is, the failure to set and insist on performance standards. It doesn't matter who does this work, if we continue to fail to hold those responsible for security, from top to bottom, accountable. In the past, some fines were levied, but no one was held accountable for improvement.

Passenger and baggage screeners and their employers, whether civil servants or contractors, must be required to meet performance standards, and then must be subject to meaningful sanctions if those standards are not met. This has not occurred in the past. The General Accounting Office has issued several reports that document the Federal Aviation Administration's failure to hold airlines accountable for the declining performance of their baggage screeners over the last decade. Note that I said detection rates have declined virtually every year over the last decade.

It's important to note that we have been trying to implement performance-based management in the Federal Government for some time. Since 1994, agencies of the Federal Government have been required to set goals for what they do and report to Congress and the American people on whether agencies are meeting those goals. Oddly, the Department of Transportation has been a leader in setting goals. It's just that in the area of aviation security, they haven't been meeting them.

In 1997, we asked the Department of Transportation Inspector General to identify the Department's worst management challenges. Since that time, the Inspector General has routinely identified aviation security as the Department's greatest management challenge. And since 1999, I've been asking the Department of Transportation to set goals to address and improve aviation security. The Department did set a goal for the rate at which screeners detect dangerous objects, and it reported as recently as April of this year that it failed to meet its goal.

Let me read to you from the Department of Transportation's Performance Report, which it issued this spring:

DOT did not meet this year's performance target [for aviation security, which specifically measures the detection rate for explosives and weapons that may be brought aboard aircraft.] The technology is functioning well and provides superior security protection, but screener performance has not improved enough.

The report states further: FAA may face a greater challenge than expected to meet the FY 2001 performance targets in some areas of screening.

Like so many things in Washington, we have known this was a problem for some time. Detection rates at the Nation's airports have been declining steadily since 1993. But clearly, we weren't holding those responsible for aviation security accountable for their performance. So, I have to ask, what assurances do we have that the Department of Transportation will hold new screeners, under this bill, more accountable?

Lax enforcement of standards inevitably leads to lax security, regardless of who hires those screeners. This amendment will ensure that results-oriented management is a key component of whatever changes are made to our airport security system. We can not afford more business as usual. We have to insist that the traveling public is safe from those who would perpetrate evil deeds like those of September 11.

First, my amendment requires the Federal Government to set and enforce goals for aviation security. It requires the head of aviation security, within 60 days of enactment, to establish acceptable levels of performance and provide Congress with an action plan to achieve that performance. Over the long-term, the head of aviation security must establish a process for performance planning and reporting that informs Congress and the American people about how the Government is meeting its goals. By creating this process, we will be constantly assessing the threats we face and ensuring that we have the means to measure our progress in preparing for those threats. This is a new, detailed method for ensuring that performance management is in place specifically in the Government's aviation security programs.

I firmly believe that good people, well managed, can substantially improve our aviation security. So this amendment gives those responsible for aviation security enhanced tools to regain the confidence of America's flying public. We employ a good mix of carrots and sticks to drive performance. For instance: This amendment establishes an annual staff performance management system that includes setting individual, group, and organizational performance goals consistent with an annual performance plan. Managers and employees would be eligible for bonuses for good performance. The amendment allows management to hold employees, whether public, private, or a mix thereof, accountable for meeting their performance standards.

This approach is not new. Agencies like IRS, the Patent and Trademark Office, and the Office of Student and Financial Assistance, have performance-based management systems. But this will be the first time that performance-based management has been used to better government performance at every level of a government agency.

I've been trying for many years to get agencies to set goals and strive to meet them. It seems so commonsensical, but for so many years, the Federal Government did not do that. And we in the Congress, admittedly, have not really held agencies' feet to the fire as far as performance goes.

There has never been, in my opinion, a clearer example of good goals, but poor performance, as in the area of aviation security. This amendment will restore confidence in air travel. With my amendment, we will say, if you are not meeting your goals, whether it be detecting dangerous objects that people try to get on planes or preventing access to secure areas of an airport or airplane, you can be held accountable. And those who meet their goals can be rewarded.

This amendment makes sense. I hope we can assure the American people that we are doing all we can, remaining vigilant, by strictly enforcing standards for the safety and security of the Nation's airports and airplanes. I urge the adoption of this simple, but critical, performance-based amendment.

Mr. MCCAIN. Mr. President, this is an important amendment. It deserves a couple minutes of explanation.

One of the difficulties we have had in the past is we passed legislation and authorized certain activities, and then we forgot about them as a Congress. We do not pay enough attention to the performance of the bureaucracies that we either create or designate to carry out certain programs.

Senator THOMPSON's amendment is basically results-based management. It is going to require reporting. It is going to require performance reports. It is going to require performance plans. It is going to establish a system for measuring staff performance, management accountability for meeting

performance goals, compensation, the Deputy Secretary for Transportation Security, et cetera.

It is comprehensive performance-based management and results-based management. I believe it is an important amendment in making sure this legislation is accountable to the American people as well as the Congress. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1878) was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1879

(Purpose: To require expanded utilization of current security technologies, establish short-term assessment and deployment of emergency security technologies, and for other purposes)

Mr. MCCAIN. Mr. President, finally, on behalf of Senator LIEBERMAN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. LIEBERMAN, for himself, and Mr. DURBIN, proposes an amendment numbered 1879.

Mr. MCCAIN. 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 text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. LIEBERMAN. Mr. President, I am pleased to join with Senator DURBIN to offer an amendment to S. 1447, the Aviation Security Act, to improve airport and aircraft safety through heightened screening of passengers, carry-on luggage, checked baggage, and those entering secure areas of airports. The overriding purpose of my amendment is to put our superior technological knowledge to better, more accurate, more widespread, and, therefore, more effective use.

In the wake of the horrific attacks of September 11, the Nation's confidence in the safety of our skies has been deeply shaken. Apart from the thousands of lives lost, public trust in airport security has suffered a severe blow, which in turn has had a devastating impact on the fortunes of the airline sector as well as the general economy. Three weeks ago, Congress approved a $15 billion bailout plan for the airline industry, which we all hope will keep the nation's carriers financially and operationally viable for at least the immediate future. Ultimately, however, the long-term recovery of air commerce will require nothing less than developing ironclad confidence in the safety of our airports and air carriers. My amendment and the bill now under discussion are first steps toward achieving that goal.

On September 25, the Governmental Affairs Committee, which I chair, held a joint hearing with the Subcommittee on Oversight of Government Management, chaired by Senator DURBIN, to explore the adequacy of airline and airport screening. Witnesses from the airline industry, the aviation security industry, major airports, the Federal Aviation Administration, the Department of Transportation Inspector General's Office, and the General Accounting Office provided sobering testimony on shortcomings in our current airport security system. The amendment I am offering today is derived in large part from the expert advice and recommendations the Committee received at the hearing.

The amendment has three general aims: First, to expand the use of current security technologies and procedures; second, to improve upon and upgrade those existing technologies and procedures; and, third, to fund development of newer, better, and more cost-effective technologies and procedures.

The very first step that must be taken in order to accomplish these ends must be to ensure that those working in and around airports are beyond reproach, because the best technologies and procedures are, frankly, useless if the people employing them cannot be trusted. My amendment, therefore, would require completion of intensive background checks on all airport personnel who have access to secure areas at commercial airports. This includes FBI criminal checks for all workers, not just for new hires but for current employees as well.

Next, the amendment would require the Federal Aviation Administration to expand the use of bulk explosive detection technology already being deployed at most major airports. We would require the technology to be used more precisely, more cost effectively, and more often than is currently the case. To ensure that every link in the chain of security is strong, the FAA would also be asked to establish goals for the purchase of additional detection machines for certain mid-sized airports.

Carriers would be required to increase the number of checked bags that are positively matched with a boarded passenger, until airports are scanning 100 percent of checked baggage with explosive detection technology. The purpose here is to prevent a situation in which a terrorist loads explosives onto a plane in his baggage, without actually boarding the plane himself.

The measure would require carriers to build upon the Computer-Assisted Passenger Pre-Screening System, (CAPPS), which now uses a range of criteria to identify passengers who may present a threat. The way it works now, baggage checked by selected passengers is subjected to scanning for possible explosives. Under this amendment I am offering, passengers identified under this system would be subject to additional security checks of their persons and their carry-on luggage, whether or not they had checked baggage.

Additionally, to improve and upgrade existing procedures, the amendment focuses on the ease with which people may obtain unauthorized access to restricted areas within airports. This is a widespread and potentially lethal problem that can be easily remedied. In 1998 and 1999, undercover investigators working for the Department of Transportation Inspector General's office were able to access secure areas in airports a whopping 68 percent of the time. Once the investigators entered the secure areas, they were able to board aircraft in 117 cases, an astonishing number.

The amendment calls on the Department of Transportation to recommend ways to prevent unauthorized access to restricted areas—for example, by employing so-called biometrics systems, systems that employ retinal, facial, and hand identification technologies or similar scanning methods, that are currently in use at several U.S. airports; or by increasing surveillance at access points; upgrading card- or keypad-based access systems; improving airport emergency exit systems; and eliminating the practice commonly referred to as ''piggy-backing,'' where an unauthorized person follows an authorized person through a security access point.

Further, the amendment calls for better coordinating the distribution of information about passengers on law enforcement ''watch lists.'' And, it requests a review of options for improving the positive identification of passengers, through biometrics and smart cards.

Finally, the amendment would set aside $50 million for researching and developing new technologies to improve aviation safety in the future; and, $20 million for research and development of longer-term security improvements, including further advances in biometrics, advanced weapons detection, and improved systems for the sharing of information among law enforcement entities.

I believe that these provisions together represent a substantial improvement on the present state of passenger and baggage screening and other elements of the aviation security system. In conjunction with the larger changes contemplated in the underlying bill, I am confident that the measures I call for in this amendment will take us

along the path toward real and measurable safety and security for our airways. Like all Americans, I look forward to the day when each of us can once again enter an airport, and board an airplane, knowing that terror has been banished from our skies.

Mr. President, I urge my colleagues to support this amendment.

Mr. MCCAIN. Mr. President, on behalf of Senator LIEBERMAN, this amendment requires expanded utilization of current security technologies, establishes short-term assessment and deployment of emergency security technologies, and for other purposes.

This has been agreed to by both sides. I think it is a good amendment and, again, along with the amendment on the part of Senator THOMPSON, I think it would give an efficient reporting and accountability aspect to this amendment which was lacking in its original form.

I urge the adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1879) was agreed to.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 1880

Mr. HOLLINGS. Mr. President, on behalf of Senator MURRAY, Senator SHELBY, Senator BYRD, myself, and the managers, I send an amendment to the desk with respect to the language clarification subjecting, of course, the fees and amounts under this particular measure to the appropriations process. I think it is clear in the bill but we wanted to make it absolutely clear, and on behalf of Senator MURRAY, Senator BYRD, and Senator SHELBY, we are pleased to present the amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mrs. MURRAY, for herself, Mr. BYRD, and Mr. SHELBY, proposes an amendment numbered 1880.

Mr. HOLLINGS. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To clarify the user fee funding mechanism)

On page 43, line 19, add the words ''annual appropriations for'' after the word ''offset'';

On page 43, line 20, strike the sentence beginning with the word ''The'' and ending with the word ''expended.'' on line 23;

On page 43, at the end of line 25, insert the following new subsection:

(c) USER OF FEES.—A fee collected under this section shall be used solely for the costs associated with providing aviation security services and may be used only to the extent provided in advance in an appropriation law.

Mr. HOLLINGS. Mr. President, I urge adoption of the amendment.

Mr. MCCAIN. Mr. President, I ask for a voice vote on the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1880) was agreed to.

Mr. HOLLINGS. I move to reconsider.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1881

Mr. MCCAIN. Mr. President, on behalf of myself, I send a technical amendment to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1881.

The amendment is as follows:

(Purpose: To authorize the employment, suspension, and termination of airport passenger security screeners without regard to the provisions of title 5, United States Code, otherwise applicable to such employees)

On page 32, beginning with line 9, strike through line 2 on page 35 and insert the following:

(d) SCREENER PERSONNEL.—Notwithstanding any other provision of law, the Secretary of Transportation may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment of such a number of individuals as the Secretary determines to be necessary to carry out the passenger security screening functions of the Secretary under section 44901 of title 49, United States Code.

(e) STRIKES PROHIBITED.—An individual employed as a security screener under section 44901 of title 49, United States Code, is prohibited from participating in a strike or asserting the right to strike pursuant to section 7311(3) or 7116(b)(7) of title 5, United States Code.

Mr. MCCAIN. Mr. President, this amendment has to do with the management of the programs and the terms of employment. It has been discussed by both sides. I ask for its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1881) was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1875

Mr. MCCAIN. Mr. President, I understand the Senator from Kentucky, Mr. MCCONNELL, is on his way over to speak on the pending amendment. I ask that we return to the pending amendment.

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. MCCAIN. 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. MCCAIN. Mr. President, I announce on behalf of Senator HOLLINGS and myself we are now down to just a couple or three amendments. If there are Senators who have amendments, we would like for them to come to the Chamber and offer them because I think we are about ready to wrap up. I understand there may be at least two amendments on this side but we would like to get them considered and disposed of.

It would be very helpful if we could move from this legislation to the antiterrorism legislation.

Mr. REID. Will the Senator yield?

Mr. MCCAIN. I am glad to yield.

Mr. REID. As I announced today on behalf of Senator DASCHLE, there are some really important things to do. This bill is extremely important. The two managers of this bill have been talking about its importance for 1 week. It seems at least people with amendments could come and offer them. If they do not, the majority leader and the minority leader are going to move from this legislation, finish it, because we have waiting in the wings the very important antiterrorism legislation which the Attorney General and the President of the United States and all of us think is vitally important. So people do not have the luxury of finishing their appointments or whatever else they are doing. The business of the Senate is proceeding and we are going to move to third reading.

Mr. MCCAIN. I thank the Senator from Nevada. If it is agreeable, in about 20 minutes—it is now 25 after 3—we will move that no further amendments be considered. That gives Senators 20 minutes to come over and propose their amendments.

Mr. HOLLINGS. Very good.

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

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

AMENDMENT NO. 1875

Mr. MCCONNELL. Mr. President, it is my understanding the amendment of my good friend from Montana, Senator BURNS, has been agreed to on both sides. It is that amendment to which I want to speak for a few moments prior to its adoption.

Immediately after the terrorist attacks of September 11, airline security suddenly became a national law enforcement priority, shedding its former status as a routine administrative

function of the airlines. Once this occurred, it became imperative that we enlist the expertise of our Nation's top law enforcement agencies to prevent further attacks on America through our aviation system.

Three weeks ago, and before Senators HOLLINGS and MCCAIN introduced their first comprehensive airline security bill, I also introduced S. 1444, the Federal Air Marshal and Safe Sky Act. My bill had two important objectives that I felt strongly about. One, to make airport security a national priority by having Federal standards, Federal training, and Federal oversight of all airport security functions and, two, to make airport security a law enforcement responsibility in the hands of the Attorney General, our Nation's top law enforcement official.

Since I introduced my bill, which was cosponsored by Senators BROWNBACK, GREGG, THURMOND, and HELMS, we have worked closely with both the chairman and ranking member of the Commerce Committee, as well as Senator BURNS and Senator DEWINE, on these important issues. That is why I am proud to be a cosponsor of Senator BURNS' amendment, which would transfer airport screening and armed personnel to the Department of Justice and allow the Department of Justice to set standards of training for Federal air marshals.

For a comprehensive air marshal program to be most effective, we need to relieve the obligations of airport security from the FAA and the airlines, where the primary purpose is to facilitate the managed air travel, and entrust that responsibility to the Department of Justice, whose primary mission is to enforce Federal law and, most importantly, to safeguard and protect us from further acts of terrorism.

The Justice Department already has a model in place for Federal security. That model is our Federal courthouses which are currently secured by the U.S. marshals who employ court security officers, commonly referred to as CSOs, to provide security around the perimeter of the building, at each point of entry, and in the courtrooms themselves. These court security officers are themselves retired Federal, State, and local law enforcement personnel.

Part of the reason our courthouses enjoy such security today is that this unified system provides for layers of security far before when one enters the actual courtroom. Our democracy demands, in the interests of our national security, that we make sure our airports are every bit as secure as our courthouses.

Finally, I would add that it is important both substantively and symbolically for the American people to know that one of our nation's top law enforcement priorities will now be handled by our nation's top law enforcement agency.

Mr. President, I thank the Senator from Montana, Mr. BURNS, for his leadership and hard work on this amendment. I also thank the chairman and ranking member for their hard work on this important piece of legislation and express my enthusiastic support for the Burns amendment and indicate my pride in being added as a cosponsor. I enjoyed working with the Senator from Montana on this matter and am glad the amendment will be accepted. It is an outstanding amendment and will add substantially to the goal of ensuring we have airports that are as safe as possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. I thank my good friend, the Senator from Kentucky. I also thank him for his legislation issuing war bonds to pay for this operation, this antiterrorism effort, and to bring fugitives to justice and to fulfill this operation.

Since he introduced that legislation—and I was a cosponsor of it—I have been getting mail from all over the State of Montana wanting to know where to buy a war bond because they want to participate in the security of this country. Since September 11, we as a society have changed a lot of our priorities and agenda.

Mr. MCCONNELL. As Senator BURNS pointed out, this legislation has now passed the Senate and was added as an amendment to the Treasury-Postal appropriations bill. We are optimistic that the conferees will keep that amendment since it was not in the House version and it could be on the way, hopefully, for the President's signature downtown. We are optimistic that the Treasury Department will pick up this device which gives Americans a great opportunity.

One hears the question, What can I do? As the Senator from Montana pointed out, this is the answer to that.

Mr. BURNS. It was a great amendment. Americans want to participate. They want to do their share. Knowing we are in a crisis in this country, this is a way to help.

The operations we have going on are very expensive. This is a way we ask Americans to help us get the job done, help this President who has dedicated himself to getting this job done.

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. MCCAIN. 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. MCCAIN. I don't believe there is further debate on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1875) was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BURNS. I thank the leadership for their courtesy and their staffs who worked with my staff closely in passing this amendment. It does enhance the legislation. We hope what we have done gives a bright line of accountability. I appreciate the leadership of the chairman of the Commerce Committee, the ranking member, and their staffs.

Mr. HOLLINGS. I thank the Senator from Montana for his leadership and help in enhancing security with respect to airline travel.

Mr. BURNS. I yield the floor.

Mr. HOLLINGS. 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 PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I know the manager and the Senator MCCAIN are working very hard to resolve the final issues on this legislation. I take the floor again to say thank them for their hard work on this legislation. It has been a long, tortured trail to get this aviation security bill to the floor of the Senate; and, second, to begin to resolve all of the difficulties and hopefully get it passed as quickly as possible.

I mention one issue that will not hang up the bill for me. I will strongly support this bill because of the work they have done. The one issue I talked to both Senator HOLLINGS and Senator MCCAIN about is something that they have agreed to discuss in conference to see if we can make some adjustments.

Here is the situation with respect to the enplanement fee of $2.50. If you are flying in this country from one of the spokes in the system and fly from the spoke to a hub and to another hub—for example, from Bismark you go to Minneapolis, get on another plane, fly to Washington, DC, and then you fly back—you are going to pay four enplanement fees totaling $10.

The problem with respect to that enplanement fee is one in which if you start at a spoke in this system and fly to a hub and then to another hub, which many people do, they are going to always pay $10, because they will have taken four segments at $2.50 per segment.

Those who live in the big cities that fly to another major city will pay $5. If you are from a small airport and go to a hub and then another big city, which

most travelers do—I do for every trip to North Dakota; I fly from here to Minneapolis, and either from there to Minot, or Grand Forks, or Fargo—for every one of those tickets, my constituents will always pay four $2.50 enplanement fees. Someone who lives in Chicago or Minneapolis and flies to Washington, DC will always pay a $5 fee. They will pay a fee when they leave Chicago, then a fee when they leave Washington, DC because they do not have to change planes. They only have two segments, not four. We have a circumstance where the current fee will double for those who are on the spokes part of the hub in the spoke system. That is just not fair.

So I visited just in this Chamber today with Senator HOLLINGS and Senator MCCAIN and described that circumstance. They have agreed to take a look at that in conference. I understand we cannot modify that at this moment, but they have said, yes, they understand that circumstance, and they would be willing to take a look at that in conference. I appreciate that.

It is just a circumstance where, in one more situation, those at the end of the line, those in the smaller airports who have to fly to a hub and then change planes to go someplace are going to end up paying more. They already pay too much, in my judgment.

Those who have the satisfaction of flying between pairs of the largest cities in the country have the wonderful treat of being able to see multiple carriers competing around price for those seats; and they get a pretty good deal under deregulation. That has not been the case for a lot of other consumers.

When we add to the airline tickets some fee to recover the charge for aviation security, we must do it in a manner that is fair. I submit, as I have indicated to Senator HOLLINGS and Senator MCCAIN, it is not, in my judgment, good policy for us to say to all of those who live out on the end of a spoke in the hub-and-spoke system pay twice as much as those who live in the hub. That is not something that would make sense, not something that would be fair to a lot of folks around this country who fly from the smaller airports.

So let me again say, I wanted to call this to the attention of my colleagues today. I did today, with a discussion with Senator HOLLINGS and Senator MCCAIN. They have agreed to take a good look at that in conference. That is all I can ask at this point.

Let me conclude, as I started, by saying this bill has an urgency to it. It has been frustrating that it has taken so long to get to the floor, but it is here. I will take great satisfaction in the work that my colleague from South Carolina, Senator HOLLINGS, has done; my colleague from Arizona, Senator MCCAIN, has done; along with many others—Senator ROCKEFELLER, Senator HUTCHISON, myself, and so many others who worked on this bill in the Commerce Committee. Thanks to their good work, we will pass an aviation security bill now—I hope today—and get to conference, make the changes necessary, and get this bill to the President's desk.

This country needs this bill. The airline industry needs it. This economy needs it. It is much more than just this piece of legislation. It is about confidence. This economy and this country, and especially the airline industry at this point, desperately need that cushion of confidence that a number of steps, including this piece of legislation, will offer.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 1863

Mr. MURKOWSKI. Mr. President, I now offer the amendment that I spoke of earlier in the afternoon, which would allow pilots under Part 121—who are now required to retire at the age of 60—to continue to pilot commercial airlines until the age of 63.

It is my intention, at the end of my statement, to ask for the yeas and nays on the amendment. My understanding is that the floor managers are reviewing the amendment.

If procedure allows, I would like to speak on the amendment at this time.

The PRESIDING OFFICER. The Senator's amendment is currently pending.

Mr. MURKOWSKI. I am sorry; I did not hear the Presiding Officer.

The PRESIDING OFFICER. The Senator's amendment is currently pending.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, earlier today I spoke of an amendment that I planned to offer that would repeal the Federal Aviation Administration's rule which requires pilots who fly under Part 121 to retire at the age of 60. This is a mandatory retirement.

It is kind of interesting to note that foreign airlines—Lufthansa, and others—allow pilots to fly beyond age 60; in some cases 65, in some cases longer.

Under the amendment, pilots in excellent health—and I mean subject to not just the regular physical exams which they have to undergo now to fly under age 60—but, as a consequence of extending this to age 63, would be allowed to continue to pilot commercial airlines. It would allow the FAA to require those pilots to undergo additional medical and cognitive testing for certification as well as establish standards for crew pairings.

I live in Alaska. I fly a great deal. To suggest that suddenly, when an experienced pilot reaches age 60, he or she is no longer fit to fly, flies in the face of age discrimination certainly. It flies in the face of the value that an experienced pilot has.

Some might suggest that this is not germane to aviation safety. Well, if anything is germane to aviation safety, it is an experienced pilot. How do you get experience? You get experience in aviation by flying, you gain experience in what to do during mechanical difficulties, you gain experience in what to do during weather difficulties. It is experience, Mr. President. And it is germane to this legislation, which is airline safety.

I do not want to fly, necessarily, in adverse weather, under IFR conditions, in an unpressurized aircraft in my State of Alaska without an experienced pilot.

The former Speaker of the House of Representatives, Hale Boggs, and the Representative for the State of Alaska in the House of Representatives, Nick Begich, were flying in adverse weather in an unpressurized aircraft. It was the largest aerial search ever undertaken. They have never found any remains, any evidence of where the aircraft crashed.

My point is, experience counts. This particular amendment is germane. This particular amendment has had a hearing in the Commerce Committee. The protections that we provide, by requiring commercial airline pilots to undergo additional medical and cognitive testing for certification covers the exposure.

As I look around this Chamber, with the exception of a few of our colleagues who happen to be in the candy drawer right now, virtually everyone is over 60 years old. Suddenly, at their 60th birthday, are they no longer fit to represent their constituents? They are certainly experienced. And this measure is applicable here.

There is an objection from the unions, and I recognize their objection, but it is a matter of retirement. That is an agreement between the unions and the airlines. What we are talking about is airline safety. We are talking about experience. You have a legitimate complaint about the unions wanting to move these pilots out, to make room for others.

But what we are doing in this country today is, we are calling our pilots back to the military because we have a crisis. We need them. For all practical purposes, we have a pilot shortage in this country.

The European airlines recognize reality. Experience counts. Experience counts in my State. This measure was subject to a full Commerce Committee hearing. It was voted out of committee by a majority in March of this year. We have had numerous studies sponsored by the FAA. None have ever produced concrete evidence that pilots over 60 years of age are a threat to the flying public. In fact, the studies have not even included pilots over 60. So where is this coming from?

Experience does count. If you are in good physical condition—you live

longer; you take better care of yourself; you have a better health provider—what is wrong here? We have age discrimination against pilots who are 60 years old; you do not let them fly anymore. That is discrimination of the worst kind. If they can pass a physical, why not?

Advanced psychological and neurobehavioral testing methods do exist to test pilots of any age. More importantly, we have simulator training that can estimate the risk of any number of things—such as cardiac complaints as evidence shows that there is one event in more than 20 million hours of flight time. Sudden flight incapacitation is clearly less a threat to aviation safety than are mishaps due to inexperienced pilot error.

Let's go through the list of accidents. We recognize that most accidents associated with aviation in the area of qualifications under pilot error are due to inexperienced pilots, not experienced pilots. That can only come with time and age. That is why it is so important to recognize that when a pilot becomes 60 years of age, he or she should not be simply eliminated from commercial aviation.

The European countries recognize this and take experience into consideration and allow pilots to fly until the age of 65. My amendment would allow them to fly until age 63.

Medical science has vastly improved since 1959—improvements in diagnosis, which include early detection, prevention, health awareness, and diet. All of these factors have increased life expectancy since 1959.

Our airline pilots consistently demonstrate superior task performances across all age groups when compared to age-matched non-pilots. Pilots are subjected to comprehensive medical examinations every 6 months. In the 42 years since the rule was promulgated, there has not been any evidence that pilots over age 60 are not fully capable of handling their flight responsibilities.

As an example, pilots who flew in commuter operations were allowed to fly past the age of 60 until the end of 1999. This practice ended with the 1995 commuter rule. It mandated that any airline company which offered scheduled service using aircraft with nine or more seats had to fly under part 121 operations. However, this rule made special provisions to allow pilots who were then flying over 60 to continue to fly for 4 more years as pilots in command and allowed companies to continue to hire pilots 60 and older for 15 months. There were over 100 pilots over 60 years of age flying at that time. A study of 31 determined that they flew without a single accident or a single incident.

In 1999, 69 current and former airline captains organized and underwent extensive medical testing and petitioned the FAA to drop this antiquated mandatory retirement. They were tested by a panel of nationally and internationally recognized experts in the field of aerospace medicine, cardiology, internal medicine, geriatrics, and neuropsychological medicine. The panel determined that they were all qualified to perform airline captain and command duties beyond 60. Do you know what happened? The FAA denied their exemption request.

In supporting documents to their petition, they showed that the FAA had relaxed its medical requirements to allow pilots to fly with various medical problems, including hypertension, diabetes, alcoholism, spinal cord injury, defective vision, liberalized height and weight restrictions. They allowed that. It was an exemption. They were under 60. But if you were 60 and in good health, you couldn't fly the next day.

In the area of cardiovascular special issuances, the American Medical Association applauded the FAA as having demonstrated an understanding of the advances in diagnostic treatment and rehabilitation. So we have the American Medical Association applauding the FAA for allowing exemptions for those under 60, but if you are in perfect health and you are over 60, you can't fly.

In 1999, the FAA granted medical certificates to 6,072 airline pilots under the age of 60 who had sufficient medical pathology permitting them to operate as airline crewmen.

How does the FAA derive its medical consensus that it is safe for those pilots to continue to fly and not those who have been flying for 41 years without such medical pathology who happen to just arrive at the age of 60? It is rather interesting. You can go down to the FAA and see who is flying, who is giving check rides. Most of them are over 60 because they are exempt. Where is the logic in this, if the FAA can keep its pilots on over 60, have them checked out, then you have a regulation here that is absolutely inconsistent with reality?

Twenty-five countries belonging to the European Joint Aviation Authority raised the mandatory retirement age to 65, joining many Asian countries that increased the age to 63 or 65. I know of no evidence that those foreign pilots have a worse safety record than pilots under the age of 60.

The time has come for Congress to repeal the age restriction on commercial pilots. This is age discrimination. Years of medical and safety data have failed to support the position that the chronological age of 60 represents a passenger safety concern. Therefore, as long as a pilot can pass the rigorous medical exam, he or she should be allowed to fly.

We must, as a legislative body, eliminate age discrimination against pilots who can and should be flying our commercial aircraft.

To suggest that somehow this is not germane to this bill flies in the face of reality. This is an aviation safety bill. What is more basic to aviation safety than having experience? And how do you get experience? It comes with age, whether you like it or not.

I think it is time we end this age discrimination once and for all. We need experience in the cockpit. I know that I appreciate it when I am flying with a pilot who has seen more than a few thousand hours in the air as well as simulator time. We value the aspects certainly associated with life and maturing, but we should not be hypocritical in how we treat pilots.

I urge my colleagues to support the amendment and ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER (Mrs. CLINTON). Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mrs. BOXER. Mr. President, only a month ago, our Nation faced a terrible tragedy. We learned loud and clear that we need to improve aviation security and safety, not decrease it, which is what this amendment would do. At a time that we need to protect the American public, Congress should not be decreasing safety standards. Even the FAA opposes this amendment because of safety concerns.

This amendment would eliminate the current rule that commercial pilot must retire at age 60. It was put into place to help ensure safety in the air. It should only be changed if research can prove the effects of aging do not impact a pilot's ability to fly a commercial jet at age 60.

The ''Age 60 Rule'' for retirement of airline pilots was implemented by the Federal Aviation Administration, FAA, based on safety concerns that medical evidence showed that as a group pilots begin to demonstrate the affects of aging around age 60.

Here is what the medical evidence of aging shows: there is a progressive deterioration of physiological and psychological functions and this increases more rapidly as people age; sudden incapacity from heart attacks or strokes become more frequent in any group reaching age 60; there is a the loss in ability to perform highly skilled tasks rapidly; it becomes harder to maintain physical stamina; it is more difficult to perform effectively in a complex and stressful environment and to apply experience, judgment and reasoning rapidly in new, changing and emergency situations; and, there is an increased difficulty to learn new techniques, skills and procedures.

While it is recognized that such losses generally start well before age 60, it determined that beyond age 59, the risks associated with these losses become unacceptable for pilots in airline operations.

Additionally, the Airline Pilots Association, the largest pilot union, does not support raising the mandatory retirement age. In fact, they oppose it.

Also, older pilots with seniority fly the largest, highest performance aircraft that carry the greatest number of passengers with the longest nonstop flights into the highest density air traffic. These are concerns as pilots age.

Additionally, a mandatory retirement age is not unique in the airline field. For example, air traffic controllers have a congressionally mandated retirement age of 56 years old.

Yes, I am sure that there are a few pilots who can fly past 60. But, our decision should be made to protect the safety of the American flying public.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I know the good intentions of the Senator from Alaska. I have spoken to him on many occasions about this issue. There likely is a time and place for this amendment. It is not on this bill.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Madam President, I ask unanimous consent for the consideration of several amendments that have been agreed to prior to the vote.

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

AMENDMENT NO. 1886

Mr. MCCAIN. On behalf of Senators ENZI and DORGAN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. ENZI and Mr. DORGAN, proposes an amendment numbered 1886.

Mr. MCCAIN. Madam 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:

On page 15, line 2, after the period insert the following:

''The Federal Aviation Administration, in consultation with the appropriate State or local government law enforcement authorities, shall reexamine the safety requirements for small community airports to reflect a reasonable level of threat to those individual small community airports, including the parking of passenger vehicles within 300 feet of the airport terminal building with respect to that airport.''

Mr. MCCAIN. Madam President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1886) was agreed to.

AMENDMENTS NOS. 1887 AND 1888, EN BLOC

Mr. MCCAIN. Madam President, I send two amendments on behalf of Senator HUTCHISON of Texas to the desk, en bloc.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mrs. HUTCHISON, proposes amendments numbered 1887 and 1888, en bloc.

Mr. MCCAIN. Madam President, I ask unanimous consent that further reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 1887

(Purpose: To apply present law background and fingerprinting requirements to existing, as well as new, airport employees with access to security-sensitive areas)

On page 35, between lines 2 and 3, insert the following:

(e) BACKGROUND CHECKS FOR EXISTING EMPLOYEES.—

(1) IN GENERAL.—Section 44936 of title 49, United States Code is amended—

(A) by inserting ''is or'' before ''will'' in subsection (a)(1)(B)(i); and

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) apply with respect to individuals employed on or after the date of enactment of the Aviation Security Act in a position described in subparagraph (A) or (B) of section 44936(a)(1) of title 49, United States Code. The Secretary of Transportation may provide by order for a phased-in implementation of the requirements of section 44936 of that title made applicable to individuals employed in such positions at airports on the date of enactment of this Act.

AMENDMENT NO. 1888

(Purpose: To require screening of all airport and airport concessionaire employees)

On page 18, line 1, strike ''passengers'' and insert ''passengers, individuals with access to secure areas,''.

On page 18, line 10, after the period, insert ''The Secretary, in consultation with the Attorney General, shall provide for the screening of all persons, including airport, air carrier, foreign air carrier, and airport concessionaire employees, before they are allowed into sterile or secure areas of the airport, as determined by the Secretary.

The screening of airport, air carrier, foreign air carrier, and airport concessionaire employees, and other nonpassengers with access to secure areas, shall be conducted in the same manner as passenger screenings are conducted, except that the Secretary may authorize alternative screening procedures for personnel engaged in providing airport or aviation security at an airport.''.

Mr. MCCAIN. Madam President, the first amendment requires background checks for existing aviation security employees over a time certain. The other one requires screening of all employees prior to entering the secure areas.

I want to take a moment to thank Senator HUTCHISON for her wonderful work on this bill and on these amendments.

I urge adoption of the amendments.

The PRESIDING OFFICER. Is there further debate on the amendments?

Without objection, the amendments are agreed to.

The amendments (Nos. 1887 and 1888) were agreed to, en bloc.

AMENDMENTS NOS. 1889 THROUGH 1893 AND 1873 AS MODIFIED, EN BLOC

Mr. MCCAIN. Madam President, I ask unanimous consent that it be in order for me to send to the desk a couple more amendments; that they be agreed to, en bloc, the motions to reconsider be laid upon the table, and that any modifications of the filed amendments be in order with respect to these amendments.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes amendments en bloc numbered 1889 through 1893 and 1873, as modified.

Mr. MCCAIN. Madam President, I ask unanimous consent that further reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 1889

(Purpose: To require the Assistant Administrator for Civil Aviation Security to establish an employment register)

At the end of the bill, insert the following:

SEC. . USE OF FACILITIES.

(a) EMPLOYMENT REGISTER.—Notwithstanding any other provision of law, the Secretary of Transportation shall establish and maintain an employment register.

(b) TRAINING FACILITY.—The Secretary of Transportation may, where feasible, use the existing Federal Aviation Administration's training facilities to design, develop, or conduct training of security screening personnel.

AMENDMENT NO. 1890

(Purpose: To require a report on any air space restrictions put in place as a result of the September 11, 2001, terrorist attacks that remain in place)

Strike the section heading for section 14 and insert the following:

SEC. 14. REPORT ON NATIONAL AIR SPACE RESTRICTIONS PUT IN PLACE AFTER TERRORIST ATTACKS THAT REMAIN IN PLACE.

(a) REPORT.—Within 30 days of the enactment of this Act, the President shall submit to the committees of Congress specified in subsection (b) a report containing—

(1) a description of each restriction, if any, on the use of national airspace put in place as a result of the September 11, 2001, terrorist attacks that remains in place as of the date of the enactment of this Act; and

(2) a justification for such restriction remaining in place.

(b) COMMITTEES OF CONGRESS.—The committees of Congress specified in this subsection are the following:

(1) The Select Committee on Intelligence of the Senate.

(2) The Permanent Select Committee on Intelligence of the House of Representatives.

(3) The Committee on Commerce, Science, and Transportation of the Senate.

(4) The Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 15. DEFINITIONS.

AMENDMENT NO. 1891

(Purpose: To facilitate the voluntary provision of emergency services during commercial air flights)

Strike the section heading for section 14 and insert the following:

SEC. 14. VOLUNTARY PROVISION OF EMERGENCY SERVICES DURING COMMERCIAL FLIGHTS.

(a) PROGRAM FOR PROVISION OF VOLUNTARY SERVICES.—

(1) PROGRAM.—The Secretary of Transportation shall carry out a program to permit qualified law enforcement officers, firefighters, and emergency medical technicians to provide emergency services on commercial air flights during emergencies.

(2) REQUIREMENTS.—The Secretary shall establish such requirements for qualifications of providers of voluntary services under the program under paragraph (1), including training requirements, as the Secretary considers appropriate.

(3) CONFIDENTIALITY OF REGISTRY.—If as part of the program under paragraph (1) the Secretary requires or permits registration of law enforcement officers, firefighters, or emergency medical technicians who are willing to provide emergency services on commercial flights during emergencies, the Secretary shall take appropriate actions to ensure that the registry is available only to appropriate airline personnel and otherwise remains confidential.

(4) CONSULTATION.—The Secretary shall consult with appropriate representatives of the commercial airline industry, and organizations representing community-based law enforcement, firefighters, and emergency medical technicians, in carrying out the program under paragraph (1), including the actions taken under paragraph (3).

(b) PROTECTION FROM LIABILITY.—

(1) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 44939. Exemption of volunteers from liability

"(a) IN GENERAL.—An individual shall not be liable for damages in any action brought in a Federal or State court that arises from an act or omission of the individual in providing or attempting to provide assistance in the case of an inflight emergency in an aircraft of an air carrier if the individual meets such qualifications as the Secretary shall prescribe for purposes of this section.

"(b) EXCEPTION.—The exemption under subsection (a) shall not apply in any case in which an individual provides, or attempts to provide, assistance described in that paragraph in a manner that constitutes gross negligence or willful misconduct.".

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

"44939. Exemption of volunteers from liability.".

(c) CONSTRUCTION REGARDING POSSESSION OF FIREARMS.—Nothing in this section may be construed to require any modification of regulations of the Department of Transportation governing the possession of firearms while in aircraft or air transportation facilities or to authorize the possession of a firearm in an aircraft or any such facility not authorized under those regulations.

SEC. 15. DEFINITIONS.

AMENDMENT NO. 1892

(Purpose: To make minor and technical corrections in the managers' amendment)

On page 1, in the matter appearing after line 5, strike the item relating to section 1 and insert the following:

Sec. 1. Short title; table of contents.

On page 4, line 23, strike "hiring and training" and insert "hiring, training, and evaluating".

On page 8, beginning with line 18, strike through line 20 on page 9 and insert the following:

(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) issue an order (without regard to the provisions of chapter 5 of title 5, United States Code)—

(A) prohibiting access to the flight deck of aircraft engaged in passenger air transportation or intrastate air transportation except to authorized personnel;

(B) requiring the strengthening of the flight deck door and locks on any such aircraft operating in air transportation or intrastate air transportation that has a rigid door in a bulkhead between the flight deck and the passenger area to ensure that the door cannot be forced open from the passenger compartment;

(C) requiring that such flight deck doors remain locked while any such aircraft is in flight except when necessary to permit the flight deck crew access and egress; and

(D) prohibiting the possession of a key to any such flight deck door by any member of the flight crew who is not assigned to the flight deck; and

(2) take such other action, including modification of safety and security procedures, as may be necessary to ensure the safety and security of the aircraft.

On page 10, line 9, insert closing quotation marks after "(1)" the second place it appears.

On page 10, line 20, insert opening quotation marks before "(3)".

On page 15, line 17, insert a semicolon before the closing quotation marks.

On page 16, beginning in line 18, strike "EMPLOYMENT INVESTIGATIONS AND RESTRICTIONS.—" and insert "AIRPORT SECURITY PILOT PROGRAM.—".

On page 18, line 9, strike "an" and insert "a".

On page 18, line 10, strike "215" and insert "2105".

On page 21, beginning with line 22, strike through line 6 on page 22 and insert the following:

(b) DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.—Section 512 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century is amended—

(1) by striking "purpose of" in subsection (b)(1)(A) and inserting "purposes of (i)";

(2) by striking "transportation;" in subsection (b)(1)(A) and inserting "transportation, and (ii) regulate the provisions of security screening services under section 44901(c) of title 49, United States Code;";

(3) by striking "NOT FEDERAL RESPONSIBILITY" in the heading of subsection (b)(3)(b);

(4) by striking "shall not be responsible for providing" in subsection (b)(3)(B) and inserting "may provide";

(5) by striking "flight." in subsection (c)(2) and inserting "flight and security screening functions under section 44901(c) of title 49, United States Code.";

(6) by striking "General" in subsection (e) and inserting "General, in consultation with the Secretary of Transportation,"; and

(7) by striking subsection (f).

On page 31, line 20, strike "(2)Section" and "(2) Section".

On page 31, after line 25, insert the following:

(3) Section 44936(a)(1)(E) is amended by striking clause (iv).

On page 32, line 20, insert "under section 44901 of title 49, United States Code," after "screener".

On page 32, strike line 23, and insert "5, United States Code.".

On page 33, line 2, insert "any other" before "provision".

On page 36, line 8, after "alien" insert "or other individual".

On page 38, line 25, strike "Congress" and insert "Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure".

On page 39, line 6, strike "Congress" and insert "Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure".

On page 41, between lines 8 and 9, insert the following:

(5) The use of technology that will permit enhanced instant communications and information between airborne passenger aircraft and appropriate individuals or facilities on the ground.

On page 43, line 3, insert "to the maximum extent practicable" before "the best".

On page 43, line 9, strike "to certify" and insert "on".

In amendment No. 1881, on page 1, line 5, insert "Federal service for" after "of".

AMENDMENT NO. 1893

(Purpose: To require the Assistant Administrator for Civil Aviation Security to have certain detection technologies in place by September 30, 2002)

At the appropriate place, insert the following new section:

SEC. ___. IMPLEMENTATION OF CERTAIN DETECTION TECHNOLOGIES.

(a) IN GENERAL.—Not later than September 30, 2002, the Assistant Administrator for Civil Aviation Security shall review and make a determination on the feasibility of implementing technologies described in subsection (b).

(b) TECHNOLOGIES DESCRIBED.—The technologies described in this subsection are technologies that are—

(1) designed to protect passengers, aviation employees, air cargo, airport facilities, and airplanes; and

(2) material specific and able to automatically and non-intrusively detect, without human interpretation and without regard to shape or method of concealment, explosives, illegal narcotics, hazardous chemical agents, and nuclear devices.

AMENDMENT NO. 1873 AS MODIFIED

At the appropriate place, insert:

SEC. ___. ENHANCED SECURITY FOR AIRCRAFT.

(a) SECURITY FOR LARGER AIRCRAFT.—

(1) PROGRAM REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall commence implementation of a program to provide security

screening for all aircraft operations conducted with respect to any aircraft having a maximum certified takeoff weight of more than 12,500 pounds that is not operating as of the date of the implementation of the program under security procedures prescribed by the Administrator.

(2) WAIVER.—

(A) AUTHORITY TO WAIVE.—The Administrator may waive the applicability of the program under this section with respect to any aircraft or class of aircraft otherwise described by this section if the Administrator determines that aircraft described in this section can be operated safely without the applicability of the program to such aircraft or class of aircraft, as the case may be.

(B) LIMITATIONS.—A waiver under subparagraph (A) may not go into effect—

(i) unless approved by the Secretary of Transportation; and

(ii) until 10 days after the date on which notice of the waiver has been submitted to the appropriate committees of Congress.

(3) PROGRAM ELEMENTS.—The program under paragraph (1) shall require the following:

(A) The search of any aircraft covered by the program before takeoff.

(B) The screening of all crew members, passengers, and other persons boarding any aircraft covered by the program, and their property to be brought on board such aircraft, before boarding.

(4) PROCEDURES FOR SEARCHES AND SCREENING.—The Administrator shall develop procedures for searches and screenings under the program under paragraph (1). Such procedures may not be implemented until approved by the Secretary.

(b) SECURITY FOR SMALLER AIRCRAFT.—

(1) PROGRAM REQUIRED.—Not later than one year after the date of the enactment of this Act, the Administrator shall commence implementation of a program to provide security for all aircraft operations conducted with respect to any aircraft having a maximum certified takeoff weight of 12,500 pounds or less that is not operating as of the date of the implementation of the program under security procedures prescribed by the Administrator. The program shall address security with respect to crew members, passengers, baggage handlers, maintenance workers, and other individuals with access to aircraft covered by the program, and to baggage.

(2) REPORT ON PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report containing a proposal for the program to be implemented under paragraph (1).

(c) BACKGROUND CHECKS FOR ALIENS ENGAGED IN CERTAIN TRANSACTIONS REGARDING AIRCRAFT.—

(1) REQUIREMENT.—Notwithstanding any other provision of law and subject to paragraph (2), no person or entity may sell, lease, or charter any aircraft to an alien, or any other individual specified by the Secretary for purposes of this subsection, within the United States unless the Attorney General issues a certification of the completion of a background investigation of the alien, or other individual, as the case may be, that meets the requirements of section 44939(b) of title 49, United States Code, as added by section 13 of this Act.

(2) EXPIRATION.—The prohibition in paragraph (1) shall expire as follows:

(A) In the case of an aircraft having a maximum certified takeoff weight of more than 12,500 pounds, upon implementation of the program required by subsection (a).

(B) In the case of an aircraft having a maximum certified takeoff weight of 12,500 pounds or less, upon implementation of the program required by subsection (b).

(3) ALIEN DEFINED.—In this subsection, the term ''alien'' has the meaning given that term in section 44939(f) of title 49, United States Code, as so added.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Commerce of the House of Representatives.

Mr. MCCAIN. These amendments have been agreed to on both sides. I urge their adoption.

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

The amendments (Nos. 1889 through 1893 and 1873, as modified) were agreed to en bloc.

Mr. MCCAIN. Madam President, I move to reconsider the vote.

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

The motion to table was agreed to.

VOTE ON AMENDMENT NO. 1863

The PRESIDING OFFICER. The question is on agreeing to the motion to table the Murkowski amendment No. 1863.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 294 Leg.]

YEAS—53

Akaka	Dorgan	Lugar
Baucus	Durbin	McCain
Bayh	Edwards	Mikulski
Biden	Feinstein	Murray
Bingaman	Graham	Nelson (FL)
Boxer	Gramm	Nelson (NE)
Byrd	Harkin	Reed
Cantwell	Hollings	Reid
Carnahan	Inouye	Rockefeller
Chafee	Johnson	Sarbanes
Cleland	Kennedy	Schumer
Clinton	Kerry	Shelby
Cochran	Kohl	Smith (OR)
Conrad	Landrieu	Stabenow
Corzine	Leahy	Torricelli
Daschle	Levin	Wellstone
Dayton	Lieberman	Wyden
Dodd	Lincoln	

NAYS—47

Allard	Enzi	Miller
Allen	Feingold	Murkowski
Bennett	Fitzgerald	Nickles
Bond	Frist	Roberts
Breaux	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Smith (NH)
Burns	Hatch	Snowe
Campbell	Helms	Specter
Carper	Hutchinson	Stevens
Collins	Hutchison	Thomas
Craig	Inhofe	Thompson
Crapo	Jeffords	Thurmond
DeWine	Kyl	Voinovich
Domenici	Lott	Warner
Ensign	McConnell	

The motion was agreed to.

Mr. REID. I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS. 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. BIDEN. 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. BIDEN. I yield to my friend from Alaska for 1 minute without losing my right to the floor.

Mr. MURKOWSKI. Madam President, I share with Members the transcribed words of our President from a few moments ago in an open Cabinet meeting.

He urges the Senate to ''move a bill that will help Americans find work and also make it easier for all of us around this table to protect the security of this country. The less dependent we are on foreign sources of crude oil, the more secure we are at home.

''We spend a lot of time talking about homeland security. An integral piece of homeland security is energy independence. I ask the Senate to respond to the call to get an energy bill moving.''

Mr. BIDEN. Madam President, I was about to introduce, along with the Presiding Officer in the chair, the Senator from New York, as well as about 12 other colleagues, an amendment to this legislation for security needs for Amtrak. They are at a minimum of $1.8 billion. Just the six tunnels that go into New York City carry 350,000 people per day. They are antiquated, built around 1910, and need significant upgrading to protect the safety and security of the people traveling on those rails. I could go down the list. I will not, in the interest of time.

The managers of the bill have made an agreement with me and with the Presiding Officer and many others to do the following: We will withhold that amendment on this aviation safety bill. The chair and the ranking member of the Commerce Committee are going to attempt to mark up an Amtrak security bill and possibly a port security bill in their committee as early as next Tuesday. God willing and the creek not rising, as my grandfather would say, there is a possibility they will be able to report that to the floor sometime next week. I have spoken to the leadership on our side and have not had a chance to speak with the leadership on the Republican side. It is our hope to bring that bill up and vote on that piece of legislation.

In addition to that, I have had an opportunity to speak with the chairman of the Appropriations Committee and others who have indicated there would be an attempt as we deal with the appropriated money for this legislation

we are about to pass, as well as other security needs, that Amtrak would be considered in that process. I particularly thank my friend from Arizona who is all for safety but not so much all for Amtrak. He has been very helpful here and has indicated if we are not able to get—I ask him to correct me if I am wrong—if for some reason we are prevented from getting the authorizing legislation up before the appropriators do their job, he will not object to the appropriators going forward, notwithstanding his long-held view, as I have as chairman of the Foreign Relations Committee, of not wanting the appropriators to do the work of the authorization committee.

I ask my friend, is that basically correct?

Mr. MCCAIN. No.

The Senator from Delaware is correct, but I would like to emphasize that we do have a safety and security problem with the railway system in America. It isn't just Amtrak; it is railway, railroad stations, it is railway centers and hubs all over America. So we need to take care of security and safety requirements so that people can ride on railroads just as we are attempting with this aviation legislation so that people can ride on airplanes in safety and security.

Yes, I am sorry to say, the Senator from Delaware is correct. I would support an appropriation for safety and security, but I certainly would, as usually has been my custom, resist the appropriations that would have to do with other matters, including additional track, rail, salary, pay, union, and almost anything that can ever be imagined is usually proposed on one of these bills.

I thank the Senator. I thank my dear friend from Delaware.

Mr. BIDEN. I think it is more appropriate to refer to this as rail safety. To give an example, the 350,000 people who go through the tunnels are not all on Amtrak trains. They are on the Long Island Railroad, they are on the New Jersey transit, using the Baltimore tunnel, for example, the Maryland transit, et cetera. It is rail safety. It is not just Amtrak. But Amtrak is responsible for the rail safety provisions of that. That is the reason I refer to it as Amtrak.

I thank Members on behalf of my 11 other colleagues. I see my colleague from Delaware, a former board member of Amtrak. I am delighted to yield to him for a few moments if he would like to make comments on why we are not moving forward.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Madam President, I thank the senior Senator for yielding. To Senator BIDEN, to Senator MCCAIN, to Senator HOLLINGS, and others who have been part of getting us to this rather extraordinary compromise and position to go forward on the authorizing track and on the appropriations track as well: Well done.

Mario Cuomo, when he was Governor of New York, would talk about campaigning and governing. He used to say:

> We campaign in poetry, we govern in prose.

Here in the Senate, here in Congress, we authorize in poetry, but we appropriate in prose.

As important as this authorization is, and it is important that we get the authorization for work on the tunnels, for work on having more security onboard our trains and in our stations, and I think some help in refurbishing some of the older rolling stock, locomotives and cars that are needed to carry the extra people who are riding the trains now, as important as the authorizing is, the appropriations is where the rubber hits the road.

I pledge to work with Senator BIDEN and Senator HOLLINGS and Senator MCCAIN and Senator HUTCHISON and others to make sure we get the work done, not just on the poetry side but the hard work on the prose side as well.

I yield the floor.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, let me affirm the exchange between the distinguished Senator from Delaware and our ranking member, the Senator from Arizona. The fact is, a railroad infrastructure enhancement bill was introduced today, with some 10 cosponsors. The reason I mention that is because we have been working long before September 11 on that need of the Nation.

With respect to stimulus, there is no better stimulus than construction, and there is no more needed construction than to refurbish the Amtrak line itself. Extend that: America needs high-speed rail.

Of course my distinguished colleague from Arizona, our ranking member, is disposed at the moment only for safety. We will call up the bill and we will mark up what we can, facilitate, if necessary, and try to separate perhaps a bill. But I hope to move next week in committee on this matter, as was indicated in our previous conversations, on Tuesday morning at 10 o'clock when we can get a quorum and mark that bill up and report authorization out here so we will not be confronted later on with obstacles. I think long before any passage of an authorization bill we are going to be hitting appropriations on the stimulus bill or some other bill because we need to immediately take care of safety and rail transportation.

The frustration of both Senators from Delaware is well understood. When we adjourned last year, we had everybody running around—Republican, Democrat, leader and plebeians like myself—saying: Oh, the first thing we are going to do next year, the first thing we are going to do is take up Amtrak. It is now October.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I hope my distinguished friend and colleague from South Carolina did not include me in that group.

Mr. HOLLINGS. No.

Mr. MCCAIN. I again thank the Senator from Delaware. I believe we can mark up a bill on Tuesday with the chairman's leadership. I think we also need to address seaport security as well. I believe seaport security is a very serious issue as well as rail security. I hope we will understand those are priority items that need to be addressed.

Senator HOLLINGS is far more knowledgeable than I am. But some of the information we have about the amount of cargo, the amount of shipping, the people and trafficking that goes in and out of the seaports in America is also a very important issue that we need to address.

Mr. HOLLINGS. I appreciate the Senator's leadership and support. Arizona obviously doesn't have very many seaports. But Senator GRAHAM of Florida and myself have been on this issue for at least 2 years. We have had all kinds of hearings long before September 11, and we have produced a seaport security bill that we have been trying to fashion because it is a many-splendored thing. You have to get the entities, namely the Port Authorities, to connect with the Customs, Drug Enforcement Administration, the Coast Guard, and the captain of the port, who really has legal authority and responsibility. We have to get them all working together rather than just moving, moving, moving cargo but actually having as a primary concern, safety and security.

We will be moving that.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I will just take another second. I note the Senator from South Carolina said the distinguished Senator from Arizona doesn't have a port.

I am reminded when I first got here as a young Senator, I went to Senator Eastland, who I served under on the Judiciary Committee. Sitting in his office one day, as I often did, with Senator THURMOND, asking him anything a young kid, a 30-year-old Senator would ask, I asked: Who is the most powerful man you ever served with?

He said: Senator Kerr.

I said: Senator Kerr, Senator Kerr of Oklahoma?

He said: Yeah—in his southern drawl which I will not attempt to imitate on the floor as I often do off the floor.

He said: Who in the heck else could bring up the Gulf of Mexico in the middle of his State if he wasn't powerful?

I think, as the Senator's power continues to increase, he may bring the

Pacific Ocean to Arizona, but I am not sure how he will do it.

Mr. McCAIN. The most entertaining man I ever knew was Morris Udall, who often was heard saying: We in Arizona eagerly await the next earthquake so Arizona would be a coastal State.

That is not as amusing as it was once, since there was one out there. But perhaps the Port of Yuma will still be a place the Senator from Delaware can help us with.

In case our colleagues are wondering what we are doing, we are hoping to resolve one remaining issue before final passage. Negotiations are going on as we speak so we would be able to move to final passage. We hope within minutes that we will have that issue resolved.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 1894

Mr. HOLLINGS. Mr. President, on behalf of the Senator from Vermont, the chairman of the Judiciary Committee, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for Mr. LEAHY, proposes an amendment numbered 1894.

Mr. HOLLINGS. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend title 49, United States Code)

At the appropriate place, insert the following:

SEC. . REPORT.

Not later than 120 days after the date of enactment of this Act, the Attorney General shall report to the House Committee on the Judiciary, the Senate Committee on the Judiciary, the House Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation on the new responsibilities of the Department of Justice for aviation security under this Act.

Mr. HOLLINGS. Mr. President, it has been cleared on both sides. This is just to conform the Burns amendment relative to the Department of Justice having certain authorities. This is to conform, then to report back to the Judiciary Committees of both Houses.

I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1894) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1895

Mr. HOLLINGS. Mr. President, on behalf of myself and the distinguished Senator, Mr. McCAIN, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself and Mr. McCAIN, proposes an amendment numbered 1895.

Mr. HOLLINGS. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 1, in the matter appearing after line 5, strike the item relating to section 1 and insert the following:

Sec. 1. Short title; table of contents.

On page 4, line 23, strike ''hiring and training'' and insert ''hiring, training, and evaluating''.

On page 8, beginning with line 18, strike through line 20 on page 9 and insert the following:

(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) issue an order (without regard to the provisions of chapter 5 of title 5, United States Code)—

(A) prohibiting access to the flight deck of aircraft engaged in passenger air transportation or intrastate air transportation except to authorized personnel;

(B) requiring the strengthening of the flight deck door and locks on any such aircraft operating in air transportation or intrastate air transportation that has a rigid door in a bulkhead between the flight deck and the passenger area to ensure that the door cannot be forced open from the passenger compartment;

(C) requiring that such flight deck doors remain locked while any such aircraft is in flight except when necessary to permit the flight deck crew access and egress; and

(D) prohibiting the possession of a key to any such flight deck door by any member of the flight crew who is not assigned to the flight deck; and

(2) take such other action, including modification of safety and security procedures, as may be necessary to ensure the safety and security of the aircraft.

On page 10, line 9, insert closing quotation marks after ''(1)'' the second place it appears.

On page 10, line 20, insert opening quotation marks before ''(3)'',

On page 15, line 17, insert a semicolon before the closing quotation marks.

On page 16, beginning in line 18, strike ''EMPLOYMENT INVESTIGATIONS AND RESTRICTIONS.—'' and insert ''AIRPORT SECURITY PILOT PROGRAM.—''.

On page 18, line 9, strike ''an'' and insert ''a''.

On page 18, line 10, strike ''215'' and insert ''2105''.

On page 21, beginning with line 22, strike through line 6 on page 22 and insert the following:

(b) DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.—Section 512 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century is amended—

(1) by striking ''purpose of'' in subsection (b)(1)(A) and inserting ''purpose of (i)'';

(2) by striking ''transportation;'' in subsection (b)(1)(A) and inserting ''transportation, and (ii) regulate the provisions of security screening services under section 44901(c) of title 49, United States Code;'';

(3) by striking ''NOT FEDERAL RESPONSIBILITY'' in the heading of subsection (b)(3)(b);

(4) by striking ''shall not be responsible for providing'' in subsection (b)(3)(B) and inserting ''may provide'';

(5) by striking ''flight.'' in subsection (c)(2) and inserting ''flight and security screening functions under section 44901(c) of title 49, United States Code.'';

(6) by striking ''General'' in subsection (e) and inserting ''General, in consultation with the Secretary of Transportation,''; and

(7) by striking subsection (f).

On page 31, after line 25, insert the following:

(3) Section 44936(a)(1)(E) is amended by striking clause (iv).

On page 32, line 20, insert ''under section 44901 of title 49, United States Code,'' after ''screener''.

On page 32, strike line 23, and insert ''5, United States Code.''.

On page 33, line 2, insert ''any other'' before ''provision''.

On page 36, line 8, after ''alien'' insert ''or other individual''.

On page 38, line 25, strike ''Congress'' and insert ''Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure''.

On page 39, line 6, strike ''Congress'' and insert ''Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure''.

On page 41, between lines 8 and 9, insert the following:

(5) the use of technology that will permit enhanced instant communications and information between airborne passenger aircraft and appropriate individuals or facilities on the ground.

On page 43, line 3, insert ''to the maximum extent practicable'' before ''the best''.

On page 43, line 9, strike ''to certify'' and insert ''on''.

In amendment no. 1881, on page 1, line 5, insert ''Federal service for'' after ''of''.

Mr. HOLLINGS. This amendment is a technical amendment, a final wrapup, change of the ands and ifs and buts and what have you. It has nothing to do with the substance but to conform various technicalities in the other amendments that we agreed upon in the course of consideration of this particular bill.

I urge its adoption.

The PRESIDING OFFICER. Without objection the amendment is agreed to.

The amendment (No. 1895) was agreed to.

Mr. HOLLINGS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. HOLLINGS. 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. McCAIN. 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. MCCAIN. Mr. President, I ask unanimous consent that following disposition of the Warner amendment no further amendments be considered, and that we go to third reading and final passage.

Mr. REID. Mr. President, I have to object. I know how hard the Senator worked on this, but I object.

The PRESIDING OFFICER. Objection is heard.

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

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

Mr. REID. Mr. President, I ask unanimous consent, on this bill now before the Senate, that there be three amendments in order, one by the Senator from Virginia, Mr. WARNER, and two by the Senator from Vermont, Mr. JEFFORDS, and that no other amendments be in order.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. And that then the Senate will move to third reading and final passage.

Mr. REID. Yes. That goes without saying, Mr. President. As soon as we finish these, we move to third reading and final passage.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Virginia.

AMENDMENT NO. 1896

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of myself and Senator ALLEN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Mr. ALLEN, proposes an amendment numbered 1896.

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

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

The amendment is as follows:

(Purpose: To provide payment for losses incurred by the Metropolitan Washington Airports Authority and businesses at Ronald Reagan Washington National Airport for limitations on the use of the airport after the September 11, 2001, terrorist attacks)

At the appropriate place, insert the following:

SEC. ___. PAYMENT FOR LOSSES RESULTING FROM LIMITATIONS ON USE OF RONALD REAGAN WASHINGTON NATIONAL AIRPORT FOLLOWING TERRORIST ATTACKS.

(a) IN GENERAL.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available immediately by the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38) that are available for obligation, $65,648,183 shall be available to the Secretary of Transportation for payment to the Metropolitan Washington Airports Authority (MWAA) and concessionaires at Ronald Reagan Washington National Airport for losses resulting from the closure, and subsequent limitations on use, of the airport following the September 11, 2001, terrorist attacks and subsequent reopening of other United States airports after September 13, 2001.

(b) ALLOCATION OF FUNDS.—The amount available under subsection (a) shall be allocated as follows:

(1) $37,816,093 shall be available for payment for losses of the Metropolitan Washington Airports Authority that occurred as a result of the closure of Ronald Reagan Washington National Airport after September 13, 2001.

(2) $27,832,090 shall be available for payment for losses of concessionaires at Ronald Reagan Washington National Airport that occurred as a result of the closure of Ronald Reagan Washington National Airport after September 13, 2001.

(c) APPLICATION.—A concessionaire at Ronald Reagan Washington National Airport seeking payment under this section for losses described in subsection (a) shall submit to the Secretary an application for payment in such form and containing such information as the Secretary shall require. The application shall, at a minimum, substantiate the losses incurred by the concessionaire described in subsection (a).

Mr. WARNER. Mr. President, my colleague from the State of Virginia and I do this on behalf of the Metropolitan Washington Airports Authority. It is all very clear to each and every one of us in the Senate that for reasons which are justifiable—because of security considerations—this airport had to be closed the longest of all. As a consequence, the Airports Authority has an extensive financial package that has been in place for several years. The ability to gain revenue to service that package has been taken away from it.

We have a number of small businesses and others associated with conducting, in the physical plant, the airport itself, their business activities; they have suffered just irreparable injury. We all know that. And we all want to help. There are various ways by which this can be done.

I am prepared to hear from the distinguished manager, who I believe will be speaking on behalf of the leadership, about how this serious financial situation at this particular airport—mind you, all other airports were able to open shortly afterwards. I am not quarreling at all with the justification for closing it, but this one remained closed, and also it is functioning at somewhere between 15 and 25 percent of flight capacity as of now. The projections are, as we go to additional phases, that capacity will be increased, but we have no assurance at what point we reach 50 percent, 60 percent, and are able to gain the revenue to service the necessary financial requirements.

So if I might, for the moment, yield the floor in hopes that the managers, who have been very helpful to me and to others on this question, will address this issue. I would be happy to consider that before proceeding.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I say to the Senator from Virginia, I appreciate his cooperation on this issue, particularly his appreciation of the fact that this is an airport/airline security bill, and the issue, as compelling as it is, that the Senator from Virginia raises is related to the compensation—well-deserved compensation—of the people who live and work at National Airport and who, because of an order of the Federal Government, have been deeply harmed economically and, unfortunately, in other ways as well.

So I appreciate the sensitivity of the Senator from Virginia to the parameters of this bill. The distinguished chairman and I have had to turn back a number of amendments because they were not related—liability, and a number of others—to airport security.

But that does not change the fact that there is still a compelling problem out there. It is an issue that must be addressed. I believe the stimulus package is a place where it would be very appropriate. I do not think anyone who is aware of what happened at National Airport—a 3-week shutdown by direct order of the Federal Government—does not realize that we have some responsibility. The size of that responsibility, and how, I think can be the subject of negotiations and discussion with the administration, the Finance Committee, members of the Appropriations Committee, et cetera.

But I do not know of a Member of this body who isn't totally sympathetic and appreciative of the leadership of the Senator from Virginia—in fact, both Senators from Virginia—in their commitment on this issue. Since this has happened, I know both Senators have made it their highest priority to address this issue, so that these people who are innocent—innocent of any wrongdoing, and are victims in a very real way of a terrorist attack on America, and who need to receive compensation—receive compensation and help.

I am very grateful for your leadership, as I am sure the people in the northern part of Virginia are very appreciative of the Senators' efforts.

So I would like to join with all of my colleagues in saying we want to help, we want to assist, and we think there are ways that must be implemented—not later, but sooner rather than later—to address this compelling problem.

I thank the Senator from Virginia and yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, if the distinguished Senator from Virginia will yield, not only as chairman of the Commerce Committee but also as a former member of the Metropolitan Washington Airports Authority, I was vitally interested in the whys and wherefores of holding back Reagan National Airport.

We had the Secretary of Transportation 2 days after this particular tragic event. We were allowing, say, Dulles, and other airports, to function. There was no reason, once we secured the cockpit—I realize you had the general security problems—but once you secured that cockpit—and Boeing said they could retrofit immediately sufficient planes to be landing and taking off at Reagan National—that we at least ought to start back the shuttles to New York and then on to Boston.

So I have been down the path of the Senator from Virginia on this particular score. I endorse his idea 100 percent. It is just that kind of situation on airport security. As you know, the junior Senator, Mr. ALLEN, has been vitally interested in it. He is a member of our committee. He and I have been working on this particular bill, moving as much as we possibly can.

So in any way I can possibly promise you that you will have my support on the amounts, and everything else of that kind, I would be glad to help.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, those are very reassuring comments from my two long-time friends and associates here in the Senate, colleagues I trust and colleagues who, when they make commitments, follow through.

Given that, and the fact that you have entertained the petitions of other Senators with respect to facilities in their States——

Mr. HOLLINGS. Right.

Mr. WARNER. And that there has been a uniform practice here between the chairman and the distinguished ranking member as to how to deal with those amendments, I am prepared, at this time, to withdraw the amendment, with those assurances that at the stimulus package juncture, this body will study that.

Mr. HOLLINGS. Very definitely we will be supporting that on the stimulus package, or some other bill that comes up that is appropriate and germane.

Mr. WARNER. I thank the Senator.

AMENDMENT NO. 1896 WITHDRAWN

Mr. President, at this time I ask unanimous consent that the amendment be withdrawn.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The Senator from Arizona.

AMENDMENT NO. 1897

Mr. MCCAIN. Mr. President, I believe we have one Jeffords amendment to which we have agreed. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. JEFFORDS, proposes an amendment numbered 1897.

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

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

The amendment is as follows:

(Purpose: To give retired pilots the same preference as law enforcement officers to be air marshals)

In amendment No. 1858, on page 1, line 8, insert ''or an individual discharged or furloughed from commercial airline cockpit crew position'' after ''age,''.

Mr. MCCAIN. Mr. President, the amendment is going to give pilots the same preference as law enforcement officers to be air marshals. I think it is a good amendment. I think many of our pilots, including those who are required to retire at age 60, would make excellent air marshals. This amendment would give them the same preference as law enforcements officers. I think it is a good amendment.

I urge adoption of the amendment.

Mr. HOLLINGS. Mr. President, we support the amendment on this side. It has been cleared. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1897) was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AIR MARSHALS FUNDING

Mrs. FEINSTEIN. Mr. President, I am concerned that the $2.50 user fee in this bill is not sufficient to provide all of the air marshals we need. The $2.50 user fee would only provide between $1.3 billion and $1.7 billion annually, in my opinion, enough to fund Federal security screeners at our airports, but not enough to provide additional air marshals.

Today, I intended to offer an amendment to give the Secretary of Transportation discretion to raise this fee to $5, which would raise over $3 billion annually to devote to aviation safety.

To ensure that the bill on the Floor passes quickly and we provide increased aviation security as soon as possible, I have decided not to proceed with my amendment. I still believe, however, that people are willing to pay more to feel safe on airplanes and the more air marshals we have, the better.

I want to thank the Members of the Commerce Committee for their hard work on this bill, and especially the Chairman and Ranking Member of the Committee, Senator HOLLINGS and Senator MCCAIN.

Mr. MCCAIN. Thank you Senator FEINSTEIN. I too am concerned about airline safety and want to be sure we have provided enough funding for marshals. The Senator from California has my full assurance that if more air marshals are needed, I will support providing more funding to the Department of Transportation and the Federal Aviation Administration to accomplish that goal.

Mr. HOLLINGS. I too am in agreement with the Senator from Arizona and stand with him in support of funding the needed air marshal program.

AIRLINES HONORING AIRLINE TICKETS

Mr. BAYH. Mr. President, because of the events of September 11, tens of thousands of airline passengers who bought airline tickets before and after that date will find that the flight they wanted is unavailable. How do these ticket holders get another flight or get their money back?

If they paid cash for their tickets, then, they are out of luck if the airline goes bankrupt. There is no guarantee that another airline will honor the ticket.

If they bought their ticket using a credit card, then as I understand it, Federal law protects them, but at a tremendous cost to those few banks who process airline tickets. The ticket holder has the right under Federal law, the Truth in Lending Act and Regulation Z, to seek a refund from their credit card issuing bank. If the airline is unable to cover such charge-backs, the loss is borne by the acquiring or processing bank. The burden on the banking system as a result of the events of September 11, and the requirements of Regulation Z, is not small. About $5 billion of advanced ticket sales by credit card exist at any given time. I doubt that anyone anticipated that Regulation Z would be used in this manner after an act of war shut down the entire air transportation system and caused the failure of perhaps several airlines.

There is a simple and equitable way to protect these passengers who paid cash and have no recourse. It can also relieve some of the burden that the law puts on a very few banks. I have a letter from Consumers Union that proposes the solution. It says, ''Consumers Union believes that carriers that receive federal funds under H.R. 2926 should be obligated to honor the tickets of other carriers, where due to service changes or discontinuation, the issuing carrier is unable to provide the contracted service.''

In short, if an airline has empty seats, then let the passengers who would otherwise be denied service use those seats.

I intended to offer an amendment to this effect. Instead, I would ask the distinguished floor manager a question.

Does he agree that in light of the aid this Congress has provided to the airlines, it is not too much to ask them to honor, to the extent practicable, the tickets of other carriers that are unable to provide the contracted service?

Mr. HOLLINGS. I think that is entirely reasonable. This could be done by regulation or even by an explicit gentleman's agreement from the airlines. I do not think it is too much to ask.

Mr. INOUYE. Mr. President, I am pleased that the Administration has taken the first step toward an important safety initiative by limiting carry-on bags to one bag plus one personal item such as a purse or a briefcase.

In this context, I would like to mention a special issue that has arisen concerning the safety procedures we promulgate, and the impact they might have on the practice of many musicians and musical artists carrying their instruments with them. I know that many of us have heard from the American Federation of Musicians, ASCAP, the Music Educators National Conference, the National Association of Music Education, and the Recording Industry Association of America, among others, about this issue. These organizations have expressed concerns, in light of recent security enhancements, about the ability of their members to continue carrying musical instruments aboard airplanes.

Rules promulgated by the Federal Government or by air carriers that would prohibit musicians from traveling with instruments in-cabin would, among other things, severely limit the ability of orchestras to present guest artists, audition musicians, and tour within the United States and internationally, and put at risk valuable, historical musical instruments. Limitations on carry-on bags should not put an undue burden on musicians, consistent with the requirements of safety. I am certain we can make it clear to those charged with the detailed administration of air safety policies that there is obviously a rule of reason and practicality to be observed.

Mr. BAUCUS. Mr. President, I rise today to commend Senators HOLLINGS and MCCAIN for this much awaited, much needed piece of legislation and to urge my colleagues to help pass it.

It is critical to our Nation's economy that we restore the flying public's confidence in the safety of the aviation system. We need to get more planes in the air and we need to make sure they are full. Legislation that improves and expands security at our airports and on planes is essential to getting citizens back in the air.

While it is safer to fly today than it ever has been before, this package, which improves our Nation's aviation security, shows that the Senate is making an aggressive and firm commitment to America's aviation security and America's economy.

Two weeks ago I was on a flight from Montana back to Washington. By chance, I sat next to a gentleman who I appointed to the Air Force Academy in Colorado Springs 20 years ago. He was an F–16 fighter pilot. And is now a commercial airline pilot.

In the wake of the tragic events of September 11, he had a bunch of ideas to increase security on airplanes and airports. I asked him to write his ideas down. He found a scrap of paper and jotted them down. This is the paper he gave me. I am so pleased to see many of his ideas in S. 1447.

From Federal marshals on domestic flights to protecting our pilots in the cockpit. From vastly improving airport security measures to better screening of airport employees, this legislation takes a giant step forward in securing our flying public.

And securing our flying public is a giant step closer to securing our economy.

I would like to specifically address three items in the bill that I believe are of vital importance:

First, as chairman of the Finance Committee, I am pleased to say that there is no ticket tax levied on airline passengers. I don't believe that this is the time to raise taxes. In my State of Montana, people believe they pay enough to fly around the country. Since we are relieving the airlines of their security responsibilities, it makes perfect sense that the $2.50 per passenger user fee be assessed to the airlines, not the passengers.

Second, I am pleased to see a temporary expansion of the Airport Improvement Program and Passenger Facility Charge funds for use on security operations. This flexibility will surely help defray some of the costs for smaller airports.

I have been hearing from many airports back home. They are desperate for financial relief. These small, rural airports are faced with significant increased costs in order to comply with new FAA security standards. These new costs alone would be enough to tap their already paltry resources. However, like all airports around the country they are also facing declining revenues including landing fees, parking lot fees, car rental fees, bars and restaurants and gift shop fees. We need to help them, just like we helped the airlines.

I enthusiastically supported the airline relief package Congress passed 2 weeks ago. We needed to assist the airlines for the good of our traveling public and the good of our economy.

But relief to the airlines won't do anyone any good, if they don't have airports to land in. We are in danger of many of our airports closing their doors and their gates and their runways because they are out of money.

The flexibility provided in this bill will make a real dent in the airport's economic situation.

Third, I am also pleased to see a reimbursement program for these airports for completed security-related projects. This program, along with the AIP/PFC flexibility are extremely helpful, but are only a temporary life preserver for the airports. Discussions need to continue about how we can really save them from drowning.

I would like to close by once again commending the work done on this bill by both staff and Senators and to urge my colleagues to vote in favor of S. 1447. The public needs it and our economy needs it. Folks at home will thank you for it.

Ms. SNOWE. Mr. President, I rise today in support of the legislation before the Senate which is designed to overhaul aviation security in this Nation.

This is an issue of vital national importance during these dark days in America's history, and as a member of the Senate Committee on Commerce, Science, and Transportation, I believe it is critical that we pass the strongest possible enhancements to our existing system and do so as soon as possible.

The fact of the matter is, the images of the unspeakable horrors of September 11, 2001, will be etched in our minds forever. When the ''devil incarnate'' hit the United States, he attacked not only America, but freedom-loving nations everywhere. We are going to need the resources of the United States coupled with the cooperation of our global neighbors in order to wage this fight against terrorism. For it is a fight we must win, and will win.

But there should be no mistake, victory will not come overnight. We are here today debating this bill because, as we mourn the tremendous loss of life both of those in the air and on the ground, we also know that our transportation system must endure and must be secure if we are to move the Nation forward.

We must leave no stone unturned in the effort to preserve this Nation's transportation infrastructure, so that we might both carry on the business of the Nation and ensure our continued economic viability, and also ensure that we are in a position of strength to be able to wage the kind of war necessary to eradicate terrorism. And, we cannot remain strong if we cannot remain mobile.

Specifically, we are here today to improve our aviation security infrastructure and policies, to instill the kind of confidence that is vital to the health of our country's commercial airline industry. Clearly, our way of life, our freedom to travel and do so with relatively minimal encroachment, was used against us in the most horrific way imaginable. And it is vital that we

take the necessary steps now to prevent such catastrophes from recurring.

The debate on this legislation is so critical because aviation security will only be addressed with a comprehensive, exhaustive approach that recognizes we are dealing with interlocking rings of issues, from perimeter security to on-site airport security to on-board aircraft security to a range of other issues, and that the entire aviation security system is only as strong as the weakest ring.

That is why I have cosponsored Senator HOLLINGS's comprehensive legislation to improve aviation security. This bipartisan legislation takes critical steps to safeguard the security of our airports and aircraft. It includes provisions to strengthen cockpit doors, increase the number of sky marshals, which is a critical issue also addressed in Senator HUTCHISON's bill, S. 1421, of which I am a cosponsor, to increase the number of sky marshals, federalize security, and improve training and testing for screening personnel.

Federalizing security, in particular, is an issue I feel very strongly about. The fact of the matter is, if the flying public does not have confidence in airport security, they will remain reluctant to fly, and this will have severe long-term repercussions in the aviation sector and in our economy. Imposing stringent Federal control and oversight over airport security will go a long way to helping instill confidence in the flying public, and will enable the government to exercise much greater control over the quality of screening.

This is a problem that was identified long ago. In September 1996, the White House Commission on Aviation Safety and Security recommended that FAA was, in fact, poised, at the time of the terrorist attacks, to issue a final rule, as directed by Congress last year in the Airport Security Improvement Act of 2000, establishing training requirements for screeners and requiring screening companies to be certified.

And in its January 18, 2001, Top DOT Management Challenges Report, the Department of Transportation Inspector General noted that, to close this critical gap in security, the Government ''. . . needs to have a means to measure screener performance, and methods of providing initial and recurrent screener training as well as ensuring that the screeners maintain their proficiency through actual experience with the machines in the airport environment.'' The IG also concluded that the ''. . . FAA must complete deployment of equipment that will help in the testing and training of screeners.''

Quite frankly, I am not convinced that we can ever have full confidence in our airport security without stringent Federal controls, which is why it is vital we resolve the issue of federalization once and for all.

In addition to addressing the issue of airport security, the Hollings legislation:

Establishes a Deputy Administrator within the U.S. DOT for Transportation Security,

Establishes an Aviation Security Council, comprised of representatives from FAA, DOJ, DOD, and the CIA to coordinate national security, intelligence, and aviation security information and make recommendations;

Stipulates hijack training for flight crews;

Requires background checks on students at flight schools; and

Increases perimeter security.

I would note I am particularly pleased that the legislation before us includes my amendment directing a new Deputy Secretary for Transportation Security within U.S. DOT, which is established in the underlying bill, to focus on the critical mission of better coordinating all modes of transportation nationwide during a national emergency, such as the tragic events that unfolded on September 11. And I thank Senators HOLLINGS and MCCAIN, in particular, for working with me and for their support on this important issue.

I am also very pleased that the Hollings bill addresses the issue of background checks on students at flight schools. On September 21, I introduced legislation, S. 1455, to regulate the training of aliens to operate certain aircraft. Under S. 1455, background checks would be required before any alien would be permitted to receive jet flight training.

I also commend the President for his leadership. The President's proposal addresses many of the same core issues. His air travel security plan would expand the sky marshal program. It urges Governors to deploy the National Guard at Federal expense at all commercial airports. It would provide oversight and control of airport screening by the Federal Government. And it would provide $500 million to help airlines fortify cockpit doors, install surveillance cameras and install aircraft tracking devices that cannot be turned off.

Under the President's plan, contractors would continue to perform screening. The Federal Government would set standards, supervise operations, conduct background checks and training, purchase and maintain equipment, and oversee airport access control.

I believe the administration's proposal would be a major step in the right direction. And I understand that some have concerns that federalizing the screener workforce could make it difficult to remove employees who are not performing their important duties.

It is my hope and my expectation that we will find common ground on this point while coming together to ensure that Americans have complete confidence in the men and women who form the last line of defense when it comes to preventing weapons from getting on our aircraft. And I am very pleased that S. 1447 includes provisions to exert federal control over security screening once and for all.

One way or the other, this issue must be worked out so there is no doubt about the quality of this critical workforce, this has got to happen if we are to restore the American public's confidence in flying and, by extension, the health of America's commercial airline industry. At the end of the day, we must have a screening system with stringent Federal controls and oversight, so that the government will control hiring standards, compensation, training, and re-training. We need a reliable, professional force of screeners.

We must move heaven and earth to make flying safe. That is our mission here today. One national poll, CNN/USA Today/Gallup, found that 43 percent of Americans are less willing to fly, with the majority of their concerns centering on the adequacy of airport security. They are also willing to sacrifice convenience for safety, with the same poll finding widespread support for new measures, even if it means checking in two to three hours before a flight, or paying more to cover the increased security costs.

The failure to correct the existing deficiencies in the aviation security system has already cost us dearly, and we no longer have the luxury to postpone action. Accordingly, we must pass this bill now.

It is critical that we come together, as we did on a resolution supporting the use of force to combat terrorism, as we did on legislation providing emergency funding for the recovery and relief effort after the tragic attacks of September 11, as we did on a financial relief package for the airline industry, and pass legislation promptly to address the gaps in aviation security and restore the confidence of the American people in our aviation system.

Mr. SHELBY. Mr. President, I rise to make a few comments and observations about the September 11 attacks and about some of the aviation security issues facing the Senate in the pending legislation.

To put these issues in perspective, I'd like to recall the extraordinary actions of the passengers on United Flight 93 on September 11, the ill-fated flight that crashed in Pennsylvania. In the ultimate act of self-sacrifice and heroism, a group of passengers rushed the cockpit and thwarted the terrorists aboard that flight from inflicting additional damage and loss on this great Nation.

Without doubt, those fathers, mothers, husbands, and wives, patriots one and all, saved the lives of hundreds of Americans wherever that aircraft was targeted. They understood what was

happening, that they would probably never again see their loved ones, but they acted heroically and, in sacrificing their own lives and dreams, probably saved the lives of hundreds of their fellow citizens.

This Nation, and perhaps this Congress on an even more personal level, owes them a debt of honor and gratitude that is hard to articulate.

They deserve our recognition and our commitment that we will meet, address, and repel the threat that forced them to pay so great a price.

They were among the many Americans in New York, Virginia, Pennsylvania, and around the Nation who acted courageously during and in the aftermath of the terrorist attack on September 11. They brought honor to all who love this country and what it represents, they are what America is all about.

These were not warriors or law enforcement officials. You might say that they were neighbors, members of parishes, or people we might meet in our grocery stores. They were just ''average'' Americans. And the world should wonder and our enemies should tremble at their mettle.

As devastating as the heinous act of September 11 was, and as incalculable as the pain, disruption, and loss inflicted upon the victims at the World Trade Center, the Pentagon, and onboard the four hijacked United and American flights was, America and our very way of life we cherish will endure.

No one can make right the loss that the families, the coworkers, the friends and loved ones of the victims suffered because of these despicable acts. I know that all of us here in the Senate and across this great Nation continue to reflect and pray every day for the aggrieved and the fallen.

We must take every step to assure the Nation that this tragedy cannot be repeated. That is a tall order. I commend to your attention the comments made by the pilot of United Flight 564 on Saturday, September 15 to the passengers aboard that flight after the door closed and as they prepared to depart from Denver International Airport. He is reported to have said:

> I want to thank you brave folks for coming out today. We don't have any new instructions from the Federal government, so from now on we're on our own.

He continued:

> Sometimes a potential hijacker will announce that he has a bomb. There are no bombs on this aircraft and if someone were to get up and make that claim, don't believe him.
>
> If someone were to stand up, brandish something such as a plastic knife and say ''This is a hijacking'' or words to that effect, here is what you should do: Every one of you should stand up and immediately throw things at that person, pillows, books, magazines, eyeglasses, shoes, anything that will throw him off balance and distract his attention.
>
> If he has a confederate or two, do the same with them. Most important: get a blanket over him, then wrestle him to the floor and keep him there. We'll land the plane at the nearest airport and the authorities will take it from there.
>
> Remember, there will be one of him and maybe a few confederates, but there are 200 of you. You can overwhelm them.
>
> The Declaration of Independence says, ''We, the people . . .'' and that's just what it is when we're up in the air: we, the people, vs. would-be terrorists. I don't think we are going to have any such problem today or tomorrow or for a while, but some time down the road, it is going to happen again and I want you to know what to do.
>
> Now, since we're a family for the next few hours, I'll ask you to turn to the person next to you, introduce yourself, tell them a little about yourself and ask them to do the same.

That pilot's guidance is serious—but these are serious times. Americans are a people who empower themselves to do great things. Clearly, the actions of the passengers and the crew on the American airlines flight earlier this week illustrate that the flying public, the pilots and the crews are willing and committed to maintaining the safety and security of our airways.

We should not delude ourselves into thinking that simple pronouncements from the FAA, with all due respect, or tweaking the Federal Aviation Regulations, will allow us to sleep comfortably on transcontinental flights.

It is all of our responsibility to ensure the safety of our airways. The passengers aboard United Flight 93 knew that instinctively, the pilot on the United flight out of Denver merely reminds us of it.

Accordingly, as we review and reform our safety and security procedures, we must ask a simple question: would the actions and initiatives we propose to undertake have prevented the recent terrorist attacks and will they prevent future acts. Unfortunately, I'm concerned that the bill as currently drafted may fall short of meeting that standard.

Our actions must be meaningful, effective, and they must restore the confidence of the American public in the integrity and safety of our transportation systems.

If there ever were a time for bold and aggressive steps to improve the safety of our transportation systems, now is that time. I believe, no, I know, that this Congress and the American people will accept and embrace meaningful steps toward that end.

We only need look at the full measure of sacrifice made by the passengers aboard United Flight 93 to know the depths of our responsibility and I am heartened by the fact that I know that same spirit is aboard every plane in the sky.

I believe that it all starts with our intelligence capability, we have to have the best possible intelligence about potential or imminent threats in order to constantly focus and modify security procedures and efforts. Intelligence is the first line of offense in our war against terrorism.

The principle that should guide us is that through human scrutiny and technological screening, we should put passengers through sufficient security procedures to identify potential threats;

For the passenger, that might mean answering computer generated and tailored questions at the ticket counter which might be followed by interviews with security personnel; passage through a metal detector which might be followed by a thorough physical search of carry-on baggage, and perhaps passage through another magnetometer or wanding before boarding the aircraft.

For checked baggage, that should mean passage through various and increasingly sophisticated explosive detection systems followed by thorough physical search for any bag that requires further scrutiny, there should also be random physical searches for all bags to improve proficiency and to raise the security penetration.

In addition, we should accelerate our research into emerging technologies to improve our ability to detect weapons carried by people or explosives secreted away in baggage. We also may need to consider stronger limitations on both hand carried and checked bags.

For the aircraft, that should mean armed air marshals on flights and hardening the cockpit door, as Delta Airlines has already begun, revising access procedures to the cockpit, and increasing the security training of pilots and crews, including allowing pilots the option of defending themselves.

We should require background checks of everyone who has access to the aircraft: whether pilots, crew, ground personnel, baggage handlers, caterers, and other contract personnel, with regular and periodic reviews.

For the airport, it entails a more substantial armed police force, conspicuously and constantly present in the public areas and concourses. In addition, we need to improve the airport access procedures and technologies to make sure that people are where they are supposed to be and not in places that could present a threat to the aircraft or passengers.

Simply put, we need to expeditiously pursue security technologies and procedures at airport access points that cannot be defeated by even well organized and clever terrorists.

And so, we come full circle back to intelligence, without a robust and aggressive intelligence effort that is constantly questioning where, how, and who may plan the next attack, our security measure will not evolve to meet the challenge. Unfortunately, if that is the case, we're merely waiting for the next attack.

Clearly, we must approach airline, airport, and aircraft security issues in

complementary and overlapping ways to establish a security ''net'' around our aviation system. What do I mean by a ''net?'' If we are suspicious about a bag or a passenger, that information is relayed and additional, more extensive security measure like I've described would be employed.

The increased tempo and breadth of security operations pose dramatic cost increases for airlines and airports and for the Federal Government. I note that the legislation before the Senate contains an authorization to reimburse airports for the direct costs of increased law enforcement requirements mandated by the FAA.

I think this is a legitimate and reasonable approach. The Federal Government should not place unfunded Federal mandates on our airports or any other unit of local government.

Clearly, the FAA mandated security directive requiring airports to increase the law enforcement presence is necessary. I intend to work with my colleagues on the appropriations committee to provide funding to help defray these costs and I commend the authorizing committee for providing that authorization in this bill.

However, notwithstanding that there are some useful provisions in this bill, I'm concerned that this legislation and this debate has gotten bogged down about whether we should ''federalize'' the aviation screening functions. I doubt that ''federalizing'' is the panacea that some would have you believe.

For some, it is an instinctive response to turn to the Federal Government in the wake of a crisis without ever questioning if it is the responsible action to take or if the federal bureaucracy will be any better. So, ''federalization'' may be a bad idea whose time has come.

We're missing the point if we misinterpret the mandate from the American people to improve aviation security with a public desire that the people searching our bags or manning the security checkpoint must be receive a paycheck from the U.S. Treasury.

Keep in mind, the weapons that the terrorists carried on the aircraft were legal to carry on the aircraft. What failed was intelligence, our response time, and the lack of security on board the aircraft. Let's fix those things. Until September 11, it was legal to take a 4-inch knife on board an aircraft, and metal knives were commonplace in first class meal service.

The price tag for full Federal assumption of airport security is not small, in excess of $2 billion annually and that cost will only rise. And that's forever.

We must weigh that commitment of taxpayer dollars against whether it would result in either improved security, or the perception of improved security. There are a lot of things that the Federal Government does well, I would argue that this is not one of them.

Let's not mislead the public into interpreting ''federalization'' to mean that baggage screening is going to be conducted by law enforcement officers.

Not even the supporters of full federalization are contemplating having Federal law enforcement officers search passengers or carry-on baggage.

In a federalized world, the metal detectors and bag searches would be conducted by Federal bureaucrats. I don't think that over time, the American taxpayer is going to look at a bureaucrat bag screener and say, ''I feel safer because a Federal employee is checking my bags.''

Remember, the money we spend on replacing private sector employees with government bureaucrats means we will have that much less money for other security improvements, and we're talking about hiring as many as 30,000 new Federal employees. That's three Army divisions.

I'm also concerned about the concept of a two-tier airport security construct. Some have advocated that we ''federalize'' at the largest airports while not ''federalizing'' at other smaller airports. That logic is inconsistent with its proponents' other flawed reasoning that security will somehow be magically improved and tightened by virtue of ''federalization.''

The simple fact is we must improve aviation security at all airports. We cannot have weaker points and stronger points in the system. Instead, we must tailor our security architecture to stop terrorists no matter where they attempt to get into the system.

Further, I fail to see how creating a new Deputy Administrator at the FAA or a new Deputy or Assistant Secretary at the Department of Transportation moves the aviation security ball down the field.

Since both the past administration and this administration have had such difficulty in filling the Deputy Administrator of the FAA position, I'm concerned that we're unnecessarily confusing and complicating the Federal bureaucracy.

I can't remember a case where an additional layer of bureaucracy led to the swift, decisive leadership I believe is necessary, especially in regards to safety and security. I'm also not certain that either the DOT or the FAA are the only, or the best place, for any new security function to reside.

I would hope that the relevant committees of jurisdiction would explore whether these responsibilities wouldn't be better executed at the Department of Justice, the Department of the Treasury, or in the new Office of Homeland Security.

Personally, I believe that the President got it right in his proposal. The Federal Government would assume management and oversight of the security function. It is imperative that we have standards for personnel, background checks, and training, as the President proposed, to improve the security net.

That is the appropriate role of the Federal Government. I'm disappointed that the bill before us today seems to be taking this issue in a different direction.

When we addressed the imminent financial crisis facing the airline industry 2 weeks ago, we acted expeditiously to restore the confidence of the financial markets that Congress and the administration had confidence in the future of air travel in America.

Congress and the administration must move expeditiously, but deliberately, to augment the interim security procedures already instituted by the Administration. This is not a one time infusion of capital or liquidity as was necessary in the Airline Stabilization legislation.

Make no mistake, we must get this done and get it right before the end of this Congress. Taking a few more weeks as this bill moves through conference will not shake the confidence of the American public.

The American people will live with our decisions on aviation security for a long time. It is critical that we address the problems in the system without rushing to judgment. If we act precipitously we run the risk of failing to address security in a thoughtful and comprehensive fashion, and, we may well lose the opportunity to make the meaningful improvements that are essential to provide a system worthy of the American public's confidence.

In the extreme, we run the risk of perpetrating a fraud on the American public by misleading them into a false sense of comfort that we have met the security challenge in this bill.

Congress has time to get this right. This is a complicated and crucial issue and we should take the time to get it right. The administration has taken the interim steps to restore public confidence and to bolster security at airports; our actions should augment and complement those steps, not quibble over organization charts and who mans the security checkpoints.

Clearly, the airlines, the airports, and pilots, such as the United Airline captain I quoted earlier, are taking responsible and meaningful steps to improve safety and security. We should follow their example.

Mr. FEINGOLD. Mr. President, I am pleased that the Senate will pass the Aviation Security Act. This bill will help restore our Nation's confidence in commercial aviation by boosting the security in our skies and our airports. The strengthening of cockpit doors and the deployment of sky marshals, among other security measures in this bill, are meaningful and worthwhile steps in making air travel safer.

This bill also includes a safety provision based on a bill I recently introduced. The idea is from a couple of Wisconsinites. When I held one of my listening sessions following the vicious attacks on September 11, Fire Chief James Reseburg and Deputy Police Chief Charles Tubbs of Beloit, WI, suggested an idea that they thought would help make our skies safer. Part of their idea was to create a registration system through which law enforcement officials, firefighters, and emergency medical technicians could register voluntarily to serve in the event of an emergency on a commercial airplane.

For example, if an official was going on vacation on an airplane, he would simply register with the airline beforehand to notify them that they would have a public safety official on that flight. Like the sky marshals, only authorized airline personnel would know when one of these volunteers was on the plane. In many cases, these public servants already notify the crew when they board that they are trained for emergencies and are willing to help out in the event they are needed. They are trained to respond calmly during emergencies and can be of great assistance to an airline crew.

As many of my colleagues have stated, if the airline industry is to recover fully from the events of September 11, 2001, we must make the flying public feel safe once again in our skies. The Aviation Security Act will help us do just that.

Ms. MIKULSKI. Mr. President, I rise in support of the Aviation Security Act.

On September 11, four civilian airliners from three of our nation's airports were used as weapons of war. As were debating this legislation, our military is taking action against those who are responsible. One way to support our troops is to improve safety for all Americans. That is the goal of this legislation. This bill enables us to take three concrete actions to improve safety in our skies.

First, it federalizes airport security operations. Security is a high skill job, yet airport screeners in this country are low paid, poorly trained, and inexperienced. Many of our airport screeners make $6.00 to $7.00 an hour. That is a lower wage than many of our fast food workers receive. Our airport screeners receive minimal training. The FAA currently requires 12 hours of classroom training for our airport screeners, while France requires at least 60 hours of training. Turnover rates are also abysmal. From May 1998 through April 1999, turnover rates for workers at our nation's nineteen largest airports averaged 126 percent, and as high as 416 percent in some instances. When morale and incentive are low, poor performance follows. FAA inspection reports reveal significant weaknesses in the performance of our airport screeners. Security inspections showed that B.W.I. ranked fifth among major airports in the number of bombs, grenades or other weapons that went undetected in federal inspections. This is not a new problem, however. The GAO reports that in 1987 airport screeners missed 20 percent of the potentially dangerous weapons used in tests, and it's been getting worse over the past decade. That is why this legislation is so important. We have Federal officials protecting our borders and protecting our President. We also need federal officials protecting our flying public. Federal workers can be fully trained and monitored. Their primary goal would be safety, not the economic bottom line. The Hollings bill does this by federalizing airport security operations, requiring extensive training and deploying law enforcement personnel at airport security screening locations.

The second item this bill addresses is the safety of our pilots. We all know that the safety of our pilots is critical to ensuring the safety of our passengers. The tragedies of September 11 showed that we need to strengthen the cockpit doors and locks to prevent entry by non-flight deck crew members. This bill prohibits access to the flight deck cockpit by any person other than a flight deck crew member and requires the strengthening of the cockpit door and locks to prevent entry by non-flight deck crew members.

The third critical item this bill addresses is the expansion of the Federal Air Marshal program. On September 11, some heroic Americans on United Airlines flight 93 lost their lives as they confronted the terrorists. They prevented the plane from possibly flying into the Capitol or the White House. These brave citizens lost their lives, yet they saved many others. Perhaps they saved the lives of those of us in this chamber. We can't ask American citizens to risk or lose their lives on airplanes. We need federal air marshals on our airplanes to protect our flying public. The Sky Marshal Program dates back to the Kennedy Administration when the concern of highjackings to Cuba was prevalent. In 1970 the program was greatly expanded to include U.S. Customs and military personnel. Two years later the program was phased out. Then, in 1985 a 727 flight from Athens was diverted to Beirut, where terrorists murdered Robert Dean Stetham of Maryland. The highjackings of 1985 prompted Congress to reinstate the Federal Air Marshal program, but it's skimpy and spartan. This bill would allow a federal air marshal on every domestic flight and every international flight originating in the United States.

The events of September 11 were an attack against America and an attack against humanity. We are a nation that is grief stricken, but we are not paralyzed in our determination to rid the world of terrorism. In the mean time we must act to make transportation safer in the United States. We must exhibit a sense of urgency and pass this legislation immediately.

Airline security is a crucial part of transportation security, but we can't stop there. We must also improve the safety of our railroads and our ports. We must ensure the safety of all components of our rail system, including: tunnel security, terminal safety, bridge safety and protection of our track switchboards. Over 22 million people a year ride our railroads and forty percent of all freight is transported on our rails. A terrorist attack on our rails could result in catastrophic loss of life and paralyze our economy. Amtrak is ready and willing to improve passenger rail safety in this country, but it also must address its critical infrastructure needs. For example, the tunnels that run through Washington, Baltimore, and New York accommodates trains that carry roughly 350,000 people a day. These tunnels don't meet minimum safety standards, they don't have proper ventilation, and there is not adequate lighting. Rail safety requires federal help, but annual appropriations for Amtrak is frozen at $521 million, about half of its $955 million authorization in TEA–21. The Amtrak emergency package would improve safety and security on our trains by: hiring more police officers to patrol trains, stations and railroads; provide anti-terrorism training for employees; install cameras to monitor facilities; improve the safety of tunnels, especially in the aging tunnels that run through Maryland, Washington, and New York.

The Amtrak emergency package would also provide additional rail capacity to accommodates increased ridership. In the days following the September 11th tragedy, Amtrak employees worked around the clock to provide a safe, viable option to our traveling public. Daily ridership from September 12 to September 17 jumped 17 percent, and that doesn't include all of the airline tickets that Amtrak honored to keep America on the move. On the Northeast Corridor, Amtrak added roughly 30 percent more seating capacity, or 2,000 more seats per day on unreserved trains. Amtrak responded to our national crisis in many ways: they helped carry our mail, they delivered thousand of emergency relief kits to New York, and they provided transportation to firefighters, police and medical personnel. Some may argue that now is not the time to discuss Amtrak. I would argue there's never been a better time. Now is the time to give Amtrak the support it needs to keep America moving quickly and safely. The simple truth is that we have a National Passenger Railroad System in this country that needs our immediate help with security and capacity upgrades. It is our duty to respond.

I would also like to take this opportunity to rise as a cosponsor of the Carnahan amendment. This important amendment would help those who are most hurt by the economic impact of the terrorist attacks of September 11. Thousands of American workers have lost their jobs during this economic downturn. These workers need our help. We need to act quickly on a economic stimulus package that targets the American worker. Airline and aviation employees have been especially hard hit. 140,000 thousand of these workers have been laid off since the terrorist attacks. Unemployment is steadily rising in the industry. Last week, 528,000 people filed for unemployment. That is the nearly the population of Baltimore City, and a figure we haven't seen in nine years. These people are our pilots, our flight attendants, baggage handlers, concessionaires and aircraft builders. These workers have lost their paychecks, lost their health care and could lose their homes. They need our immediate help, just as we helped their former employers with a $15 billion stabilization package of grant and loan guarantees.

I am confident that the airline industry and the U.S. economy will recover, but help is needed today. Senator CARNAHAN's amendment would provide financial assistance, training and health care coverage to employees of the airline industry who lose their jobs as a result of the attacks on September 11. The Carnahan amendment would provide income support by extending the number of weeks eligible individuals can receive unemployment insurance, from 26 weeks to 79 weeks. These cash payments would not create a strain on state budgets, because they would be funded entirely by the Federal Government. Workers who don't meet their states' requirements for unemployment insurance would not be left out. They would receive 26 weeks of federally financed unemployment insurance.

This amendment also addresses job training. Workers who may not return to their jobs within the airline industry would be eligible for retraining benefits. Other workers would be eligible for training to upgrade their skills. This amendment would enable laid off workers to keep their health care by expanding the COBRA program. This would enable people who have lost their jobs to retain their health insurance. Madame President, I strongly support the Carnahan amendment. It is a thoughtful and comprehensive airline workers relief package. It's also a good starting point to address the needs of working families in America, and provides a good model for a broader economic stimulus package.

Mr. MCCAIN. Mr. President, I believe in just a minute we will move to final passage.

Mr. HOLLINGS. Mr. President, if there are no further amendments, we are ready for third reading.

The PRESIDING OFFICER. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

UNANIMOUS CONSENT AGREEMENT—S.J. RES. 25

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of S. 1447, the aviation safety bill, the Senate proceed to the consideration of S.J. Res. 25, the joint resolution designating September 11 as a day of remembrance; that there be 20 minutes for debate on the resolution, equally divided between the two leaders or their designees; that no amendments or motions be in order; and that upon the use or yielding back of the time, the Senate vote without any intervening action on final passage of the joint resolution.

Mr. MCCAIN. Reserving the right to object, I ask the Senator from Nevada, could he include in there that immediately after the vote, Senator VOINOVICH be given 15 minutes to speak as in morning business on the legislation just passed?

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. REID. That would be fine. The Senator from Ohio would speak immediately following the vote on final passage. I am wondering: Everyone will be here. If consent is granted, we are going to have, immediately following that, two more votes on judges. It would appear to me the Senator from Ohio has to be here anyway. Perhaps we could have him give his speech then.

Mr. MCCAIN. I would ask in modification that both Senators from Ohio would like to speak for 10 minutes and it would take place following the election of the judges.

Mr. REID. Mr. President, could I have my first unanimous consent request approved; that is, we are going to take care of the resolution dealing with the day of remembrance?

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that immediately following the disposition of the joint resolution establishing a day of remembrance, the Senate proceed to executive session and vote on the nominations of Barrington Parker to be a circuit court judge and Michael Mills to be a Federal district court judge; that any statements thereon appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

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

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that we now order the yeas and nays on both of these nominations with one show of seconds. I ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. REID. I further ask unanimous consent that following these votes, Senator VOINOVICH and Senator DEWINE be recognized for up to 10 minutes each as in morning business.

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

Mr. REID. Mr. President, I alert all Members, Senator DASCHLE has the right, under the order previously entered, to call up the antiterrorism legislation. It is my understanding, having spoken to the leader not too long ago, that that is his intention. Following all this, we would take up tonight the antiterrorism legislation, so everyone should be aware of that. We have four amendments in order. We have some time for general debate. It could be a long evening.

AVIATION SECURITY ACT—Continued

Mr. HOLLINGS. Mr. President, I ask for the yeas and nays on the bill.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the distinguished chairman of the committee for his leadership and effort on this very important legislation, and all the staff who have been involved. I also thank Senator ROCKEFELLER, particularly, and Senator HUTCHISON, as well, for her incredible efforts on this legislation.

This is an appropriate day for this legislation and the antiterrorism legislation, given that it has been 1 month since the terrorist attack. We in the Senate are taking a major step in ensuring that this kind of thing can never happen again. All of us in this body can be pleased at the effort that has been put forth on this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank our distinguished ranking member, Senator MCCAIN, for his total cooperation and leadership on this measure, along with Senator HUTCHISON of Texas and Senator ROCKEFELLER of West Virginia who lead our Aviation Subcommittee. It is not only an important safety measure but, in a sense, an airport and airline stimulus bill because now, if the House can take this up in judicious fashion, we can move forward and everyone can be assured immediately of security in air travel.

For example, the American people will know once and forever that a domestic airliner is never going to be used as a weapon of mass destruction because we will have that cockpit secured, never to be opened in flight, so then we can economize on our requirements for the military patrolling over flights, ready to shoot down a domestic airline because it cannot be hijacked in the sense of taken over and directed anywhere, beyond a particular discord or disruption in the cabin itself. Once that occurs, the pilots will be informed, they will land, law enforcement will be there, and that will end hijacking in America, as it has in Israel.

It is a very important measure with which we move forward promptly. I am delighted and pleased, particularly with the cooperation I mentioned, the staffs on both sides. But the whip, Democratic whip, HARRY REID, Lord knows—I have been here 35 years; I am still 20 years younger than STROM; he was here a minute ago—he is the best whip I have seen.

I yield the floor.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 295 Leg.]

YEAS—100

Akaka	Crapo	Inouye
Allard	Daschle	Jeffords
Allen	Dayton	Johnson
Baucus	DeWine	Kennedy
Bayh	Dodd	Kerry
Bennett	Domenici	Kohl
Biden	Dorgan	Kyl
Bingaman	Durbin	Landrieu
Bond	Edwards	Leahy
Boxer	Ensign	Levin
Breaux	Enzi	Lieberman
Brownback	Feingold	Lincoln
Bunning	Feinstein	Lott
Burns	Fitzgerald	Lugar
Byrd	Frist	McCain
Campbell	Graham	McConnell
Cantwell	Gramm	Mikulski
Carnahan	Grassley	Miller
Carper	Gregg	Murkowski
Chafee	Hagel	Murray
Cleland	Harkin	Nelson (FL)
Clinton	Hatch	Nelson (NE)
Cochran	Helms	Nickles
Collins	Hollings	Reed
Conrad	Hutchinson	Reid
Corzine	Hutchison	Roberts
Craig	Inhofe	Rockefeller
Santorum	Snowe	Torricelli
Sarbanes	Specter	Voinovich
Schumer	Stabenow	Warner
Sessions	Stevens	Wellstone
Shelby	Thomas	Wyden
Smith (NH)	Thompson	
Smith (OR)	Thurmond	

The bill (S. 1447) was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. HOLLINGS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, the Senate has done a terrific job of doing something on the 1-month anniversary of this tragedy for America that will begin to rehabilitate the economy of our country, and that is with aviation security we can begin to assure the American public they can fly in safety.

The Senate has passed its bill. I think it is a terrific bill. It will augment the cockpit. It will give better quality screening. It will put air marshals in the air.

The American public needs to know the flying system is safe, and this aviation bill is a good start in that direction. I hope the House will follow suit and pass its bill. I know there are some differences, but I hope they will act expeditiously so we can send a bill to the President that will begin to rehabilitate the whole aviation industry and the industries that depend on it.

So I thank the distinguished chairman of the committee, Senator HOLLINGS, Senator MCCAIN, Senator ROCKEFELLER, my counterpart on the Subcommittee on Aviation. We could not have done it without the total support and the total bipartisanship that produced the 100–0 vote.

The PRESIDING OFFICER (Mr. CARPER). The Senator from South Carolina.

Mr. HOLLINGS. Let me thank, once again, the distinguished Senator, Mrs. HUTCHISON of Texas. It is bipartisan, mainly because of her leadership.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. DASCHLE. I, too, compliment the distinguished chair, the ranking member, the subcommittee chair, and the ranking member for their outstanding work in getting us to this point.

A few days ago people would have been very skeptical about any prediction that this bill would have been passed 100–0, but it has been passed in large measure because of their leadership, and we are grateful.

The next vote, as I think our colleagues are aware, is the resolution on the day of remembrance.

I notify Senators there are three additional votes. There will be a vote on the National Day of Remembrance. There will be two additional rollcall votes on two judges.

I ask unanimous consent that the third and fourth vote in this next sequence be limited to 10 minutes each.

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

Mr. DASCHLE. Mr. President, it is my hope and expectation we will take up the counterterrorism legislation tonight following these votes. It is my hope we could finish the work tonight. If we cannot, of course, we will finish the work tomorrow morning. If there is the possibility we could finish it tonight, it would be my desire not to have any votes tomorrow. So we will leave that to Senators who wish to speak and wish to debate the bill, but we will go to counterterrorism immediately following the votes to which we have just referred.

We have a lot of work yet to do tonight, and I urge Senators to stay close to the Chamber.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, with regard to the schedule, I support what Senator DASCHLE is trying to do. I think we have done the right thing by moving the aviation security bill. We will have an opportunity to work on it further in conference, for those who do have concerns, but we have to say to the American people—in fact, we have to be assured we can tell the American people we have addressed this aviation security question as soon as possible. Next week hopefully we will be able to get into conference and produce a bill.

It is very important that as soon as possible we move this counterterrorism legislation. Good work has been done in the Senate. We have pointed the way in this effort, and so I hope our colleagues will work to complete the bill as soon as possible. I hope all of the general debate time will not necessarily be used, although it is up to 4 hours. We also have as many as four amendments in order under the agreement that was reached. I hope we can get through that at a reasonable hour and complete the work tonight, but if it becomes evident it is going to take 4 or 5 hours to do this, then we will have to have the votes in the morning.

Even then, I presume the votes would begin at a relatively early hour, 9 or 9:30 a.m. Certainly Senator DASCHLE will announce that. Whether there are two or three votes, whatever it would be, we will be completed after that.

Having said that, at the end of this week, if we complete action on these two bills, I think we will have done a great deal to move toward restoring the confidence of the American people. I am proud of the progress I am seeing made.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. I understand it is the intention, then, of the leadership to complete the counterterrorism bill this evening; is that correct?

Mr. DASCHLE. If the Senator will yield, I will phrase it by saying it is my hope to finish it. We know what the time parameters are. We have already agreed to that. If we are compelled to go through all of the votes and it gets to be too late, we may have to move it into tomorrow. So I am not going to say definitively tonight at this moment we will finish our work on the counterterrorism bill, but that would be my hope.

Mr. SARBANES. As I understand it, if we can complete work on the counterterrorism bill this evening, then we will not be in tomorrow, or at least we will not be transacting business that requires votes tomorrow. Is that correct?

Mr. DASCHLE. That is correct. We would not have votes tomorrow. We would have completed our work. I assume we could be in for morning business to accommodate Senators who may wish to speak, but it is my intention not to have any rollcall votes tomorrow.

Mr. SARBANES. I thank the leader.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I express the hope our leadership on both sides of the aisle can help to press hard to get the remaining appropriations bills completed and sent to the President singly and not as an omnibus bill. The Appropriations Committee in the Senate today reported out the D.C. appropriations bill and the Labor-HHS appropriations bill. This makes 12 of the 13 appropriations bills that the Appropriations Committee in the Senate has reported out.

The House, I understand, is working on the Defense appropriations bill and will soon act on it and will shortly send over the conference report on the Department of the Interior.

We will have to have another CR. That will be coming along probably today. In any event, our committee and our chairmen and ranking members on all the subcommittees have worked diligently and hard, and I hope the leadership will help us to bring pressure on both sides of the Capitol to move these appropriations conferences. The staffs have done the preliminary work, a good bit of it in many instances.

It is absolutely necessary we show the American people that this Congress can do its work, is doing its work, but it is going to take some effort on the part of all of us, I say to the distinguished minority leader and the majority leader, to bring these remaining conference reports to the floor. We shouldn't have to have another continuing resolution after this next one. We ought to complete these appropriations bills in the remaining days of this month.

Let's go home, for Heavens' sake, and see our families and constituents and not delay further. I don't think it is intentional, but it amounts to delay.

I thank both leaders for the efforts they made. We have some work yet to be done. We can do it.

Mr. DASCHLE. Will the Senator yield?

Mr. BYRD. Yes.

Mr. DASCHLE. I say to the distinguished Chairman, I share his determination to complete our work on the appropriations bills. He and I have had many private conversations, and if I recall, even considerations on the floor.

I informed him and our colleagues on Monday there will be a vote on an appropriations bill, either the Interior conference report or on cloture on the motion to proceed to foreign operations. I share his determination to continue to plow through these bills and to accomplish as much as we can in the next 2 weeks.

As I understand it, the next continuing resolution will be for 1 week. If that is the case, we have 2 weeks within which to complete our work so as not to pass yet another continuing resolution. We have a lot to do. I appreciate very much his willingness to call attention again to that fact tonight.

Mr. BYRD. I thank the distinguished majority leader. We must show the American people that we can pass these bills. We owe it to ourselves, we owe it to the country, we owe it to the President of the United States to send him individual appropriations bills, no omnibus bill. Let him have his opportunity to sign or veto the bills as he sees fit.

Mr. LOTT. If I might say briefly—I don't want to drag this out—obviously we need to be able to move our appropriations bills.

I must say, of course, how quickly we do that depends on several things: One, how many controversial issues are in these bills when they come out of the committee. I don't know what happened, for instance, on the D.C. appropriations bill, but it had difficult and time-consuming issues in it. There may not be now.

The other thing is several of the bills, including Labor-HHS, often take a week or two; Defense quite often takes 3 or 4 days. Part of it depends on the willingness of Senators to withhold controversial amendments to move the process along. We have been doing that magnificently over the past month. Hopefully, we can do that even with appropriations bills—even though these are big bills, important bills, and Senators may want to be heard and offer amendments.

We also have to continue to work together on other issues that become problematic, such as getting judicial confirmations moving because there is a need for that, too.

Senator DASCHLE and I are working on this on all fronts. I talked to Senator STEVENS about it. I want to get the appropriations bills completed. It will take a lot of cooperation. We are prepared to give it that cooperation and time.

Mr. BYRD. I thank both leaders.

NATIONAL DAY OF REMEMBRANCE

The PRESIDING OFFICER. Under the previous order, the clerk will report Senate Joint Resolution 25.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 25) designating September 11, 2001, as a National Day of Remembrance.

Mr. DASCHLE. Mr. President, one month ago today, more than 6,000 innocent men and women had their lives stolen from them in an act of terrorism so hideous and cruel that it still almost defies belief.

In the days since, we have come together—not as Democrats or Republicans—as Americans, to honor the memory of all those who died at the World Trade Center, the Pentagon and in that lonely field in western Pennsylvania.

We have come together to tell their families they are not alone. They are part of our American family and we are with them—now in their hour of grief, and in the days and years to come.

And we have also come together to say, in the strongest possible terms, that we stand with President Bush in his determination to find those who committed these hideous attacks and hold them accountable, and to destroy their global network of hate and terror.

I had the opportunity to join many of my Senate colleagues in the days after the attack to visit Ground Zero in New York City. There, in a mountain of rubble and wreckage that is beyond my ability to describe, I saw a sign scrawled on a wall. It read simply: ''We will never forget.''

That is true. Whether we live another hundred months, or another hundred years, we will never forget the thousands of innocent victims who lost their lives on September 11th.

We will never forget the heartbreak of those they left behind, or the stunning bravery of those who tried to save them.

And we will never forget our responsibility to find those who committed these evil acts and stop them.

That is our promise.

In the aftermath of the attacks, America has searched for words to describe the enormity of what happened.

Every description has fallen short—and so we simply refer to the day: September 11th.

This day has become hallowed in our memories, and in our history.

Today, Senator LOTT and I are introducing a resolution to honor it on our calendars, as well.

This resolution designates September 11 as our national day of mourning and remembrance.

We ask that each year on September 11, the President issue a proclamation, the flags be lowered to half-mast, and that America observe a moment of silence.

It is yet another guarantee that as years pass, and wounds heal, that we will never forget what happened on that day.

Mr. DASCHLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays were ordered.

Is all time yielded back?

Mr. DASCHLE. I yield back the remainder of my time.

Mr. LOTT. Mr. President, I yield back the remainder of our time.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The resolution having been read the third time, the question is, Shall the resolution pass?

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 296 Leg.]

YEAS—100

Akaka	Durbin	McCain
Allard	Edwards	McConnell
Allen	Ensign	Mikulski
Baucus	Enzi	Miller
Bayh	Feingold	Murkowski
Bennett	Feinstein	Murray
Biden	Fitzgerald	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Graham	Nickles
Boxer	Gramm	Reed
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burns	Harkin	Santorum
Byrd	Hatch	Sarbanes
Campbell	Helms	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Carper	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cleland	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kerry	Thomas
Corzine	Kohl	Thompson
Craig	Kyl	Thurmond
Crapo	Landrieu	Torricelli
Daschle	Leahy	Voinovich
Dayton	Levin	Warner
DeWine	Lieberman	Wellstone
Dodd	Lincoln	Wyden
Domenici	Lott	
Dorgan	Lugar	

The resolution (S.J. Res. 25) was passed to, as follows:

S.J. RES. 25

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Day of Remembrance Act of 2001''.

SEC. 2. NATIONAL DAY OF REMEMBRANCE.

(a) DESIGNATION.—September 11 is National Day of Remembrance.

(b) PROCLAMATION.—The President is requested to issue each year a proclamation—

(1) remembering those who tragically lost their lives as a result of the terrorist attacks on the United States on September 11, 2001, and honoring the police, firefighters, and emergency personnel who responded with such valor on September 11, 2001;

(2) calling on United States Government officials to display the flag of the United States at half mast on National Day of Remembrance in honor of those who lost their lives as a result of the terrorist attacks on the United States on September 11, 2001;

(3) inviting State and local governments and the people of the United States to observe National Day of Remembrance with appropriate ceremonies; and

(4) urging all people of the United States to observe a moment of silence on National Day of Remembrance in honor of those who lost their lives as a result of the terrorist attacks on the United States on September 11, 2001.

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

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, all Senators should know that the next two votes are 10-minute votes. When we finish these two votes, we will go on to the antiterrorism legislation. The majority leader said we are going to finish that night. We will stick to the 10-minute votes. If Members are not here at or near that time, we will close the vote.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

NOMINATION OF BARRINGTON D. PARKER, JR., OF CONNECTICUT, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT

NOMINATION OF MICHAEL P. MILLS, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF MISSISSIPPI

Mr. LEAHY. Mr. President, when the Senate confirms Barrington Parker to the Second Circuit, we will have confirmed more Court of Appeals judges since July of this year than were confirmed in the entire first year of the Clinton administration. When the committee completes its consideration of Edith Brown Clement and she is confirmed to the Fifth Circuit, we will match the total confirmed Court of Appeals judges for the entire first year of the first Bush administration.

When we confirmed Judge Roger Gregory to the Fourth Circuit on July 20, the Senate had confirmed more Court of Appeals judges than a Republican-controlled Senate was willing to confirm in all of the 1996 session—a year in which not a single nominee to the Courts of Appeals was confirmed, not one all session.

Until I became chairman and began holding hearings in July, no judicial nominations had hearings or were confirmed by the Senate this year. We are now ahead of the pace of confirmations for judicial nominees in the first year of the Clinton administration and the pace in the first year of the first Bush administration.

In the first year of the Clinton administration, 1993, without all the disruptions, distractions and shifts in Senate majority that we have experienced this year through July and without the terrorist attacks of September 11, the first Court of Appeals judge was not confirmed until September 30, the third was not confirmed until November and, as I have noted, the Senate never confirmed a fourth Court of Appeals nominee.

In the entire first year of the first Bush administration, 1989, without all the disruptions, distractions and shifts of Senate majority that we have experienced this year through July and without the terrorist attacks of September 11, the fourth Court of Appeals nominee was not confirmed until November 8. Today, on October 11, the Senate will confirm its fourth Court of Appeals nominee since July 20 of this year. Thus, in spite of everything we are more than one month ahead of the pace in 1989.

During the more than 6 years in which the Republicans most recently controlled the Senate schedule, there were 34 months with no hearing at all, 30 months with only one hearing and only 12 times in almost 6½ years did the Judiciary Committee hold as many as two hearings involving judicial nominations during a month. I held two hearings in July involving judicial nominations and two unprecedented hearings in August, during the traditional recess. I held a fifth hearing in September, the sixth last week, and have scheduled a seventh hearing and second for October for next week. Thus, during the 4 months that I have been chairman with a reconstituted Judiciary Committee we will have held seven hearings involving judicial nominees and held two hearings in three of those 4 months.

A fair assessment of the circumstances of this year—in this shortened time frame of only a few months in session, with the obstruction in reorganization, the Republican objection that required all judicial nominations to be returned to the White House over the August recess, the President's unprecedented change in the process that shunted ABA peer review to the back end after the nomination, and now with the aftermath of the September 11

terrorist attacks—the committee and the Senate should be commended, not criticized, for our efforts to out pace the confirmations in the first years of the Clinton administration and the first year of the first Bush administration. Although we have redirected much of the committee work and attention to hearings and a legislative response following the terrible terrorist attacks on September 11, I have continued to hold confirmation hearings for judicial nominations at a pace far in excess of that maintained by my Republican predecessor.

In spite of unfair and unfounded criticism, I have continued to proceed with additional hearings and press onward as best I can to have the committee work to fulfil its role in the confirmation process. With cooperation from the White House and all Senators, both Republican and Democratic, I have no doubt that we can match and likely better the confirmation totals for the first year of the first Bush administration in 1989 by the end of the month.

I was encouraged to hear the White House sound a different tune recently when its spokesperson suggested that the point at which to assess our progress on judicial nominations will be at the end of the session. That is a far cry from the predictions earlier that there would be no confirmations by the Democratic majority and the subsequent White House prediction, which we have already topped, that there would be only five confirmations all year. I think that is a sensible thought and that we would be in position to compare apples with apples at the end of the first year of this administration.

Some Republican Senators have worked with me to expedite consideration of judicial nominees needed for their States and I appreciate their courtesy and have tried to accommodate them and the needs of the Federal courts in their States at the earliest opportunity. Others will carp and criticize no matter what we are able to achieve. I only wish those who now are rushing forward in the first weeks of my chairmanship to ''champion'' the cause of the Federal judiciary and see the current vacancies as a crisis would have sounded the call during the slowdown over the last 7 years. Had they joined with me in my efforts when they were in the majority, we would not have the vacancies we have now around the country. Many more would have been filled more quickly. I welcome them to the cause of the administration of justice but have to wonder whether their conversion is one of principle or partisanship. With few exceptions—Senator SPECTER comes to mind as someone who urged prompt action on nominees over the course of his Senate career including during the last several years—today's critics were comfortable defenders of slower confirmation hearings, long-delayed action on scores of nominees and no action on many others. Given that none of the current critics has yet admitted that Republicans did anything wrong over the last 7 years and has steadfastly defended the pace at which the Republican majority chose to act then, I would think they would be praising our current efforts that exceed the confirmation pace and hearing schedule that Republicans maintained when they held the Senate majority.

When I became chairman in June, I expressed my commitment to improving upon the inefficiency and lack of bipartisanship displayed by the committee in recent years. With respect to judicial nominations, our first hearing was noticed within 10 minutes of the adoption of the reorganization resolution and within a day of the committee's membership being set on July 10. I have alluded to the two unprecedented August recess hearings I chaired last month involving judicial nominations.

Indeed, at the first on August 22, no Republican member of the committee even attended. In addition to taking place during the August recess, those August hearings were unusual in that they were held without having nominations pending before the committee.

Just before the Senate recessed in early August, the Senate leadership requested that nominations, including all pending nominations for judicial appointment, be retained through the August recess. This proposal was made by the Democratic leadership notwithstanding the Senate rule that nominations should be returned to the President when the Senate recesses for a period of more than 30 days.

It was the objection of the Republican leader to that unanimous consent request that resulted in the return of all nominations, including all judicial nominations, to the President in early August. That Republican objection has resulted in the strict application of the Senate rules which has required needless paperwork and occasioned more unnecessary delay.

Given the objection by the Republican leader, no nominations were pending before the Senate or the Judiciary Committee on August 22 or August 27 when we convened our recess hearings. In order to proceed last month, we did so in a highly unusual manner. I did so with a high level of concern about that unusual procedure and noting the exceptional nature of those hearings.

Like the month-long delay in reorganizing the Senate, the objection of the Republican leader to the Senate retaining pending nominations through the August recess served to complicate and delay consideration of nominations. The bumps in the road created by the other side are especially frustrating. Similarly, President Bush's decision to delay the American Bar Association's evaluation of a judicial nominee's qualifications until the nomination is made public, has forced delays in the rest of the process as well.

As a result of this administration's break with the 50-year-old precedent established under President Eisenhower, the confirmation process of even the least controversial and most qualified candidates is necessarily delayed by several weeks after nominations are received by the Senate. There were no District Court nominees who had been evaluated in time for the confirmation hearing I convened on July 24.

With the return to the President of the District Court nominees the President sent to the Senate in early August and the delay in ABA peer review that results from the White House's decision to change the process that had worked for more than 50 years for Republican and Democratic Presidents alike, we have continued to have a limited pool of District Court nominees available for consideration at hearings.

Likewise, this administration's failures early on to consult with Senators from both parties and to seek nominees who would enjoy broad bipartisan support remains a source of concern. We have nominees pending whom the home State Senators do not know, and with whom they are not familiar and have never met.

In spite of these difficulties, we continue to move forward and exceed the pace set by both the Bush administration in 1989 and the Clinton administration in 1993. Under Democratic leadership, the Judiciary Committee is making important strides toward replenishing our Federal judiciary. I have adhered, and will continue to adhere, to a rigorous schedule, despite the terrorist attacks of September 11, and despite the limited opportunities provided by my not assuming the chairmanship until mid-session.

The Federal courts remain a symbol of justice to our citizens and to believers in peace and democracy throughout the world, and therefore, I will work diligently to keep the judicial nominations process on track.

Judge Parker will be a good addition to the Second Circuit. He is universally praised by the Senators from New York and Connecticut. He has been an outstanding District Court Judge. He is another from among the first group of nominees sent to the Senate by President Bush in May and resubmitted in September. He was reported unanimously by the Judiciary Committee, received the highest possible review from the ABA, and comes from a distinguished family of jurists.

Justice Mills is strongly supported by his home State Senators. He literally went the extra mile and drove from Mississippi to his confirmation hearing on September 13 when the air

travel system in the country was still recovering from the terrorist hijackings of September 11. I was gratified to hear Justice Mills testify that he will follow the time-honored principles of stare decisis and respect the settled law establishing a woman's right to choose.

I had been concerned about his interpretation of binding precedent and the law given his dissent in McMillan v. City of Jackson. In his dissent he concluded that a protester convicted of trespassing at a family planning clinic should have been permitted to present a defense of necessity—in other words to justify his unlawful conduct by arguing that the protester had a reasonable belief that such action was necessary to prevent a significant evil.

Having heard Justice Mills state at his hearing that he will have the utmost respect for judicial precedent as a judge on the federal bench, I am prepared to support his nomination in spite of his dissent in McMillan and out of respect for Senator COCHRAN and Senator LOTT.

In addition to the judicial nominees the Senate is considering, we are also considering the nominations of 14 men and women to become United States Attorneys across the country, as well as the nomination of Benigno Reyna to be the Director of the United States Marshals Service.

Earlier this year I raised the problem created by the administration being so slow to nominate United States Attorneys after calling upon those holding those critical law enforcement posts to tender their resignations. I am glad that the White House took those observations to heart and began sending us nominees to be the Justice Department representatives in districts in each of our States all across the country.

The President did not nominate anyone to be a United States Attorney until July 31, just before the August recess. Unfortunately, due to the objection of the Republican leader even those few nominations were required under Senate rules to be returned to the White House during the recess. In essence, we are working through nominees effectively received on September 5 and thereafter.

Since that time the Judiciary Committee has already reported almost half of the nominations received between September 5 and September 19 and will continue to press the administration to complete the paperwork requirements on these nominations as soon as possible. The paperwork on the first group of nominees was not completed until the second week of September. They were then reported out and confirmed.

This second large group of 14 United States Attorneys will bring to 26 the United States Attorneys confirmed in the period between September 14 and October 11. I am proud of our record. We have managed to work through almost half of the 54 nominations for United States Attorney in a short period. Of course, the President has yet to nominate as many as 40 United States Attorneys. We will continue to try to work with the administration to make progress on these nominations.

I remain disturbed that the administration has yet to nominate a single United States Marshal for the 95 Districts across the country. The Marshals Service is older than the Department of Justice itself and has long been an essential component in Federal law enforcement. Yet here we are in mid-October without a single nominee. It was created by the first Congress in the Judiciary Act of 1789.

When we are calling upon the Marshal Offices and their deputies to help with security at airports, to contribute to the sky marshal program, to provide security at Federal buildings and for the Federal courts and to protect us in so many ways, we need to take these matters seriously and move forward.

I know that Deputy Marshals from Vermont, for example, are helping with operations in Vermont and in other parts of New England to ensure airport security and to protect government operations and all Americans. Senators can be helpful to the administration in the selection of United States Marshals and trust that the administration will begin consulting with Senators so that we can move forward to fill these vital positions.

Today the Senate does have before it the nomination of Benigno Reyna to head the United States Marshals Service as its new Director. He will direct a crucial component of our Federal law enforcement family, the United States Marshals Service. In this difficult time for America in the wake of the attacks on September 11, I am pleased that we have been able to expedite his consideration by the Senate.

Having received his nomination on September 12, we proceeded to include him in a confirmation hearing on September. Even though we did not receive his nomination until September 12, we were able to move him quickly to a hearing within a week and he is being considered by the Senate less than one month after his nomination.

I thank the Acting Director of the United States Marshals Service, Louie T. McKinney, and all of the acting United States Marshals and Deputy Marshals from around the country for their service in the past difficult days and for their continuing dedication and sacrifice.

I wish Director Reyna, as well as the 14 new United States Attorneys around the country success in their new challenges.

I am proud of the hard work the Judiciary Committee has been doing to confirm these and others of the President's nominees to the Department of Justice. Since the committee was reassigned members on July 10, we have held ten nomination hearings for executive branch nominees.

We have proceeded expeditiously with hearings for the FBI Director, the Administrator of the Drug Enforcement Administration, the Commissioner of the Immigration and Naturalization Service, the Assistant Attorney General for the Tax Division, the Assistant Attorney General for the Office of Justice Programs, the Director of the National Institute of Justice, the Director of the Bureau of Justice Assistance, the Director of the Office for Victims of Crime, the Director of the United States Marshals Service, the Associate Attorney General, and the Assistant Attorney General for the Office of Legal Counsel.

Further, we have proceeded to confirm Assistant Attorneys General to head the Civil Rights, Antitrust, Civil and Tax Divisions.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, let me just say, if I may, in the first year of the Clinton administration the committee was controlled by Democrats. In the last year of the Bush administration the committee was controlled by Democrats. I have to say—when the all-time champion, with 382 confirmed judges, was Ronald Reagan—that it seems to me the moaning should quit at this point because we confirmed 377, 5 fewer than Reagan, including the time Senator BIDEN was chairman; and he did a good job. There were five fewer than Reagan during the Clinton years. In my opinion, they would have had at least three more than Reagan, had it not been for Democratic holds and objections to their own nominees.

So let's just understand something: We are not putting these judges through anywhere near as fast as we should be putting them through. Most of the statistics show that the judges who were nominated in the first year of a President, up to August 1st, basically went through.

When we have had confirmation of these two judges, there will be eight who will have gone through, three of whom are Democrats, whom I support. I think we have to do a better job because the Federal judiciary is one-third of the separated powers of this country. We now have 110 vacancies. With these 2, it will be 108. We have 51 judges, nominees, sitting here, not getting hearings.

I happen to appreciate the work the distinguished Senator from Vermont has done with the ones who have gone through, but we have not done nearly what we should do before the end of this particular session of Congress. I hope we can do a better job in the last week or so of this Congress to get more judges confirmed.

It isn't a matter of politics; it is a matter of doing what is right for a

third of the separated powers of our Government. I have to say, I do get a little tired of hearing that we put through as many as the first year of the Clinton administration and the last year of the Bush administration, both of which were controlled by Democrats.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. Thank you, Mr. President.

First, let me say to Senator LEAHY from Vermont, for those who have been confirmed and those who are going to be reported out, I say thank you very much. We do appreciate that sincerely. I am convinced that Senator LEAHY, as chairman of the Judiciary Committee, and the Judiciary Committee, working with the leadership, will be having more hearings and will be reporting out additional judges. I certainly hope that is the case.

Our concern, though, is some of the statistics that I think are not disputable. For instance, since the August recess, I believe we have only confirmed two judges—one circuit, one district. I understand there have been two more reported, and we will be voting on those two. So that is four.

I understand there has been a hearing, and maybe five more may be reported out this week, and then that they would be voted on, I assume, next week. But it is a fact that there are 110 vacancies, and there are 49 nominees pending before the committee. I believe that is right.

Mr. HATCH. Fifty-three.

Mr. LOTT. Well, I keep hearing different numbers. The fact is, there is a large number pending. But here is what really does concern me. Of the judges whose names were submitted as far back as May and June, of that group of circuit judges, which included 19 of them, and including Judge Gregory, who clearly is a Democratic nominee, only 3 have been confirmed. One more has been reported. And there has been 1 hearing, leaving 14 of the 19 circuit judges' names submitted in May or early June. I understand the ABA reports are completed. They have had no hearing and have not been reported.

On the circuit judges, of those who were reported in May and June, three have been confirmed. None is on the calendar. Two hearings have been completed. And there are two on which there has been no action.

So there are 16 judges—circuit and district—who have been there since May and June.

Having said that, I know the chairmanship changed in June, and it took time to get organized in July, and we were out in August, and we had an incident on September 11 that affected our schedule, and the Senator from Vermont and the committee have been involved in the counterterrorism.

But that is as it is.

What I have asked Senator DASCHLE and Senator LEAHY is to give me some indication of how the hearings will proceed, how the reports will proceed throughout the rest of October and into November.

You know, it is so funny. One final point.

Mr. LEAHY. Would the Senator like an answer?

Mr. LOTT. I would. One final point: It is amazing how history repeats itself. What you were saying last year we are saying this year. I guess before that, we were saying it or you were saying it.

So I would like to submit for the RECORD—and I ask unanimous consent to have this printed in the RECORD—quotes that were being offered just 1 year ago on this same subject. There were complaints from me that the intelligence authorization bill was being held up, appropriations bills were being delayed, not enough judges were being moved. So this is not new. But I just ask that we continue to work together to try to move the judicial nominations forward.

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

A YEAR AGO, IT WAS DEMOCRATS PUSHING FOR JUDICIAL CONFIRMATIONS

''I was in the Minority for a number of years in my present position and . . . I worked very hard in moving legislation, and we did not hold up legislation based on judges. We did not do that. . . . We did not hold up legislation based upon judges . . . we had a right to do so, but I felt, and Senator Daschle felt as minority leader that we had an obligation to move legislation. . . .''—Senator Harry Reid, Congressional Record, 10/10/2001, S10405

Compare the Majority Whip's remarks yesterday with the following statements he and the then Minority Leader made a year ago when they were in the minority and their party's president was in the White House.

EXHIBIT NO. 1: On July 21, 2000, while objecting to Majority Leader Lott's attempt to proceed to S. 2507, the Intelligence Authorization Bill, Minority Leader Daschle stated: ''I hope we can accommodate this unanimous consent request for the intelligence authorization. As [does] Senator Lott, I recognize that it is important, and I hope we can address it. I also hope we can address the additional appropriations bills. There is no reason we can't. We can find a compromise if there is a will, and I am sure there is. But we also want to see the list of what we expect will probably be the final list of judicial nominees to be considered for hearings in the Judicial Committee this year. I am anxious to talk with him and work with him on that issue. All of this is interrelated, as he said, and because of that, we take it slowly.'' [Congressional Record, S7426]

EXHIBIT NO. 2: On July 24, 2000, while objecting to Senator Lott's repeated attempt to proceed to S. 2507, the Intelligence Authorization Bill, Minority Whip Reid stated: ''I think it is unfortunate that we have been unable today to deal with [Judiciary Committee Chairman] Hatch. . . . I hope this evening or tomorrow we can sit down and talk. For example, I believe the judge's name is White . . . who has been before the committee and has not had a hearing. . . . In short, we hope in the meeting with Senator Hatch, either tonight or tomorrow, we will be in a position where we can expedite the rest of the work this week and move on to other things.'' [Congressional Record, S7469]

EXHIBIT NO. 3: On July 25, 2000, while discussing with Senator Domenici the delays in proceeding to the Energy and Water Appropriations Bill, Senator Reid stated: ''We believe there should be certain rights protected. Also under [the] Constitution, we have a situation that was developed by our Founding Fathers in which Senators would give the executive branch—the President—recommendations for people to serve in the judiciary. Once these recommendations were given, the President would send the names back to the Senate and we would confirm or approve those names. One of the problems we are having here is it is very difficult to get people approved, confirmed. This has nothing to do with the energy and water bill. It does, however, have something to do with the other bills. We could have moved forward on the energy and water bill on Friday until this glitch came up.'' [Congressional Record, S7525]

EXHIBIT NO. 4: On July 25, 2000, while discussing with Senator Wellstone the need to ''do the Senate's business'' and the then-current status of bills under the Republican-lead Senate, Senator Reid stated: ''We have a very simple situation here. We in the minority believe we have had the right to have a few judges approved by the Senate. . . . We also believe we have some appropriation bills that need to move forward, and there are some strings on that. We want to work, but there are some things that we think, in fairness, we deserve. As a result of that, things have slowed down, which is too bad.'' [Congressional Record, S7504]

Mr. LOTT. Mr. President, I understand that a judge whose name was submitted in June, and had his ABA rating of ''excellent'' in July, has not had a hearing. But, as a matter of fact, he is going to have one next week. So the process is moving. I hope we will continue to get that done. But we have a lot of them who have been here since May and June on whom we do need action. I hope we can get a commitment to get that action soon.

With that, I yield for a question or comment.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. The distinguished Republican leader and I have been friends for over 20 years. He is a year younger, so I think of him as still a good friend. I must admit that he is ahead of me in one area, especially: He has two grandchildren now, and will be happy to show any Senators pictures. I only have one.

But he asked where we are going to go. I will tell him there is a couple things we will not do. We had 34 months the Republicans controlled the Senate during the Clinton years where there were no hearings at all. I have no idea how many months or years I might be chairman of this committee, but I have no intention of having a record like that.

In fact, when we reorganized committees, we actually had a committee

within 10 minutes of the time—10 minutes—and the notice of the first hearing in a matter of days. When Senators have told me there was a problem—the Senator from Mississippi had no problem getting his judges up. We are going to vote on one in just a few minutes. There were earlier objections because of rulings that judge made. I helped clear those objections. I believe the Senator from Mississippi has another judge up for a hearing next week.

So, one, I will not go 34 months; two, I have been trying to accommodate Senators when they have told me they have had a problem. I even had hearings in the August recess to help out with this.

Now the Republicans did control the Senate for a while this year. They did not have any hearings. I had 2 days of hearings during the August recess. Ironically enough, no Republican even showed up for one of them, for judges; and one Republican member of the committee issued—actually two members criticized us for even holding the hearings in August on President Bush's nominees.

So I think you are kind of in a ''damned if you do, damned if you don't'' situation. One Republican Senator announced to the whole Senate that I had announced in the press that one of these nominees would never get a hearing. When I asked him where that was in the press, he said, well, maybe somebody else said it; but he did nothing to retract that, of course.

So it is kind of a difficult thing, I tell my good friend. But I am not going to do as the Republicans did in 1996, where we had no courts of appeals hearings. I do recognize there are some vacancies. Of course, there were nominees for those vacancies. Some sat here for 3 or 4 years without having any hearing or vote under the Republican administration of the Senate; 3 or 4 years unable to even get a hearing or vote.

We are moving. We will have more hearings next week. I will probably continue to have hearings during recesses. I will probably continue to have complaints from Republican Senators or their offices when I have those hearings during a recess, and some will probably not bother to show up. But because I have told my friend from Mississippi we will keep moving, we will. He should rest assured that, as tonight, when his judge is here, in a couple more weeks, his judge will be here again. I don't know if that helps as an answer to him.

I also suspect, I say to my friend from Mississippi, we have a terrorism bill to go to tonight. He would probably like us to get to votes on his judge and another judge so we can get to terrorism.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I will take another couple minutes. I want to set the record straight. During the first year of the Clinton administration, only five court of appeals nominees were nominated during the first year. Of those five nominees, three were reported out the same year. That is 60 percent of President Clinton's court of appeals nominees in his first year that were reported. In contrast, President Bush has nominated 25 circuit court nominees, and the committee has reported 4. That is 16 percent. There were only two circuit court nominees at the end of President Clinton's first year left in the committee. There are currently 21 of President Bush's circuit court nominees pending in committee and who will be left at the end of his first year if the committee does not act soon.

It is an unfair comparison when you take into account the fact that President Bush has chosen to nominate 20 more circuit court nominees than President Clinton did in his first year.

The fact is, most of these circuit court nominees have well-qualified ratings, meaning they have the highest ratings the American Bar Association can give. I can point to a lot of instances where the ABA has not done a fair job. You have to presume they really have to be good to get well-qualified ratings. It is absolutely wrong that we are not moving on those circuit court nominees as well as the district court nominees. I hope we can get that done in the near future.

I will work with Senator LEAHY to try to get it done. We have to do better than we are doing.

Mr. LEAHY. Mr. President, I agree, we want to do better than we did in the last 6 years. I will certainly try to move faster on these than the Senator from Utah did when he was chairman.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, in light of the conversations just ensued, I say to the Senator from Vermont that he has done an absolutely superb job over the last month since September 11 in being able to put together the antiterrorism bill we will be considering later this evening. I, for one, think this should have been clearly the first and only priority of the committee over that period of time.

We have had this long discussion. Certainly for the period since September 11, the accomplishments of the chairman of the Judiciary Committee and his colleagues on that committee in shaping that legislation and getting it before us tonight were splendid.

I yield the floor.

Mr. DODD. Mr. President, I rise in support of the nomination of Judge Barrington Parker to be United States Circuit Judge for the Second Circuit. It is a distinct pleasure for me to recommend Judge Parker to the Senate.

I would like to point out that this is not the first time that the Senate has been called upon to confirm Judge Parker. On September 14, 1994, he was unanimously confirmed by the Senate to serve as judge for the United States District Court for the Southern District of New York.

Judge Parker is a distinguished jurist. He has proven that the Senate's trust in his abilities were well placed. He has accumulated a superb record as a Federal jurist. His career on the bench has been marked by the same character of excellence and the same principled work ethic that marked his career as a lawyer first at the New York law firm of Sullivan & Cromwell, Parker Auspitz Neesemann & Delehanty and finally at the firm of Morrison & Foerster.

I suppose we shouldn't be surprised that Judge Parker has made such great contributions to the legal community in New York and to the Federal bench. After all, he was educated at an extraordinary college and law school in the great state of Connecticut. The time he spent at Yale equipped him to serve with distinction. And incidentally, his choice of residence in the State of Connecticut further demonstrates, at least to me, that he possesses excellence judgement.

Members of law enforcement sometimes refer to themselves as the ''thin blue line.'' In a similar way, members of the judicial branch can be considered the ''thin black line.'' Judges stand as the critical bulwarks in our society against forces that can break down a society, against injustice, against prejudice and against the neglect of individual rights. They take the high and lofty principles upon which our republic is founded and hand them down to all, the rich and the poor, the high and the low, all alike.

It has been said that the Constitution and the laws that are enacted under the Constitution comprise living, breathing documents. That is, of course, true. But it's also true that it is the labor of people who live, professionally speaking, in the law, the students, the practitioners, and especially the adjudicators of the law, that constantly breath new life into what would otherwise be fine but ineffectual words on a page.

The rights and freedoms that we each enjoy as Americans are an inheritance, not an entitlement. They exist for us only to the degree that we are willing to struggle to retain them and to constantly define what they mean for our times.

Judges are indispensable actors in this struggle. In Judge Parker I believe we have a jurist whose experience and temperament will prove a valuable asset to the Second Circuit and the great and enduring cause of equal justice under law. Especially now, when that cause has come under unprecedented attack from acts of terror, our nation needs the commitment and

service of people like Barrington Parker. Based on everything I know about Judge Parker, he meets the highest standards of judicial professionalism.

I hope and trust that the Senate will reach the same conclusion that I have reached and will confirm Judge Parker as United States Circuit Judge for the Second Circuit.

Mr. HATCH. Mr. President, I would like to respond to three points raised earlier this evening concerning judicial nominations. The first is the assertion that the Judiciary Committee has acted on as many nominations this year as it did during President Clinton's first year in office. That assertion is not only incorrect, but also ignores several important facts.

President Clinton nominated 32 judges before October 31, 1993, his first year in office. Twenty-eight were confirmed that year. That's an 88 percent confirmation rate. It's similar to the confirmation rate during the first year of President G.H.W. Bush's presidency—89 percent—and compares to President Reagan's 100 percent rate of confirmation for nominees sent to the Senate before October 31, 1981.

Compare these rates to where we are under President Bush and Chairman LEAHY. President Bush has nominated 59 judicial nominees. Only eight have been confirmed—including the two the Senate confirmed tonight. That's a rate of 13.5 percent. If the Senate completes this session without raising this rate to the range of 88 to 100 percent, it will be a dramatic break with precedent and a great embarrassment to this entire body. This is especially true because today we have 108 vacancies in the federal judiciary. That means that 12.6 percent of federal judgeships are unfilled. These empty seats should especially concern us in light of the enormous law enforcement effort underway to investigate the recent terrorist attacks and to prevent any future terrorist events.

Today's 12.6 percent vacancy is atypical. Compare it to the rates at the conclusion of the three Congresses when Bill Clinton was President and I was Chairman of the Judiciary Committee. At the end of the 104th Congress, the vacancy rate was 7.7 percent. At the end of the 105th, it was 5.9 percent. And last year at the end of the 106th Congress, it was 7.9 percent. Ironically, some of the same people who constantly bemoaned the judicial vacancies when Bill Clinton was President are silent today despite the much larger number of vacancies.

Mr. President, the second point to which I want to respond is the implication that the lack of a Senate organizational resolution in June of this year precluded the Judiciary Committee from holding confirmation hearings on judicial nominees during the three weeks that elapsed between June 5, the date our Democratic colleagues assumed control of the Senate, and June 29, the date the Senate reached an agreement on reorganization. That implication arises from the statement that the Committee scheduled a hearing within minutes of the Senate reorganization. I am puzzled by these remarks, because I see no reason why the Committee could not have held confirmation hearings under Democratic control prior to reorganization.

The lack of an organizational resolution did not stop other Senate committees from holding confirmation hearings. In fact, by my count, after the change in Senate control, nine different Senate Committee Chairmen held 16 different nomination hearings for 44 different nominees before reorganization. One of these committees—Veterans' Affairs—even held a mark-up on a pending nomination. But in the same period of time, the Judiciary Committee did not hold a single confirmation hearing for any of the then 39 judicial and executive branch nominees pending before us—despite the fact that some of those nominees had been waiting nearly two months.

What's more, the lack of an organizational resolution did not prevent the Judiciary Committee from holding five hearings in three weeks on a variety of other issues besides pending nominations. Between June 5 and June 27, the Committee held hearings on the Federal Bureau of Investigation, the faith-based initiative, and death penalty cases. There were also subcommittee hearings on capital punishment and on injecting political ideology into the Committee's process of reviewing judicial nominations.

Although several members were not technically on the Committee until the Senate reorganization was completed, there was no reason why Senators who were slated to become official members of the Committee upon reorganization could not have been permitted to participate in any nomination hearings. This was successfully accomplished in the case of the confirmation hearing of Attorney General John Ashcroft, which was held when the Senate was similarly situated in January of this year. So, while I appreciate the Chairman's efforts, I am compelled to clarify that neither the lack of an organizational resolution nor any other factor prevented this Committee from holding confirmation hearings in June. Consequently, there is simply no significance to the fact that the scheduling of a hearing occurred in proximity to the adoption of the resolution.

Mr. President, the third point to which I want to respond is the use of a statistic: the number of months during my chairmanship in which no nominations hearings were held. I am not going to quibble over that particular number here tonight because I disagree with the whole idea that such a statistic could be relevant to any analysis of whether the Senate is performing its constitutional advice and consent function sufficiently.

Perhaps an analogy would help. Say you had a fire that is going to require 108 gallons of water to extinguish. And say that the person in charge of supplying you the water prefers to count in ''containers'' rather than gallons—but won't tell you how big the containers are or how much water is in them. Every time you say ''I need 108 gallons of water,'' he responds, ''I've already delivered several containers.''

My point is that, with 108 judicial vacancies in our courts, and only 8 of 59 nominees confirmed this year, it is not particularly useful to measure progress in terms of the number of hearings held. I suppose the Committee could hold 8 hearings to confirm 8 nominees if it wanted to, but the result would be no different than having a single hearing with 8 nominees. Although we cannot have confirmations without hearings, hearings are not an end in themselves. What matters is the number of judges confirmed to the bench.

The bottom line of the Chairmanship is that the Senate confirmed essentially the same number of judges for President Clinton as it did for President Reagan—only 5 fewer. This proves the Republicans were fair—especially because it was a six-year Republican-controlled Senate that confirmed 382 Reagan nominees, and a six-year Republican controlled Senate that confirmed 377 Clinton nominees. Some Democrats avoid discussing this bottom-line fairness because they know there is no partisan retort. So instead of working toward their own bottom-line number proving fairness to President Bush, some are focusing instead on the number of hearings held. In the end, the only statistic that matters is the number of confirmations. I urge the Democrats to get to work.

Mr. GRAMM. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. Under the previous order, the clerk will report the nomination of Barrington D. Parker, Jr.

The legislative clerk read the nomination of Barrington D. Parker, Jr., of Connecticut, to be United States Circuit Judge for the Second Circuit.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Barrington D. Parker, Jr., of Connecticut, to be United States Circuit Judge for the Second District? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 297 Ex.]

YEAS —- 100

Akaka	Durbin	McCain
Allard	Edwards	McConnell
Allen	Ensign	Mikulski
Baucus	Enzi	Miller
Bayh	Feingold	Murkowski
Bennett	Feinstein	Murray
Biden	Fitzgerald	Nelson (FL)
Bingaman	Frist	Nelson (NE)
Bond	Graham	Nickles
Boxer	Gramm	Reed
Breaux	Grassley	Reid
Brownback	Gregg	Roberts
Bunning	Hagel	Rockefeller
Burns	Harkin	Santorum
Byrd	Hatch	Sarbanes
Campbell	Helms	Schumer
Cantwell	Hollings	Sessions
Carnahan	Hutchinson	Shelby
Carper	Hutchison	Smith (NH)
Chafee	Inhofe	Smith (OR)
Cleland	Inouye	Snowe
Clinton	Jeffords	Specter
Cochran	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kerry	Thomas
Corzine	Kohl	Thompson
Craig	Kyl	Thurmond
Crapo	Landrieu	Torricelli
Daschle	Leahy	Voinovich
Dayton	Levin	Warner
DeWine	Lieberman	Wellstone
Dodd	Lincoln	Wyden
Domenici	Lott	
Dorgan	Lugar	

The nomination was confirmed.

VOTE ON NOMINATION OF MICHAEL P. MILLS

The PRESIDING OFFICER. The clerk will report the nomination Michael P. Mills.

The legislative clerk read the nomination of Michael P. Mills, of Mississippi, to be United States District Judge for the Northern District of Mississippi.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Michael P. Mills, of Mississippi, to be United States District Judge for the Northern District of Mississippi? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Vermont (Mr. JEFFORDS) was necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 298 Ex.]

YEAS—98

Akaka	Chafee	Feinstein
Allard	Cleland	Fitzgerald
Allen	Clinton	Frist
Baucus	Cochran	Graham
Bayh	Collins	Gramm
Bennett	Conrad	Grassley
Biden	Corzine	Gregg
Bingaman	Craig	Hagel
Bond	Crapo	Harkin
Boxer	Daschle	Hatch
Breaux	Dayton	Helms
Brownback	DeWine	Hollings
Bunning	Domenici	Hutchinson
Burns	Dorgan	Hutchison
Byrd	Durbin	Inhofe
Campbell	Edwards	Inouye
Cantwell	Ensign	Johnson
Carnahan	Enzi	Kennedy
Carper	Feingold	Kerry
Kohl	Murray	Smith (OR)
Kyl	Nelson (FL)	Snowe
Landrieu	Nelson (NE)	Specter
Leahy	Nickles	Stabenow
Levin	Reed	Stevens
Lieberman	Reid	Thomas
Lincoln	Roberts	Thompson
Lott	Rockefeller	Thurmond
Lugar	Santorum	Torricelli
McCain	Sarbanes	Voinovich
McConnell	Schumer	Warner
Mikulski	Sessions	Wellstone
Miller	Shelby	Wyden
Murkowski	Smith (NH)	

NOT VOTING—2

Dodd	Jeffords

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President is notified of the Senate's actions.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

Under the previous order, the Senator from Ohio is recognized.

FEDERALIZATION OF AVIATION SECURITY

Mr. DEWINE. Mr. President, let me first thank Senator HOLLINGS and Senator MCCAIN for their hard work and diligence in getting the aviation security bill passed this evening. I congratulate them for this accomplishment.

Let me also thank and commend my colleague from Montana, Senator BURNS, for his contribution to this bill. I cosponsored and I spoke earlier today in support of his amendment to put certain aspects of aviation security in the hands of the Justice Department.

I support this effort because the Justice Department is in the law enforcement and security business. The Department has a law enforcement mindset, a security mindset, and that is the mindset, a way of thinking, that is essential to making sure our airports and aircraft are safe and our people are secure.

Having said that, the bill we passed today, though it has some very good and very important provisions, also has, in my opinion, a very significant problem. That problem is the bill as currently written mandates all security functions at the Nation's major airports be handled exclusively by Federal employees. I believe this is a problem because this provision does not allow for the hiring flexibility necessary to protect the traveling public. How can this Congress say with absolute certainty that a 100-percent federalized security force will in every case do the best job in carrying out security measures? I do not think we really can say that.

The reality is we do not know right now. Yes, we do know we need the Federal Government to be in charge at our airports, and this bill, thank Heavens, does that. I also believe strongly that flexibility is key to determining the best makeup of the security workforce. Flexibility in hiring between Federal workers and private contractors is absolutely essential.

At the same time, we need the Government to establish and enforce higher, more stringent security standards. That is clear. The Government must set the security standards. The Government must be in charge. The Government must assess the risks, set the standards, and then test compliance with those standards. The standards, yes, must be strict and they must be tough and they must be comprehensive.

The public demands we do this, and the public is right. That does not necessarily mean a 100-percent federalized security workforce at our airports is in every case going to be the best security; that somehow a Federal takeover and full Government presence at our airports will restore the public's confidence in air travel. Rather, higher standards and enforcement of those standards by our Government will give the public back its trust in the system.

There are certainly gaps in our current airport security system. The way security works now is the airlines that have the biggest presence at a given airport usually are the ones responsible for hiring contract security employees. Not surprisingly, the jobs normally go to the lowest bidders. It should come as no shock that current security is not what it should be. Screeners of baggage are low-skilled, low-paid employees. Turnover is subsequently often as high as 100 percent in a given year, with the average employee today staying no longer than 6 months in that job.

The fact is, unless there is accountability, unless there is a way to ensure the security personnel are doing their jobs, we cannot protect the traveling public. If private sector personnel are not doing the job, we will and can cancel their contract. It is that simple. They have a very real and very practical incentive to do a good job.

Further, it is difficult for the Government to be in the business of ''regulating security'' and carrying out its actual operation. Other nations around the world don't do it that way. Israel, with one of the best security records and one of the most dangerous terrorist-ridden parts of the world, does not do it that way. They do not do what this bill mandates.

Most nations in Europe had total federalization, and now they have changed to a mixed system. Most of the countries in Europe, as the chart indicates, contract out well over a majority of the security operations while the government maintains the regulatory role.

The average Federal private personnel split in airport security across Europe is 85-percent private employees, mostly handling screening; 15 percent are government employees, performing

the main law enforcement duties. The chart clearly shows this. European passenger screening is the responsibility of the government, not the airlines, but the European governments, in turn, have the flexibility to use either civil servants or private contractors to do the job. This works and it works very well. It is a public-private mix.

A recent FAA study found airport screeners in an unnamed European country were twice as likely as their American counterparts to spot dangerous items in scanned baggage. Additionally, in European airports they have a 2.5 times greater personnel outlay than in the United States. They pay more. The cost is 2½ times for security in Europe than in the United States. We see the results.

The fact is, privately contracted security personnel in Europe are seen as professionals. They take their jobs very seriously and the public respects that. It is no secret that there is a perception problem at home at our airports about the image of the current airport screening workforce. I understand that. But the way to repair that image is by setting better standards, repair that by raising the bar.

Like the U.S. Marshals I spoke about earlier today, the men and women tasked with protecting our Federal buildings and our courtrooms, we respect them. They do a fine job. The Marshal Service is able to do this great job largely because it sets high standards and then contracts out many of the functions of its security in the protection of our courtrooms and courthouses. For example, the Federal Marshal Service hires and manages about 3,300 contracted court security officers, CSOs. They are mostly, as we would expect, former law enforcement personnel who assist with the court security. They get the job done. They do it well. That blend works very well. The Marshal Service stays in charge, they are the professionals, but they contract out a portion of what they do.

There is no question we need to pay people better. We need to train them better, and we need to make this a professionalized workforce, one that gets respect and reflects the importance of the work they do. We need to think about things differently. The first step in doing so involves improving and enhancing security measures at our airports. That means we need better standards; we need better enforcement.

I hope by the time this bill reaches the President, we will have given the executive branch more flexibility. What we really need to do is to say to the executive branch and through our legislation, set higher standards. Then give them the job. Whether that is the Justice Department, the FAA, give the administration the job to get that job done and then hold them accountable.

When you give someone a job, when you say you are going to hold them accountable and when you set high standards but give them the obligation to get the job done, it only makes sense to allow them some flexibility in deciding how best to get that job done. Judge them by the results but give them the flexibility.

I hope we will look at this again, and by the time this bill finally reaches the President of the United States, we will give the President the tools he needs to get the job done for our security.

I yield the floor.

CARNAHAN AMENDMENT NO. 1855

The PRESIDING OFFICER. The Senator from Ohio is recognized for 10 minutes.

Mr. VOINOVICH. Mr. President, I rise today to speak about fiscal responsibility. Before I begin, I take a moment to discuss the Carnahan amendment to the aviation security bill. First, I congratulate Senator MCCAIN and Senator HOLLINGS for the passage of the airport security bill. The passage of that bill is long overdue. It is needed to secure our airports and aviation and to build confidence in the American public.

One of the things that has gone unmentioned is most economists agree one of the best things we can do to get the economy off the ground is to get our airlines into the air.

My constituents in Ohio have a significant stake in this bill because Ohio has a significant aviation presence. In fact, with no disrespect to my good friends from North Carolina, Ohio is the birth place of aviation since the Wright brothers hailed from Dayton and honed their skills in Ohio. They just happened to test out the ''flyer'' at Kitty Hawk.

Today, a number of airlines have hubs in Ohio: Continental in Cleveland, Delta in Cincinnati, America West has a big presence in Columbus.

Thousands of men and women working in the airline industry are hurting. I greatly appreciate the effort of my colleague from Missouri to aid them. There is no question the aviation sector has suffered particularly hard from this economic downturn and was hit right in the eye with the terrorist attack on September 11. However, as my colleagues well know, there are tens of thousands around the country who have lost their jobs in the past few months. There are tens of thousands more who are facing tough times, particularly in manufacturing States such as Ohio. There are thousands of Ohioans who lost their jobs in the steel mills, in the polymer industry, and in the auto plants. According to the most recent statistics from the Ohio Department of Jobs and Family Services, 250,000 Ohioans today are unemployed. This figure is before September 11. Now, undoubtedly that number is larger. The vast majority of these workers would not benefit from the provisions of the Carnahan amendment.

It is very important that whatever assistance Congress renders to the workers of this Nation, it is not just restricted to a set of workers.

I would have offered an amendment to the airport security bill, but I felt it would delay the bill and I also felt it would be more properly a part of the economic stimulus package. I intend to offer an amendment to that package when it comes before the Senate. I hope that happens quite soon.

ALTERED FISCAL PRIORITIES

Mr. VOINOVICH. Mr. President, discussions of the budget that once dominated the news headlines have been eclipsed since the world was forever changed by the horrendous events of September 11, and no one knows more about those events than the Presiding Officer.

Perhaps one of the most significant changes resulting from the terrorist attacks is how significantly our fiscal priorities have been altered. Almost instantly the debate shifted from how to protect the Social Security surplus to how we should spend it to pay for counterterrorism and homeland defense efforts and stimulate the economy.

By necessity, this dramatic change in our fiscal situation calls for Congress to sort out our top priorities between those that existed before September 11 and which continue to demand our attention and our new priorities, defending our homeland, fighting terrorism, and boosting the economy. We will commit the resources that are needed to succeed in this challenge and we will obtain those resources in whatever way is necessary.

Some of my colleagues will remember that prior to the events of September 11 I was working closely with the administration and several of my colleagues on a bill designed to protect the Social Security surplus, control spending, and ensure debt reduction. That legislation had two exceptions: recession and war. If it had been in place, both of these exceptions would apply.

Having said that, I emphatically say to my colleagues that the need for fiscal discipline is greater now than ever before. It must not be a casualty of September 11. We still need to prioritize our spending and we still need to make hard choices. As I said, the events of September 11 changed everything, and they have also changed our fiscal outlook for years to come.

Over the past few fiscal years, sustained by peace, prosperity, and assuredness, our Nation has had record budget surpluses. Unfortunately, the existence of surpluses has had an undesirable effect. Congress has expanded the Government, created new programs, and dramatically increased

spending in others. The speed at which the fiscal fortunes of the Federal Government have shifted is astounding. Almost 8 months ago, CBO projected we would run an on-budget surplus for fiscal year 2001 of $125 billion, as well as a $156 billion Social Security surplus—a total of $281 billion that was supposed to be used for debt reduction.

However, on September 26, the CBO released its monthly budget review and revealed a much different story. According to the CBO, when all is said and done the total unified budget surplus in fiscal year 2001 will be $121 billion, a change of $160 billion from the January estimate. This means Congress used $40 billion of the Social Security surplus to fund the general Government activities.

The news for fiscal year 2002 is equally sobering. Last week the Senate Budget Committee, working in a bipartisan manner, released new figures on the budget outlook for fiscal year 2002 through fiscal year 2011. The committee predicts that we are on track to spend the entire Social Security surplus in the 2002 fiscal year, and most or part of the Social Security surplus in the following year.

We see that on this chart. We show a $52 billion surplus, but the fact is, we are truly in deficit because we will be using $122 billion of Social Security in 2002, $125 billion in 2003, and so forth. So we are going to be using the Social Security surplus, according to this chart, all the way out to the year 2006.

I remind my colleagues the projected $52 billion unified surplus is a gross exaggeration of the possible surplus this year because we have pledged we are going to use $60 to $75 billion to stimulate the economy, which means we are going to wipe out this $52 billion surplus in 2002. In fact, we are going to have to borrow the money from the public to pay for the things we want to do.

I would like to remind my colleagues the bleak budget outlook I described goes way out into future years. The Senate Budget Committee projected we will spend significant portions of Social Security surpluses, as I mentioned, in 2003 to 2006.

I further remind my colleagues that these figures on this chart, as bad as they are, do not tell the whole story. These we are showing are based on a cost-of-living increase in spending based on inflation. Remember Congress spent 14.5 percent more in fiscal 2001 on nondefense discretionary spending than they did in fiscal year 2000. We should have no illusions that Congress is going to spend at the rate of inflation. I don't know of any time that Congress has spent money at the rate of inflation. As to these numbers on this chart, you might as well forget them. They are gone because the projections are based on inflationary increases and we know that is not going to be the case.

Our current crisis should not be used as an excuse to run up the tab for programs and projects not related to the war on terrorism or stimulating our economy. Now more than ever before we have to prioritize our funding and make tough choices. Do our spending choices put the safety of American lives at home and abroad front and center? Will they truly boost the economy? These are the questions that should be applied to every dollar Congress spends. Our current fiscal position does not allow for any unnecessary spending. Domestic needs must be reprioritized. Those of us who have been concerned about fiscal responsibility have to recommit ourselves to fiscal discipline. We have to make the tough choices to keep in check the urge to spend, keeping in mind we are spending the Nation's Social Security money with every additional dollar that goes out the door. Once it has gone out the door, we are then going to borrow that money from the public.

I am concerned that some proposals being considered in this Senate are inappropriate, given the long-term budget pressures we face. You will be hearing from me and hopefully many others about some of those proposals. If the stimulus package we put in place results in chronic budget deficits, it is going to drive up interest rates. And make no mistake about it, the financial markets are closely watching what we do. If they see Congress taking actions that will steer the Federal Government towards persistent deficits, they will drive interest rates higher. Higher interest rates will have exactly the opposite effect on the economy from what we want. They would put a brake on the economy by raising consumers' interest payments and discouraging economic activity.

Remember, low interest rates are important to the economy. In fact, Federal Reserve Chairman Alan Greenspan has been quite clear about this as he has highlighted this to many of us.

I think this is very important. This is not merely an academic exercise. The recent rise in long-term interest rates is attributed to the deteriorating budget condition of the Federal Government in the past few weeks. As my colleagues know, Congress will consider a true stimulus package in the near future. Helping America's workers, all workers, should be and will be a part of that package and should be our No. 1 priority.

The stimulus package can only be so big. So it is critical that we touch as many Americans as possible. All of them should participate in that economic stimulus package. That same message applies to the money we allocate to fight terrorism at home and abroad. We need to prioritize and we need to get the biggest bang for our buck, literally and figuratively.

We in this body must never lose sight that the day of reckoning with the baby boomer retirement has not been put off by our current crisis. Like it or not, the baby boomers will begin to retire in about 10 years, and if we fail to act, we will put an unacceptable burden on our children and grandchildren. We face an important challenge in preparing for that day. Our goal should be to fund our war on terrorism at home and abroad, respond to the needs of the victims of the terrorist attack in New York and here in Washington, get our economy going, and as soon as possible end deficit spending. We owe it to our children and grandchildren.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. 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. LEAHY. 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. LEAHY. Mr. President, what is the parliamentary situation under the unanimous consent request?

The PRESIDING OFFICER. There is nothing pending before the Senate.

Mr. LEAHY. Mr. President, I yield to the Democratic leader.

Mr. REID. Mr. President, I appreciate the Senator yielding.

On behalf of Senator DASCHLE, I now ask that the Senate consider S. 1510.

UNITING AND STRENGTHENING AMERICA ACT

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

The legislative clerk read as follows:

A bill (S. 1510) to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.

Mr. LEAHY. Mr. President, what is the time agreement that we are now operating under?

The PRESIDING OFFICER. There are 4 hours equally divided. In addition, there are 40 minutes on each of the four amendments to be offered by the Senator from Wisconsin, Mr. FEINGOLD.

Mr. LEAHY. I thank the distinguished Presiding Officer.

I cannot help but think in looking at our distinguished Presiding Officer, the senior Senator from New York, how much his State has suffered. Both he and his distinguished colleague, Senator CLINTON, have spoken so eloquently, both on the floor and elsewhere, about that. I know in my own private conversations with the distinguished Presiding Officer I felt the depth of his grief and emotion for a city that he obviously and unabashedly loves. His references to New York City

over the years are almost similar to the kind of comments I make about Vermont. But I do note the accent is somewhat different. I assume it is because of the Vermont accent.

But I think the Senators from New York, and the Senators from New Jersey and Connecticut have especially spoken of the effect on families and loved ones in the New York City area. People who work there are from New York, New Jersey, and Connecticut. I know how sad they feel.

I think of the people who died in Pennsylvania in an airplane that was probably planning to strike the very building we are in—this symbol of democracy. Only with a great loss of life did it not happen. But there would be an enormous disruption in our Government. The next day, the view that most people around the world have—our symbol of democracy—would be gone.

I think of the brave men and women who died, as the President and others have said, doing their duty at the Pentagon, and the hundreds—even thousands—of children who went to school happily in the morning and came home to find that they were orphans.

It was a terrible, terrible day.

I think back to what happened in Oklahoma City in 1995 and the actions we took then. We are moving, of course, much faster now than we did at that time, and I hope perhaps with more care on legislation.

We have before us the USA Act of 2001. I worked with Chairman SENSENBRENNER and Congressman CONYERS and Republican and Democratic leaders in the House because I hope Congress can act swiftly to enact this measure.

Some may be concerned if we have a conference—because the House is somewhat different than the Senate—that we could take a year or more to resolve these issues. That happened after Oklahoma City. That legislation took nearly a year to reconcile.

I believe the American people and my fellow Senators, both Republican and Democratic, deserve faster final action.

I assure the Senate, when we go to conference, we will complete that conference very quickly. We have demonstrated the ability in this body—and also Senators who have worked with me on both sides of the aisle and our staff—that we can work around the clock.

The distinguished senior Senator from Utah, Mr. HATCH, and I have been working together in constant communication with our staffs.

Last Thursday, October 4, I was pleased to introduce, along with the majority leader, Senator DASCHLE, and the Republican leader, Senator LOTT, also the chairmen of the Banking and Intelligence Committees, Senator SARBANES, Senator GRAHAM of Florida, Senator HATCH, and Senator SHELBY, the USA Act.

I must say this bill is not the bill I would have written if I were the only one writing it. I daresay it is not the bill the distinguished Presiding Officer, one of the brightest and most accomplished people I know, would have written, if he were writing it. It is not the bill the distinguished chairman of the Banking Committee would have written if he were writing it. It is not the bill the distinguished ranking member, Mr. HATCH, would have written when he was chairman, if he was solely writing the bill. It is really not the bill that any one of the other Members would have written. We can't pass 100 bills.

We have tried to put together the best possible bill. Of course, Republican and Democratic colleagues must come together, and that is what we did.

I should point out that this is not the bill the administration, through the Attorney General, delivered to us and asked for immediate passage. We actually did the administration a favor because rather than take the bill they dropped in our laps and said pass immediately, we did something that apparently they had not done. We read it and were able to refine and supplement their proposal in a number of ways. We were able to remove a number of unconstitutional parts. The administration accepted a number of practical steps that I proposed to improve our security on the Northern Border to assist our State, Federal, and local law enforcement officers and provide compensation to the victims of terrorist acts and to the public safety officers that gave their lives to protect us.

It also provides proposed checks on Government powers—checks that were not contained in the Attorney General's initial proposal.

In negotiations with the administration, I have done my best to strike a reasonable balance between the need to address the threat of terrorism, which we all keenly feel at the present time, and the need to protect our constitutional freedoms. Despite my misgivings, I have acquiesced in some of the administration's proposals because it is important to preserve national unity in this time of national crisis and to move the legislative process forward.

We still have room for improvement. Even after the Senate passes judgment on this bill—I believe it will tonight—the debate is not going to be finished because we have to consider those important things done in the other body.

What I have done throughout this time is to remember the words of Benjamin Franklin—when he literally had his neck on the line because if the Revolution had failed, he and the others would have been hanged—when he said: A people who would trade their liberty for security deserve neither.

We protected our security, but I am not going to give up the liberties that Americans have spent 220 years to obtain.

Moreover, our ability to make rapid progress was impeded because the negotiations with the Administration did not progress in a straight line. On several key issues that are of particular concern to me, we had reached an agreement with the Administration on Sunday, September 30. Unfortunately, within two days, the Administration announced that it was reneging on the deal. I appreciate the complex task of considering the concerns and missions of multiple federal agencies, and that sometimes agreements must be modified as their implications are scrutinized by affected agencies. When agreements made by the Administration must be withdrawn and negotiations on resolved issues reopened, those in the Administration who blame the Congress for delay with what the New York Times described last week as ''scurrilous remarks,'' do not help the process move forward.

Hearings. We have expedited the legislative process in the Judiciary Committee to consider the Administration's proposals. In daily news conferences, the Attorney General has referred to the need for such prompt consideration. I commend him for making the time to appear before the Judiciary Committee at a hearing September 25 to respond to questions that Members from both parties have about the Administration's initial proposals. I also thank the Attorney General for extending the hour and a half he was able to make in his schedule for the hearing for another fifteen minutes so that Senator FEINSTEIN and Senator SPECTER were able to ask questions before his departure. I regret that the Attorney General did not have the time to respond to questions from all the Members of the committee either on September 25 or last week, but again thank him for the attention he promised to give to written questions Members submitted about the legislation. We have not received answers to those written questions yet, but I will make them a part of the hearing whenever they are sent.

The Chairman of the Constitution Subcommittee, Senator FEINGOLD, also held an important hearing on October 3 on the civil liberties ramifications of the expanded surveillance powers requested by the Administration. I thank him for his assistance in illuminating these critical issues for the Senate.

Rule 14. To accede to the Administration's request for prompt consideration of this legislation, the Leaders decided to hold the USA Act at the desk rather than refer the bill to the Committee for mark-up, as is regular practice. Senator HATCH specifically urged that this occur and I support this decision. Indeed, when the Senate considered the anti-terrorism act in 1995 after the Oklahoma City bombing, we bypassed

Committee in order to deal with the legislation more promptly on the floor.

Given the expedited process that we have used to move this bill, I will take more time than usual to detail its provisions.

Victims. The heart of every American aches for those who died or have been injured because of the tragic terrorist attacks in New York, Virginia, and Pennsylvania on September 11th. Even now, we cannot assess the full measure of this attack in terms of human lives, but we know that the number of casualties is extraordinarily high.

Congress acted swiftly to help the victims of September 11th. Within 10 days, we passed legislation to establish a Victims Compensation Program, which will provide fair compensation to those most affected by this national tragedy. I am proud of our work on that legislation, which will expedite payments to thousands of Americans whose lives were so suddenly shattered.

But now more than ever, we should remember the tens of thousands of Americans whose needs are not being met—the victims of crimes that have not made the national headlines. Just one day before the events that have so transformed our nation, I came before this body to express my concern that we were not doing more for crime victims. I noted that the pace of victims legislation has slowed, and that many opportunities for progress had been squandered. I suggested that this year, we had a golden opportunity to make significant progress in this area by passing S. 783, the Leahy-Kennedy Crime Victims Assistance Act of 2001.

I am pleased, therefore, that the antiterrorism package now before the Senate contains substantial portions of S. 783 aimed at refining the Victims of Crime Act of 1984 (VOCA), and improving the manner in which the Crime Victims Fund is managed and preserved. Most significantly, section 621 of the USA Act will eliminate the cap on VOCA spending, which has prevented more than $700 million in Fund deposits from reaching victims and supporting essential services.

Congress has capped spending from the Fund for the last two fiscal year, and President Bush has proposed a third cap for fiscal year 2002. These limits on VOCA spending have created a growing sense of confusion and unease by many of those concerned about the future of the Fund.

We should not be imposing artificial caps on VOCA spending while substantial unmet needs continue to exist. Section 621 of the USA Act replaces the cap with a self-regulating system that will ensure stability and protection of Fund assets, while allowing more money to be distributed to the States for victim compensation and assistance.

Other provisions included from S. 783 will also make an immediate difference in the lives of victims, including victims of terrorism. Shortly after the Oklahoma City bombing, I proposed and the Congress adopted the Victims of Terrorism Act of 1995. This legislation authorized the Office for Victims of Crime (OVC) to set aside an emergency reserve of up to $50 million as part of the Crime Victims Fund. The emergency reserve was intended to serve as a ''rainy day'' fund to supplement compensation and assistance grants to States to provide emergency relief in the wake of an act of terrorism or mass violence that might otherwise overwhelm the resources of a State's crime victim compensation program and crime victim assistance services. Last month's disaster created vast needs that have all but depleted the reserve. Section 621 of the USA Act authorizes OVC to replenish the reserve with up to $50 million, and streamlines the mechanism for replenishment in future years.

Another critical provision of the USA Act will enable OVC to provide more immediate and effective assistance to victims of terrorism and mass violence occurring within the United States. I proposed this measure last year as an amendment to the Justice for Victims of Terrorism Act, but was compelled to drop it to achieve bipartisan consensus. I am pleased that we are finally getting it done this year.

These and other VOCA reforms in the USA Act are long overdue. Yet, I regret that we are not doing more. In my view, we should pass the Crime Victims Assistance Act in its entirety. In addition to the provisions that are included in today's antiterrorism package, this legislation provides for comprehensive reform of Federal law to establish enhanced rights and protections for victims of Federal crime. It also proposes several programs to help States provide better assistance for victims of State crimes.

I also regret that we have not done more for other victims of recent terrorist attacks. While all Americans are numbed by the heinous acts of September 11th, we should not forget the victims of the 1998 embassy bombings in East Africa. Eleven Americans and many Kenyan and Tanzanian nationals employed by the United States lost their lives in that tragic incident. It is my understanding that compensation to the families of these victims has in many instances fallen short. It is my hope that OVC will use a portion of the newly replenished reserve fund to remedy any inequity in the way that these individuals have been treated.

Hate crimes. We cannot speak of the victims of the September 11 without also noting that Arab-Americans and Muslims in this country have become the targets of hate crimes, harassment, and intimidation. I applaud the President for speaking out against and condemning such acts, and visiting a mosque to demonstrate by action that all religions are embraced in this country. I also commend the FBI Director for his periodic reports on the number of hate crime incidents against Arab-American and Muslims that the FBI is aggressively investigating and making clear that this conduct is taken seriously and will be punished.

The USA Act contains, in section 102, a sense of the Congress that crimes and discrimination against Arab and Muslim Americans are condemned. Many of us would like to do more, and finally enact effective hate crimes legislation, but the Administration has asked that the debate on that legislation be postponed. One of my greatest regrets regarding the negotiations in this bill was the objections that prevented the Local Law Enforcement Enhancement Act, S. 625, from being included in the USA Act.

State and local law enforcement. The Administration's initial proposal was entirely focused on Federal law enforcement. Yet, we must remember that state and local law enforcement officers have critical roles to play in preventing and investigating terrorist acts. I am pleased that the USA Act we consider today recognizes this fact.

As a former State prosecutor, I know that State and local law enforcement officers are often the first responders to a crime. On September 11th, the nation saw that the first on the scene were the heroic firefighters, police officers and emergency personnel in New York City. These New York public safety officers, many of whom gave the ultimate sacrifice, remind us of how important it is to support our State and local law enforcement partners. The USA Act provides three critical measures of Federal support for our State and local law enforcement officers in the war against terrorism.

First, we streamline and expedite the Public Safety Officers' Benefits application process for family members of fire fighters, police officers and rescue workers who perish or suffer a disabling injury in connection with prevention, investigation, rescue or recovery efforts related to a future terrorist attack.

The Public Safety Officers' Benefits Program provides benefits for each of the families of law enforcement officers, firefighters, and emergency response crew members who are killed or disabled in the line of duty. Current regulations, however, require the families of public safety officers who have fallen in the line of duty to go through a cumbersome and time-consuming application process. In the face of our national fight against terrorism, it is important that we provide a quick process to support the families of brave Americans who selflessly give their lives so that others might live before, during and after a terrorist attack.

This provision builds on the new law championed by Senator CLINTON, Senator SCHUMER and Congressman NADLER to speed the benefit payment process for families of public safety officers killed in the line of duty in New York City, Virginia, and Western Pennsylvania, on September 11.

Second, we have raised the total amount of Public Safety Officers' Benefit Program payments from approximately $150,000 to $250,000. This provision retroactively goes into effort to provide much-needed relief for the families of the brave men and women who sacrificed their own lives for their fellow Americans during the year. Although this increase in benefits can never replace a family's tragic loss, it is the right thing to do for the families of our fallen heroes. I want to thank Senator BIDEN and Senator HATCH for their bipartisan leadership on this provision.

Third, we expand the Department of Justice Regional Information Sharing Systems Program to promote information sharing among Federal, State and local law enforcement agencies to investigate and prosecute terrorist conspiracies and activities and authorize a doubling of funding for this year and next year. The RISS Secure Intranet is a nationwide law enforcement network that already allows secure communications among the more than 5,700 Federal, State and local law enforcement agencies. Effective communication is key to effective law enforcement efforts and will be essential in our national fight against terrorism.

The RISS program enables its member agencies to send secure, encrypted communications—whether within just one agency or from one agency to another. Federal agencies, such as the FBI, do not have this capability, but recognize the need for it. Indeed, on September 11, 2001, immediately after the terrorist attacks, FBI Headquarters called RISS officials to request ''Smartgate'' cards and readers to secure their communications systems. The FBI agency in Philadelphia called soon after to request more Smartgate cards and readers as well.

The Regional Information sharing Systems Program is a proven success that we need to expand to improve secure information sharing among Federal, State and local law enforcement agencies to coordinate their counterterrorism efforts.

Our State and local law enforcement partners welcome the challenge to join in our national mission to combat terrorism. We cannot ask State and local law enforcement officers to assume these new national responsibilities without also providing new Federal support. The USA Act provides the necessary Federal support for our State and local law enforcement officers to serve as full partners in our fight against terrorism.

I am deeply troubled by continuing reports that information is not being shared with state local law enforcement. In particular, the testimony of Baltimore Police Chief Ed Norris before the House Government Reform Committee last week highlighted the current problem.

Northern borders. The unfolding facts about how the terrorists who committed the September 11 attack were able to enter this country without difficulty are chilling. Since the attacks many have pointed to our northern border as vulnerable to the entry of future terrorists. This is not surprising when a simple review of the numbers shows that the northern border has been routinely short-changed in personnel. While the number of border patrol agents along the southern border has increased over the last few years to over 8,000, the number at the northern border has remained the same as a decade ago at 300. This remains true despite the fact that Admad Ressam, the Algerian who planned to blow up the Los Angeles International Airport in 1999, and who has been linked to those involved in the September 11 attacks, chose to enter the United States at our northern border. It will remain an inviting target until we dramatically improve our security.

The USA Act includes my proposals to provide the substantial and long overdue assistance for our law enforcement and border control efforts along the Northern Border. My home state of Vermont has seen huge increases in customs and INS activity since the signing of NAFTA. The number of people coming through our borders has risen steeply over the years, but our staff and our resources have not.

I proposed—and this legislation authorizes in section 402—tripling the number of Border Patrol, INS inspectors, and customs Service employees in each of the States along the 4,000-mile Northern Border. I was gratified when 22 Senators—Democrats and Republicans—wrote to the President supporting such an increase, and I am pleased that the Administration agreed that this critical law enforcement improvement should be included in the bill. Senators CANTWELL and SCHUMER in the Committee and Senators MURRAY and DORGAN have been especially strong advocates of these provisions and I thank them for their leadership. In addition, the USA Act, in section 401, authorizes the Attorney General to waive the FTE cap on INS personnel in order to address the national security needs of the United States on the northern border. Now more than ever, we must patrol our border vigilantly and prevent those who wish America harm from gaining entry. At the same time, we must work with the Canadians to allow speedy crossing to legitimate visitors and foster the continued growth of trade which is beneficial to both countries.

In addition to providing for more personnel, this bill also includes, in section 402(4), my proposal to provide $100 million in funding for both the INS and the Customs Service to improve the technology used to monitor the Northern Border and to purchase additional equipment. The bill also includes, in section 403(c), an important provisions from Senator CANTWELL directing the Attorney General, in consultation with other agencies, to develop a technical standard for identifying electronically the identity of persons applying for visas or seeking to enter the United States. In short, this bill provides a comprehensive high-tech boost for the security of our nation.

This bill also includes important proposals to enhance data sharing. The bill, in section 403, directs the Attorney General and the FBI Director to give the State Department and INS access to the criminal history information in the FBI's National Crime Information Center (NCIC) database, as the Administration and I both proposed. The Attorney General is directed to report back to the Congress in two years on progress in implementing this requirement. We have also adopted the Administration's language, in section 413, to make it easier for the State Department to share information with foreign governments for aid in terrorist investigations.

Criminal justice improvements. The USA Act contains a number of provisions intended to improve and update the federal criminal code to address better the nature of terrorist activity, assist the FBI in translating foreign language information collected, and ensure that federal prosecutors are unhindered by conflicting local rules of conduct to get the job done. I will mention just a few of these provisions.

FBI translators. The truth certainly seems self-evident that all the best surveillance techniques in the world will not help this country defend itself from terrorist attack if the information cannot be understood in a timely fashion. Indeed, within days of the September 11, the FBI Director issued an employment ad on national TV by calling upon those who speak Arabic to apply for a job as an FBI translator. This is a dire situation that needs attention. I am therefore gratified that the Administration accepted by proposal, in section 205, to waive any federal personnel requirements and limitations imposed by any other law in order to expedite the hiring of translators at the FBI.

This bill also directs the FBI Director to establish such security requirements as are necessary for the personnel employed as translators. We know the effort to recruit translators has a high priority, and the Congress should provide all possible support. Therefore, the bill calls on the Attorney General to report to the Judiciary

Committees on the number of translators employed by the Justice Department, any legal or practical impediments to using translators employed by other Federal, State, or local agencies, on a full, part-time, or shared basis; and the needs of the FBI for specific translation services in certain languages, and recommendations for meeting those needs.

Federal crime of terrorism. The Administration's initial proposal assembled a laundry list of more than 40 Federal crimes ranging from computer hacking to malicious mischief to the use of weapons of mass destruction, and designated them as ''Federal terrorism offenses,'' regardless of the circumstances under which they were committed. For example, a teenager who spammed the NASA website and, as a result, recklessly caused damage, would be deemed to have committed this new ''terrorism'' offense. Under the Administration's proposal, the consequences of this designation were severe. Crimes on the list would carry no statute of limitations. The maximum penalties would shoot up to life imprisonment, and those released earlier would be subject to a lifetime of supervised release. Moreover, anyone who harbored a person whom he had ''reasonable grounds to suspect'' had committed, or was about to commit, a ''Federal terrorism offense''—whether it was the Taliban or the mother of my hypothetical teenage computer hacker—would be subject to stiff criminal penalties. I worked closely with the Administration to ensure that the definition of ''terrorism'' in the USA Act fit the crime.

First, we have trimmed the list of crimes that may be considered as terrorism predicates in section 808 of the bill. This shorter, more focused list, to be codified at 18 U.S.C. §2332(g)(5)(B), more closely reflects the sorts of offenses committed by terrorists.

Second, we have provided, in section 810, that the current 8-year limitations period for this new set of offenses will remain in place, except where the commission of the offense resulted in, or created a risk of, death or serious bodily injury.

Third, rather than make an across-the-board, one-size-fits-all increase of the penalties for every offense on the list, without regard to the severity of the offense, we have made, in section 811, more measured increases in maximum penalties where appropriate, including life imprisonment or lifetime supervised release in cases in which the offense resulted in death. We have also added, in section 812, conspiracy provisions to a few criminal statutes where appropriate, with penalties equal to the penalties for the object offense, up to life imprisonment.

Finally, we have more carefully defined the new crime of harboring terrorists in section 804, so that it applies only to those harboring people who have committed, or are about to commit, the most serious of federal terrorism-related crimes, such as the use of weapons of mass destruction. Moreover, it is not enough that the defendant had ''reasonable grounds to suspect'' that the person he was harboring had committed, or was about to commit, such a crime; the government must prove that the defendant knew or had ''reasonable grounds to believe'' that this was so.

McDade fix. The massive investigation underway into who was responsible for and assisted in carrying out the September 11 attacks stretches across state and national boundaries. While the scope of the tragedy is unsurpassed, the disregard for state and national borders of this criminal conspiracy is not unusual. Federal investigative officers and prosecutors often must follow leads and conduct investigations outside their assigned jurisdictions. At the end of the 105th Congress, a legal impediment to such multi-jurisdiction investigations was slipped into the omnibus appropriations bill, over the objection at the time of every member of the Senate Judiciary Committee.

I have spoken many times over the past two years of the problems caused by the so-called McDade law, 28 U.S.C. §530B. According to the Justice Department, the McDade law has delayed important criminal investigations, prevented the use of effective and traditionally-accepted investigative techniques, and served as the basis of litigation to interfere with legitimate federal prosecutions. At a time when we need federal law enforcement authorities to move quickly to catch those responsible for the September 11th attacks, and to prevent further attacks on our country, we can no longer tolerate the drag on federal investigations and prosecutions caused by this ill-considered legislation.

On September 19th, I introduced S. 1437, the Professional Standards for Government Attorneys Act of 2001, along with Senators HATCH and WYDEN. This bill proposes to modify the McDade law by establishing a set of rules that clarify the professional standards applicable to government attorneys. I am delighted that the Administration recognized the importance of S. 1437 for improving federal law enforcement and combating terrorism, and agreed to its inclusion as section 501 of the USA Act.

The first part of section 501 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 to 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 section 501 specifically addresses the situation in Oregon, where a state court ruling has seriously impeded the ability of Federal agents to engage in undercover operations and other covert activities. See In re Gatti, 330 Or. 517 (2000). Such activities are legitimate and essential crime-fighting tools. The Professional Standards for Government Attorneys Act ensures that these tools will be available to combat terrorism.

Finally, section 501 addresses the most pressing contemporary question of government attorney ethics—namely, the question of which rule should govern 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 prosecutors and law enforcement agents will be able to use traditional Federal investigative techniques. We need to pass this corrective legislation before more cases are compromised.

Terrorist attacks against mass transportation systems. Another provision of the USA Act that was not included in the Administration's initial proposal is section 801, which targets acts of terrorism and other violence against mass transportation systems. Just last week, a Greyhound bus crashed in Tennessee after a deranged passenger slit the driver's throat and then grabbed the steering wheel, force the bus into the oncoming traffic. Six people were killed in the crash. Because there are

currently no federal law addressing terrorism of mass transportation systems, however, there may be no federal jurisdiction over such as case, even if it were committed by suspected terrorists. Clearly, there is an urgent need for strong criminal legislation to deter attacks against mass transportation systems. Section 801 will fill this gap.

Cybercrime. The Computer Fraud and Abuse Act, 18 U.S.C. §1030, is the primary federal criminal statue prohibiting computer frauds and hacking. I worked with Senator HATCH in the last Congress to make improvements to this law in the Internet Security Act, which passed the Senate as part of another bill. Our work is included in section 815 of the USA Act. This section would amend the statute to clarify the appropriate scope of federal jurisdiction. First, the bill adds a definition of ''loss'' to cover any reasonable cost to the victim in responding to a computer hacker. Calculation of loss is important both in determining whether the $5,000 jurisdictional hurdle in the statute is met, and, at sentencing, in calculating the appropriate guideline range and restitution amount.

Second, the bill amends the definitions of ''protected computer'' to include qualified computers even when they are physically located outside of the United States. This clarification will preserve the ability of the United States to assist in internal hacking cases.

Finally, this section eliminates the current directive to the Sentencing Commission requiring that all violations, including misdemeanor violations, of certain provisions of the Computer Fraud and Abuse Act be punished with a term of imprisonment of at least six months.

Biological weapons. Borrowing from a bill introduced in the last Congress By Senator BIDEN, the USA Act contains a provision in section 802 to strengthen our federal laws relating to the threat of biological weapons. Current law prohibits the possession, development, or acquisition of biological agents or toxins ''for use as a weapon.'' This section amends the definition of ''for use as a weapon'' to include all situations in which it can be proven that the defendant had any purpose other than a peaceful purpose. This will enhance the government's ability to prosecute suspected terrorists in possession of biological agents or toxins, and conform the scope of the criminal offense in 18 U.S.C. §175 more closely to the related forfeiture provision in 18 U.S.C. §176. This section also contains a new statute, 18 U.S.C. §175b, which generally makes it an offense for certain restricted persons, including non-resident aliens from countries that support international terrorism, to possess a listed biological agent or toxin.

Of greater consequence, section 802 defines another additional offense, punishable by up to 10 years in prison, of possessing a biological agent, toxin, or delivery system ''of a type or in a quantity that, under the circumstances,'' is not reasonably justified by a peaceful purpose. As originally proposed by the Administration, this provision specifically stated that knowledge of whether the type or quantity of the agent or toxin was reasonably justified was not an element of the offense. Thus, although the burden of proof is always on the government, every person who possesses a biological agent, toxin, or delivery system was at some level of risk. I am pleased that the Administration agreed to drop this portion of the provision.

Nevertheless, I remain troubled by the subjectivity of the substantive standard for violation of this new criminal prohibition, and question whether it provides sufficient notice under the Constitution. I also share the concerns of the American Society for Microbiology and the Association of American Universities that this provision will have a chilling effect upon legitimate scientific inquiry that offsets any benefit in protecting against terrorism. While we have tried to prevent against this by creating an explicit exclusion for ''bona fide research,'' this provision may yet prove unworkable, unconstitutional, or both. I urge the Justice Department and the research community to work together on substitute language that would provide prosecutors with a more workable tool.

Secret Service jurisdiction. Two sections of the USA Act were added at the request of the United States Secret Service, with the support of the Administration. I was pleased to accommodate the Secret Service by including these provisions in the bill to expand Electronic Crimes Task Force and to clarify the authority of the Secret Service to investigator computer crimes.

The Secret Service is committed to the development of new tools to combat the growing areas of financial crime, computer fraud, and cyberterrorism. Recognizing a need for law enforcement, private industry and academia to pool their resources, skills and revision to combat criminal elements in cyberspace, the Secret Service created the New York Electronic Crimes Task Force (NYECTF). This highly successful model is comprised of over 250 individual members, including 50 different Federal, State and local enforcement agencies, 100 private companies, and 9 universities. Since its inception in 1995, the NYECTF has successfully investigated a range of financial and electronic crimes, including credit card fraud, identify theft, bank fraud, computer systems intrusions, and e-mail threats against protectees of the Secret Service. Section 105 of the USA Act authorizes the Secret Service to develop similar task forces in cities and regions across the country where critical infrastructure may be vulnerable to attacks from terrorists or other cyber-criminals.

Section 507 of the USA Act gives the Secret Service concurrent jurisdiction to investigate offenses under 18 U.S.C. §1030. relating to fraud and related activity in connection with computers. Prior to the 1996 amendments to the Computer Fraud and Abuse Act, the Secret Service was authorized to investigate any an all violations of section 1030, pursuant to an agreement between the Secretary of Treasury and the Attorney General. The 1996 amendments, however, concentrated Secret Service jurisdiction on certain specified subsections of section 1030. The current amendment would return full jurisdiction to the Secret Service and would allow the Justice and Treasury Departments to decide on the appropriate work-sharing balance between the two. This will enable the Secret Service to investigate a wide range of potential White House network intrusions, as well as intrusions into remote sites (outside of the White House) that could impact the safety and security of its protectees, and to continue its mission to protect the nation's critical infrastructure and financial payment systems.

Counter-terrorism Fund. The USA Act also authorizes, for the first time, a counter-terrorism fund in the Treasury of the United States to reimburse Justice Department for any costs incurred in connection with the fight against terrorism.

Specifically, this counter-terrorism fund will: (1) reestablish an office or facility that has been damaged as the result of any domestic or international terrorism incident; (2) provide support to counter, investigate, or prosecute domestic or international terrorism, including paying rewards in connection with these activities; (3) conduct terrorism threat assessments of Federal agencies; and (4) for costs incurred in connection with detaining individuals in foreign countries who are accused of acts of terrorism in violation of United States law.

I first authored this counter-terrorism fund in the S. 1319, the 21st Century Department of Justice Appropriations Authorization Act, which Senator HATCH and I introduced in August.

Enhanced surveillance procedures. The USA Act provides enhanced surveillance procedures for the investigation of terrorism and other crimes. The challenge before us has been to strike a reasonable balance to protect both security and the liberties of our people. In some respects, the changes made are appropriate and important ones to update surveillance and investigative procedures in light of new technology and experience with current law. Yet, in other respects, I have deep concerns that we may be increasing surveillance

powers and the sharing of criminal justice information without adequate checks on how information may be handled and without adequate accountability in the form of judicial review.

The bill contains a number of sensible proposals that should not be controversial.

Wiretap predicates. For example, sections 201 and 202 of the USA Act would add to the list of crimes that may be used as predicates for wiretaps certain offenses which are specifically tailored to the terrorist threat. In addition to crimes that relate directly to terrorism, the list would include crimes of computer fraud and abuse which are committed by terrorists to support and advance their illegal objectives.

FISA roving wiretraps. The bill, in section 206, would authorize the use of roving wiretaps in the course of a foreign intelligence investigation and brings FISA into line with criminal procedures that allow surveillance to follow a person, rather than requiring a separate court order identifying each telephone company or other communication common carrier whose assistance is needed. This is a matter on which the Attorney General and I reached early agreement. This is the kind of change that has a compelling justification, because it recognizes the ease with which targets of investigations can evade surveillance by changing phones. In fact, the original roving wiretap authority for use in criminal investigations was enacted as part of the Electronic Communications Privacy Act (ECPA) in 1986. I was proud to be the primary Senate sponsor of that earlier law.

Paralleling the statutory rules applicable to criminal investigations, the formulation I originally proposed made clear that this roving wiretap authority must be requested in the application before the FISA court was authorized to order such roving surveillance authority. Indeed, the Administration agrees that the FISA court may not grant such authority sua sponte. Nevertheless, we have accepted the Administration's formulation of the new roving wiretap authority, which requires the FISA court to make a finding that the actions of the person whose communications are to be intercepted could have the effect of thwarting the identification of a specified facility or place. While no amendment is made to the statutory directions for what must be included in the application for a FISA electronic surveillance order, these applications should include the necessary information to support the FISA court's finding that roving wiretap authority is warranted.

Search warrants. The USA Act, in section 219, authorizes nationwide service of search warrants in terrorism investigations. This will allow the judge who is most familiar with the developments in a fast-breaking and complex terrorism investigation to make determinations of probable cause, no matter where the property to be searched is located. This will not only save time by avoiding having to bring up-to-speed another judge in another jurisdiction where the property is located, but also serves privacy and Fourth Amendment interests in ensuring that the most knowledgeable judge makes the determination of probable cause. The bill, in section 209, also authorizes voice mail messages to be seized on the authority of a probable cause search warrant rather than through the more burdensome and time-consuming process of a wiretap.

Electronic records. The bill updates the laws pertaining to electronic records in three primary ways. First, in section 210, the bill authorizes the nationwide service of subpoenas for subscriber information and expands the list of items subject to subpoena to include the means and source of payment for the service.

Second, in section 211, the bill equalizes the standard for law enforcement access to cable subscriber records on the same basis as other electronic records. The Cable Communications Policy Act, passed in 1984 to regulate various aspects of the cable television industry, did not take into account the changes in technology that have occurred over the last fifteen years. Cable television companies now often provide Internet access and telephone service in addition to television programming. This amendment clarifies that a cable company must comply with the laws governing the interception and disclosure of wire and electronic communications just like any other telephone company or Internet service provider. The amendments would retain current standards that govern the release of customer records for television programming.

Finally, the bill, in section 212, permits, but does not require, an electronic communications service to disclose the contents of and subscriber information about communications in emergencies involving the immediate danger of death or serious physical injury. Under current law, if an ISP's customer receives an e-mail death threat from another customer of the same ISP, and the victim provides a copy of the communication to the ISP, the ISP is limited in what actions it may take. On one hand, the ISP may disclose the contents of the forwarded communication to law enforcement (or to any other third party as it sees fit). See 18 U.S.C. §2702(b)(3). On the other hand, current law does not expressly authorize the ISP to voluntarily provide law enforcement with the identity, home address, and other subscriber information of the user making the threat. See 18 U.S.C. §2703(c)(1)(B),(C) (permitting disclosure to government entities only in response to legal process). In those cases where the risk of death or injury is imminent, the law should not require providers to sit idly by. This voluntary disclosure, however, in no way creates an affirmative obligation to review customer communications in search of such imminent dangers.

Also, under existing law, a provider (even one providing services to the public) may disclose the contents of a customer's communications—to law enforcement or anyone else—in order to protect its rights or property. See 18 U.S.C. §2702(b)(5). However, the current statute does not expressly permit a provider voluntarily to disclose non-content records (such as a subscriber's login records) to law enforcement for purposes of self-protection. See 18 U.S.C. §2703(c)(1)(B). Yet the right to disclose the content of communications necessarily implies the less intrusive ability to disclose non-content records. Cf. United States v. Auler, 539 F.2d 642, 646 n.9 (7th Cir. 1976) (phone company's authority to monitor and disclose conversations to protect against fraud necessarily implies right to commit lesser invasion of using, and disclosing fruits of, pen register device) (citing United States v. Freeman, 524 F.2d 337, 341 (7th Cir. 1975)). Moreover, as a practical matter providers must have the right to disclose the facts surrounding attacks on their systems. When a telephone carrier is defrauded by a subscriber, or when an ISP's authorized user launches a network intrusion against his own ISP, the provider must have the legal ability to report the complete details of the crime to law enforcement. The bill clarifies that service providers have the statutory authority to make such disclosures.

Pen registers. There is consensus that the existing legal procedures for pen register and trap-and-trace authority are antiquated and need to be updated. I have been proposing ways to update the pen register and trap and trace statutes for several years, but not necessarily in the same ways as the Administration initially proposed. In fact, in 1998, I introduced with then-Senator Ashcroft, the E–PRIVACY Act, S. 2067, which proposed changes in the pen register laws. In 1999, I introduced the E–RIGHTS Act, S. 934, also with proposals to update the pen register laws.

Again, in the last Congress, I introduced the Internet Security Act, S. 2430, on April 13, 2000, that proposed (1) changing the pen register and trap and trace device law to give nationwide effect to pen register and trap and trace orders obtained by Government attorneys and obviate the need to obtain identical orders in multiple federal jurisdictions; (2) clarifying that such devices can be used for computer transmissions to obtain electronic addresses, not just on telephone lines; and (3)

as a guard against abuse, providing for meaningful judicial review of government attorney applications for pen registers and trap and trace devices.

As the outline of my earlier legislation suggests, I have long supported modernizing the pen register and trap and trace device laws by modifying the statutory language to cover the use of these orders on computer transmissions; to remove the jurisdictional limits on service of these orders; and to update the judicial review procedure, which, unlike any other area in criminal procedure, bars the exercise of judicial discretion in reviewing the justification for the order. The USA Act, in section 216, updates the pen register and trap and trace laws only in two out of three respects I believe are important, and without allowing meaningful judicial review. Yet, we were able to improve the Administration's initial proposal, which suffered from the same problem as the provision that was hastily taken up and passed by the Senate, by voice vote, on September, 13, 2001, as an amendment to the Commerce Justice State Appropriations Act.

Nationwide service. The existing legal procedures for pen register and trap-and-trace authority require service of individual orders for installation of pen register or trap and trace device on the service providers that carried the targeted communications. Deregulation of the telecommunications industry has had the consequence that one communication may be carried by multiple providers. For example, a telephone call may be carried by a competitive local exchange carrier, which passes it at a switch to a local Bell Operating Company, which passes it to a long distance carrier, which hands it to an incumbent local exchange carrier elsewhere in the U.S., which in turn may finally hand it to a cellular carrier. If these carriers do not pass source information with each call, identifying that source may require compelling information from a host of providers located throughout the country.

Under present law, a court may only authorize the installation of a pen register or trap device ''within the jurisdiction of the court.'' As a result, when one provider indicates that the source of a communication is a carrier in another district, a second order may be necessary. The Department of Justice has advised, for example, that in 1996, a hacker (who later turned out to be launching his attacks from a foreign country) extensively penetrated computers belonging to the Department of Defense. This hacker was dialing into a computer at Harvard University and used this computer as an intermediate staging point in an effort to conceal his location and identity. Investigators obtained a trap and trace order instructing the phone company, Nynex, to trace these calls, but Nynex could only report that the communications were coming to it from a long-distance carrier, MCI. Investigators then applied for a court order to obtain the connection information from MCI, but since the hacker was no longer actually using the connection, MCI could not identify its source. Only if the investigators could have served MCI with a trap and trace order while the hacker was actively on-line could they have successfully traced back and located him.

In another example provided by the Department of Justice, investigators encountered similar difficulties in attempting to track Kevin Mitnick, a criminal who continued to hack into computers attached to the Internet despite the fact that he was on supervised release for a prior computer crime conviction. The FBI attempted to trace these electronic communications while they were in progress. In order to evade arrest, however, Mitnick moved around the country and used cloned cellular phones and other evasive techniques. His hacking attacks would often pass through one of two cellular carriers, a local phone company, and then two Internet service providers. In this situation, where investigators and service providers had to act quickly to trace Mitnick in the act of hacking, only many repeated attempts—accompanied by an order to each service provider—finally produced success. Fortunately, Mitnick was such a persistent hacker that he gave law enforcement many chances to complete the trace.

This duplicative process of obtaining a separate order for each link in the communications chain can be quite time-consuming, and it serves no useful purpose since the original court has already authorized the trace. Moreover, a second or third order addressed to a particular carrier that carried part of a prior communication may prove useless during the next attack: in computer intrusion cases, for example, the target may use an entirely different path (i.e., utilize a different set of intermediate providers) for his or her subsequent activity.

The bill would modify the pen register and trap and trace statutes to allow for nationwide service of a single order for installation of these devices, without the necessity of returning to court for each new carrier. I support this change.

Second, the language of the existing statute is hopelessly out of date and speaks of a pen register or trap and trace ''device'' being ''attached'' to a telephone ''line.'' However, the rapid computerization of the telephone system has changed the tracing process. No longer are such functions normally accomplished by physical hardware components attached to telephone lines. Instead, these functions are typically performed by computerized collection and retention of call routing information passing through a communications system.

The statute's definition of a ''pen register'' as a ''device'' that is ''attached'' to a particular ''telephone line'' is particularly obsolete when applied to the wireless portion of a cellular phone call, which has no line to which anything can be attached. While courts have authorized pen register orders for wireless phones based on the notion of obtaining access to a ''virtual line,'' updating the law to keep pace with current technology is a better course.

Moreover, the statute is ill-equipped to facilitate the tracing of communications that take place over the Internet. For example, the pen register definition refers to telephone ''numbers'' rather than the broader concept of a user's communications account. Although pen register and trap orders have been obtained for activity on computer networks, Internet service providers have challenged the application of the statute to electronic communications, frustrating legitimate investigations. I have long supported updating the statute by removing words such as ''numbers . . . dialed'' that do not apply to the way that pen/trap devices are used and to clarify the statute's proper application to tracing communications in an electronic environment, but in a manner that is technology neutral and does not capture the content of communications. That being said, I have been concerned about the FBI and Justice Department's insistence over the past few years that the pen/trap devices statutes be updated with broad, undefined terms that continue to flame concerns that these laws will be used to intercept private communications content.

The Administration's initial pen/trap device proposal added the terms ''routing'' and ''addressing'' to the definitions describing the information that was authorized for interception on the low relevance standard under these laws. The Administration and the Department of Justice flatly rejected my suggestion that these terms be defined to respond to concerns that the new terms might encompass matter considered content, which may be captured only upon a showing of probable cause, not the mere relevancy of the pen/trap statute. Instead, the Administration agreed that the definition should expressly exclude the use of pen/trap devices to intercept ''content,'' which is broadly defined in 18 U.S.C. 2510(8).

While this is an improvement, the FBI and Justice Department are shortsighted in their refusal to define these terms. We should be clear about the consequence of not providing definitions for these new terms in the pen/trap device statutes. These terms will be defined, if not by the Congress, then by the courts in the context of criminal cases where pen/trap devices have

been used and challenged by defendants. If a court determines that a pen register has captured ''content,'' which the FBI admits such devices do, in violation of the Fourth Amendment, suppression may be ordered, not only of the pen register evidence but any other evidence derived from it. We are leaving the courts with little or no guidance of what is covered by ''addressing'' or ''routing.''

The USA Act also requires the government to use reasonably available technology that limits the interceptions under the pen/trap device laws ''so as not to include the contents of any wire or electronic communications.'' This limitation on the technology used by the government to execute pen/trap orders is important since, as the FBI advised me June, 2000, pen register devices ''do capture all electronic impulses transmitted by the facility on which they are attached, including such impulses transmitted after a phone call is connected to the called party.'' The impulses made after the call is connected could reflect the electronic banking transactions a caller makes, or the electronic ordering from a catalogue that a customer makes over the telephone, or the electronic ordering of a prescription drug.

This transactional data intercepted after the call is connected is ''content.'' As the Justice Department explained in May, 1998 in a letter to House Judiciary Committee Chairman Henry Hyde, ''the retrieval of the electronic impulses that a caller necessarily generated in attempting to direct the phone call'' does not constitute a ''search'' requiring probable cause since ''no part of the substantive information transmitted after the caller had reached the called party'' is obtained. But the Justice Department made clear that ''all of the information transmitted after a phone call is connected to the called party . . . is substantive in nature. These electronic impulses are the 'contents' of the call: They are not used to direct or process the call, but instead convey certain messages to the recipient.''

When I added the direction on use of reasonably available technology (codified as 18 U.S.C. 3121(c)) to the pen register statute as part of the Communications Assistance for Law Enforcement Act (CALEA) in 1994, I recognized that these devices collected content and that such collection was unconstitutional on the mere relevance standard. Nevertheless, the FBI advised me in June, 2000, that pen register devices for telephone services ''continue to operate as they have for decades'' and that ''there had been no change . . . that would better restrict the recording or decoding of electronic or other impulses to the dialing and signaling information utilized in call processing.'' Perhaps, if there were meaningful judicial review and accountability, the FBI would take the statutory direction more seriously and actually implement it.

Judicial review. Due in significant part to the fact that pen/trap devices in use today collect ''content,'' I have sought in legislation introduced over the past few years to update and modify the judicial review procedure for pen register and trap and trace devices. Existing law requires an attorney for the government to certify that the information likely to be obtained by the installation of a pen register or trap and trace device will be relevant to an ongoing criminal investigation. The court is required to issue an order upon seeing the prosecutor's certification. The court is not authorized to look behind the certification to evaluate the judgment of the prosecutor.

I have urged that government attorneys be required to include facts about their investigations in their applications for pen/trap orders and allow courts to grant such orders only where the facts support the relevancy of the information likely to be obtained by the orders. This is not a change in the applicable standard, which would remain the very low relevancy standard. Instead, this change would simply allow the court to evaluate the facts presented by a prosecutor, and, if it finds that the facts support the government's assertion that the information to be collected will be relevant, issue the order. Although this change will place an additional burden on law enforcement, it will allow the courts a greater ability to assure that government attorneys are using such orders properly.

Some have called this change a ''rollback'' in the statute, as if the concept of allowing meaningful judicial review was an extreme position. To the contrary, this is a change that the Clinton Administration supported in legislation transmitted to the Congress last year. This is a change that the House Judiciary Committee also supported last year. In the Electronic Communications Privacy Act, H.R. 5018, that Committee proposed that before a pen/trap device ''could be ordered installed, the government must first demonstrate to an independent judge that 'specific and articulable facts reasonably indicate that a crime has been, is being, or will be committed, and information likely to be obtained by such installation and use . . . is relevant to an investigation of that crime.'' (Report 106–932, 106th Cong. 2d Sess., Oct. 4, 2000, p. 13). Unfortunately, the Bush Administration has taken a contrary position and has rejected this change in the judicial review process.

Computer trespasser. Currently, an owner or operator of a computer that is accessed by a hacker as a means for the hacker to reach a third computer, cannot simply consent to law enforcement monitoring of the computer. Instead, because the owner or operator is not technically a party to the communication, law enforcement needs wiretap authorization under Title III to conduct such monitoring. I have long been interested in closing this loophole. Indeed, when I asked about this problem, the FBI explained to me in June, 2000, that:

> This anomaly in the law creates an untenable situation whereby providers are sometimes forced to sit idly by as they witness hackers enter and, in some situations, destroy or damage their systems and networks while law enforcement begins the detailed process of seeking court authorization to assist them. In the real world, the situation is akin to a homeowner being forced to helplessly watch a burglar or vandal while police seek a search warrant to enter the dwelling.

I therefore introduced as part of the Internet Security Act, S. 2430, in 2000, an exception to the wiretap statute that would explicitly permit such monitoring without a wiretap if prior consent is obtained from the person whose computer is being hacked through and used to send ''harmful interference to a lawfully operating computer system.''

The Administration initially proposed a different formulation of the exception that would have allowed an owner/operator of any computer connected to the Internet to consent to FBI wiretapping of any user who violated a workplace computer use policy or online service term of service and was thereby an ''unauthorized'' user. The Administration's proposal was not limited to computer hacking offenses under 18 U.S.C. 1030 or to conduct that caused harm to a computer or computer system. The Administration rejected these refinements to their proposed wiretap exception, but did agree, in section 217 of the USA Act, to limit the authority for wiretapping with the consent of the owner/operator to communications of unauthorized users without an existing subscriber or other contractual relationship with the owner/operator.

Sharing criminal justice information. The USA Act will make significant changes in the sharing of confidential criminal justice information with various Federal agencies. For those of us who have been concerned about the leaks from the FBI that can irreparably damage reputations of innocent people and frustrate investigations by alerting suspects to flee or destroy material evidence, the Administration's insistence on the broadest authority to disseminate such information, without any judicial check, is disturbing. Nonetheless, I believe we have improved the Administration's initial proposal in responsible ways. Only time will tell whether the improvements we were able to reach agreement on are sufficient.

At the outset, we should be clear that current law allows the sharing of confidential criminal justice information, but with close court supervision. Federal Rule of Criminal Procedure 6(e)

provides that matters occurring before a grand jury may be disclosed only to an attorney for the government, such other government personnel as are necessary to assist the attorney and another grand jury. Further disclosure is also allowed as specifically authorized by a court.

Similarly, section 2517 of title 18, United States Code provides that wiretap evidence may be disclosed in testimony during official proceedings and to investigative or law enforcement officers to the extent appropriate to the proper performance of their official duties. In addition, the wiretap law allows disclosure of wiretap evidence ''relating to offenses other than specified in the order'' when authorized or approved by a judge. Indeed, just last year, the Justice Department assured us that ''law enforcement agencies have authority under current law to share title III information regarding terrorism with intelligence agencies when the information is of overriding importance to the national security.'' (Letter from Robert Raben, Assistant Attorney General, September 28, 2000).

For this reason, and others, the Justice Department at the time opposed an amendment proposed by Senators KYL and FEINSTEIN to S. 2507, the ''Intelligence Authorization Act for FY 2001 that would have allowed the sharing of foreign intelligence and counterintelligence information collected from wiretaps with the intelligence community. I deferred to the Justice Department on this issue and sought changes in the proposed amendment to address the Department's concern that this provision was not only unnecessary but also ''could have significant implications for prosecutions and the discovery process in litigation'', ''raises significant issues regarding the sharing with intelligence agencies of information collected about United States persons'' and jeopardized ''the need to protect equities relating to ongoing criminal investigations.'' In the end, the amendment was revised to address the Justice Department's concerns and passed the Senate as a free-standing bill, S. 3205, the Counterterrorism Act of 2000. The House took no action on this legislation.

Disclosure of wiretap information. The Administration initially proposed adding a sweeping provision to the wiretap statute that broadened the definition of an ''investigative or law enforcement officer'' who may receive disclosures of information obtained through wiretaps to include federal law enforcement, intelligence, national security, national defense, protective and immigration personnel and the President and Vice President. This proposal troubled me because information intercepted by a wiretap has enormous potential to infringe upon the privacy rights of innocent people, including people who are not even suspected of a crime and merely happen to speak on the telephone with the targets of an investigation. For this reason, the authority to disclose information obtained through a wiretap has always been carefully circumscribed in law.

While I recognize that appropriate officials in the executive branch of government should have access to wiretap information that is important to combating terrorism or protecting the national security, I proposed allowing such disclosures where specifically authorized by a court order. Further, with respect to information relating to terrorism, I proposed allowing the disclosure without a court order as long as the judge who authorized the wiretap was notified as soon as practicable after the fact. This would have provided a check against abuses of the disclosure authority by providing for review by a neutral judicial official. At the same time, there was a little likelihood that a judge would deny any requests for disclosure in cases where it was warranted.

On Sunday, September 30, the Administration agreed to my proposal, but within two days, it backed away from its agreement. I remain concerned that the resulting provision will allow the unprecedented, widespread disclosure of this highly sensitive information without any notification to or review by the court that authorizes and supervises the wiretap. This is clearly an area where our Committee will have to exercise close oversight to make sure that the newly-minted disclosure authority is not being abused.

The Administration offered three reasons for reneging on the original deal. First, they claimed that the involvement of the court would inhibit Federal investigators and attorneys from disclosing information needed by intelligence and national security officials. Second, they said the courts might not have adequate security and therefore should not be told that information was disclosed for intelligence or national security purposes. And third, they said the President's constitutional powers under Article II give him authority to get whatever foreign intelligence he needs to exercise his national security responsibilities.

I believe these concerns are unfounded. Federal investigators and attorneys will recognize the need to disclose information relevant to terrorism investigations. Courts can be trusted to keep secrets and recognize the needs of the President.

Current law requires that such information be used only for law enforcement purpose. This provides an assurance that highly intrusive invasions of privacy are confined to the purpose for which they have been approved by a court, based on probable cause, as required by the Fourth Amendment. Current law calls for minimization procedures to ensure that the surveillance does not gather information about private and personal conduct and conversations that are not relevant to the criminal investigation.

When the Administration reneged on the agreement regarding court supervision, we turned to other safeguards and were more successful in changing other questionable features of the Administration's bill. The Administration accepted my proposal to strike the term ''national security'' from the description of wiretap information that may be shared throughout the executive branch and replace it with ''foreign intelligence'' information. This change is important in clarifying what information may be disclosed because the term ''foreign intelligence'' is specifically defined by statute whereas ''national security'' is not.

Moreoever, the rubric of ''national security'' has been used to justify some particularly unsavory activities by the government in the past. We must have at least some assurance that we are not embarked on a course that will lead to a repetition of these abuses because the statute will now more clearly define what type of information is subject to disclosure. In addition, Federal officials who receive the information may use it only as necessary to the conduct of their official duties. Therefore, any disclosure or use outside the conduct of their official duties remains subject to all limitations applicable to their retention and dissemination of information of the type of information received. This includes the Privacy Act, the criminal penalties for unauthorized disclosure of electronic surveillance information under chapter 119 of title 18, and the contempt penalties for unauthorized disclosure of grand jury information. In addition, the Attorney General must establish procedures for the handling of information that identifies a United States person, such as the restrictions on retention and dissemination of foreign intelligence and counterintelligence information pertaining to United States persons currently in effect under Executive Order 12333.

While these safeguards do not fully substitute for court supervision, they can provide some assurance against misuse of the private, personal, and business information about Americans, that is acquired in the course of criminal investigations and that may flow more widely in the intelligence, defense, and national security worlds.

Disclosure of grand jury information. The wiretap statute was not the only provision in which the Administration sought broader authority to disclose highly sensitive investigative information. It also proposed broadening Rule 6(e) of the Federal Rules of Criminal Procedure to allow the disclosure of information relating to terrorism and national security obtained from grand

jury proceedings to a broad range of officials in the executive branch of government. As with wiretaps, few would disagree that information learned in a criminal investigation that is necessary to combating terrorism or protecting the national security ought to be shared with the appropriate intelligence and national security officials. The question is how best to regulate and limit such disclosures so as not to compromise the important policies of secrecy and confidentiality that have long applied to grand jury proceedings.

I proposed that we require judicial review of requests to disclose terrorism and foreign intelligence information to officials in the executive branch beyond those already authorized to receive such disclosures. Once again, the Administration agreed to my proposal on Sunday, September 30, but reneged within two days. As a result, the bill does not provide for any judicial supervision of the new authorization for dissemination of grand jury information throughout the executive branch. The bill does contain the safeguards that I have discussed with respect to law enforcement wiretap information. However, as with the new wiretap disclosure authority, I am troubled by this issue and plan to exercise the close oversight of the Judiciary Committee to make sure it is not being abused.

Foreign intelligence information sharing. The Administration also sought a provision that would allow the sharing of foreign intelligence information throughout the executive branch of the government notwithstanding any current legal prohibition that may prevent or limit its disclosure. I have resisted this proposal more strongly than anything else that still remains in the bill. What concerns me is that it is not clear what existing prohibitions this provision would affect beyond the grand jury secrecy rule and the wiretap statute, which are already covered by other provisions in the bill. Even the Administration, which wrote this provision, has not been able to provide a fully satisfactory explanation of its scope.

If there are specific laws that the Administration believes impede the necessary sharing of information on terrorism and foreign intelligence within the executive branch, we should address those problems through legislation that is narrowly targeted to those statutes. Tacking on a blunderbuss provision whose scope we do not fully understand can only lead to consequences that we cannot foresee. Further, I am concerned that such legislation, broadly authorizing the secret sharing of intelligence information throughout the executive branch, will fuel the unwarranted fears and dark conspiracy theories of Americans who do not trust their government. This was another provision of which the Administration reneged on its agreement with me; it agreed to drop it on September 30, but resurrected it within two days, insisting that it remain in the bill. I have been able to mitigate its potential for abuse somewhat by adding the same safeguards that apply to disclosure of law enforcement wiretap and grand jury information.

''Sneak and peek'' search warrants. Another issue that has caused me serious concern relates to the Administration's proposal for so-called ''sneak and peek'' search warrants. The House Judiciary Committee dropped this proposal entirely from its version of the legislation. Normally, when law enforcement officers execute a search warrant, they must leave a copy of the warrant and a receipt for all property seized at the premises searched. Thus, even if the search occurs when the owner of the premises is not present, the owner will receive notice that the premises have been lawfully searched pursuant to a warrant rather than, for example, burglarized.

Two circuit courts of appeal, the Second and the Ninth Circuits, have recognized a limited exception to this requirement. When specifically authorized by the issuing judge or magistrate, the officers may delay providing notice of the search to avoid compromising an ongoing investigation or for some other good reason. However, this authority has been carefully circumscribed.

First, the Second and Ninth Circuit cases have dealt only with situations where the officers search a premises without seizing any tangible property. As the Second Circuit explained, such searches are ''less intrusive than a conventional search with physical seizure because the latter deprives the owner not only of privacy but also of the use of his property.'' United States v. Villegas, 899 F.2d 1324, 899 F.2d 1324, 1337 (2d Cir. 1990).

Second, the cases have required that the officers seeking the warrant must show good reason for the delay. Finally, while the courts have allowed notice of the search may be delayed, it must be provided within a reasonable period thereafter, which should generally be no more than seven days. The reasons for these careful limitations were spelled out succinctly by Judge Sneed of the Ninth Circuit: ''The mere thought of strangers walking through and visually examining the center of our privacy interest, our home, arouses our passion for freedom as does nothing else. That passion, the true source of the Fourth Amendment, demands that surreptitious entries be closely circumscribed.'' United States v. Freitas, 800 F.2d 1451, 1456 (9th Cir. 1986).

The Administration's original proposal would have ignored some of the key limitations created by the caselaw for sneak and peek search warrants. First, it would have broadly authorized officers not only to conduct surreptitious searches, but also to secretly seize any type of property without any additional showing of necessity. This type of warrant, which has never been addressed by a published decision of a federal appellate court, has been referred to in a law review article written by an FBI agent as a ''sneak and steal'' warrant. See K. Corr, ''Sneaky But Lawful: The Use of Sneak and Peek Search Warrants,'' 43 U. Kan. L. Rev. 1103, 1113 (1995). Second, the proposal would simply have adopted the procedural requirements of 18 U.S.C. §2705 for providing delayed notice of a wiretap. Among other things, this would have extended the permissible period of delay to a maximum of 90 days, instead of the presumptive seven-day period provided by the caselaw on sneak and peek warrants.

I was able to make significant improvements in the Administration's original proposal that will help to ensure that the government's authority to obtain sneak and peek warrants is not abused. First, the provision that is now in section 213 of the bill prohibits the government from seizing any tangible property or any wire or electronic communication or stored electronic information unless it makes a showing of reasonable necessity for the seizure. Thus, in contrast to the Administration's original proposal, the presumption is that the warrant will authorize only a search unless the government can make a specific showing of additional need for a seizure. Second, the provision now requires that notice be given within a reasonable time of the execution of the warrant rather than giving a blanket authorization for up to a 90-day delay. What constitutes a reasonable time, of course, will depend upon the circumstances of the particular case. But I would expect courts to be guided by the teachings of the Second and the Ninth Circuits that, in the ordinary case, a reasonable time is no more than seven days.

FISA. Several changes in the Foreign Intelligence Surveillance Act (FISA) are designed to clarify technical aspects of the statutory framework and take account of experience in practical implementation. These changes are not controversial, and they will facilitate the collection of intelligence for counterterrorism and counterintelligence purposes. Other changes are more significant and required careful evaluation and revision of the Administration's proposals.

Duration of surveillance. The USA Act, in section 297, changes the duration of electronic surveillance under FISA in cases of an agent of a foreign power, other than a United States persons, who acts in the United States as an officer or employee of a foreign power or as a member of an international terrorist group. Current law limits court orders in these cases to 90 days, the same duration as for United

States persons. Experience indicates, however, that after the initial period has confirmed probable cause that the foreign national meets the statutory standard, court orders are renewed repeatedly and the 90-day renewal becomes an unnecessary procedural for investigators taxed with far more pressing duties.

The Administration proposed that the period of electronic surveillance be changed from 90 days to one year in these cases. This proposal did not ensure adequate review after the initial stage to ensure that the probable cause determination remained justified over time. Therefore, the bill changes the initial period of the surveillance 90 to 120 days and changes the period for extensions from 90 days to one year. The initial 120-day period provides for a review of the results of the surveillance or search directed at an individual before one-year extensions are requested. These changes do not affect surveillance of a United States person.

The bill also changes the period for execution of an order for physical search under FISA from 45 to 90 days. This change applies to United States persons as well as foreign nationals. Experience since physical search authority was added to FISA in 1994 indicates that 45 days is frequently not long enough to plan and carry out a covert physical search. There is no change in the restrictions which provide that United States persons may not be the targets of search or surveillance under FISA unless a judge finds probable cause to believe that they are agents of foreign powers who engage in specified international terrorist, sabotage, or clandestine intelligence activities that may involve a violation of the criminal statutes of the United States.

FISA judges. The bill, in section 208, seeks to ensure that the special court established under FISA has sufficient judges to handle the workload. While changing the duration of orders and extensions will reduce the number of cases in some categories, the bill retains the court's role in pen register and trap and trace cases and expands the court's responsibility for issuing orders for records and other tangible items needed for counterintelligence and counter terrorism investigations. Upon reviewing the court's requirements, the Administration requested an increase in the number of federal district judges designated for the court from seven to 11 of whom no less than 3 shall reside within 20 miles of the District of Columbia. The latter provision ensures that more than one judge is available to handle cases on short notice and reduces the need to invoke the alternative of Attorney General approval under the emergency authorities in FISA.

Agent of a foreign power standard. Other changes in FISA and related national security laws are more controversial. In several areas, the bill reflects a serious effort to accommodate the requests for expanded surveillance authority with the need for safeguards against misuse, especially the gathering of intelligence about the lawful political or commercial activities of Americans. One of the most difficult issues was whether to eliminate the existing statutory ''agent of a foreign power'' standards for surveillance and investigative techniques that raise important privacy concerns, but not at the level that the supreme Court has held to require a court order and a probable cause finding under the Fourth Amendment. These include pen register and trap and trace devices, access to business records and other tangible items held by third parties, and access to records that have statutory privacy protection. The latter include telephone, bank, and credit records.

The ''agent of a foreign power'' standard in existing law was designed to ensure that the FBI and other intelligence agencies do not use these surveillance and investigative methods to investigate the lawful activities of Americans in the name of an undefined authority to collect foreign intelligence or counterintelligence information. The law has required a showing of reasonable suspicion, less than probable cause, to believe that a United States person is an ''agent of a foreign power'' engaged in international terrorism or clandestine intelligence activities.

However, the ''agent of a foreign power'' standard is more stringent than the standard under comparable criminal law enforcement procedures which require only a showing of relevance to a criminal investigation. The FBI's experience under existing laws since they were enacted at various time over the past 15 years has been that, in practice, the requirement to show reasonable suspicion that a person is an ''agent of a foreign power'' has been almost as burdensome as the requirement to show probable cause required by the Fourth Amendment for more intrusive techniques. The FBI has made a clear case that a relevance standard is appropriate for counterintelligence and counterterrorism investigations, as well as for criminal investigations.

The challenge, then, was to define those investigations. The alternative proposed by the Administration was to cover any investigation to obtain foreign intelligence information. This was extremely broad, because the definition includes any information with respect to a foreign power that relates to, and if concerning a United States person is necessary to, the national defense or the security of the United States or the conduct of the foreign affairs of the United States. This goes far beyond FBI counterintelligence and counterterrorism requirements. Instead, the bill requires that use of the surveillance technique or access to the records concerning a United States person be relevant to an investigation to protect against international terrorism or clandestine intelligence activities.

In addition, an investigation of a United States person may not be based solely on activities protected by the First Amendment. This framework applies to pen registers and trap and trace under section 215, access to records and other items under section 215, and the national security authorities for access to telephone, bank, and credit records under section 506. Lawful political dissent and protest by American citizens against the government may not be the basis for FBI counterintelligence and counterterrorism investigations under these provisions.

A separate issue for pen registers and trap and trace under FISA is whether the court should have the discretion to make the decision on relevance. The Administration has insisted on a certification process. I discussed this issue as it comes up in the criminal procedures for pen registers and trap and trace under title 18, and my concerns apply to the FISA procedures as well.

The purpose of FISA. The most controversial change in FISA requested by the Administration was the proposal to allow surveillance and search when ''a purpose'' is to obtain foreign intelligence information. Current law requires that the secret procedures and different probable cause standards under FISA be used only if a high-level executive official certifies that ''the purpose'' is to obtain foreign intelligence formation. The Administration's aim was to allow FISA surveillance and search for law enforcement purposes, so long as there was at least some element of a foreign intelligence purpose. This proposal raised constitutional concerns, which were addressed in a legal opinion provided by the Justice Department, which I insert in the record at the end of my statement.

The Justice Department opinion did not defend the constitutionality of the original proposal. Instead, it addressed a suggestion made by Senator Feinstein to the Attorney General at the Judiciary Committee hearing to change ''the purpose'' to ''a significant purpose.'' No matter what statutory change is made even the Department concedes that the court's may impose a constitutional requirement of ''primary purpose'' based on the appellate court decisions upholding FISA against constitutional challenges over the past 20 years.

Section 218 of the bill adopts ''significant purpose,'' and it will be up to the courts to determine how far law enforcement agencies may use FISA for criminal investigation and prosecution beyond the scope of the statutory definition of ''foreign intelligence information.''

In addition, I proposed and the Administration agreed to an additional provision in Section 505 that clarifies the boundaries for consultation and coordination between officials who conduct FISA search and surveillance and Federal law enforcement officials including prosecutors. Such consultation and coordination is authorized for the enforcement of laws that protect against international terrorism, clandestine intelligence activities of foreign agents, and other grave foreign threats to the nation. Protection against these foreign-based threats by any lawful means is within the scope of the definition of ''foreign intelligence information,'' and the use of FISA to gather evidence for the enforcement of these laws was contemplated in the enactment of FISA. The Justice Department's opinion cites relevant legislative history from the Senate Intelligence Committee's report in 1978, and there is comparable language in the House report.

Immigration. The Administration initially proposed that the Attorney General be authorized to detain any alien indefinitely upon certification of suspicion to links to terrorist activities or organizations. Under close questioning by both Senator KENNEDY and Senator SPECTER at the Committee hearing on September 25, the Attorney General said that his proposal was intended only to allow the government to hold an alien suspected of terrorist activity while deportation proceedings were ongoing. In response to a question by Senator SPECTER, the Attorney General said: ''Our intention is to be able to detain individuals who are the subject of deportation proceedings on other grounds, to detain them as if they were the subject of deportation proceedings on terrorism.'' The Justice Department, however, continued to insist on broader authority, including the power to detain even if the alien was found not to be deportable.

I remain concerned about the provision, in section 412, but I believe that it has been improved from the original proposal offered by the Administration. First, the Justice Department must now charge an alien with an immigration or criminal violation within seven days of taking custody, and the Attorney General's certification of an alien under this section is subject to judicial review. Second, if an alien is found not to be removable, he must be released from custody. Third, the Attorney General can only delegate the power to certify an alien to the Deputy Attorney General, ensuring greater accountability and preventing the certification decision from being made by low-level officials. Despite these improvements, I would have preferred that this provision not be included, and I would urge the Attorney General and his successors to employ great discretion in using this new power.

In addition, the Administration initially proposed a sweeping definition of terrorist activity and new powers for the Secretary of State to designate an organization as a terrorist organization for purposes of immigration law. We were able to work with the Administration to refine this definition to limit its application to individuals who had innocent contacts with non-designated organizations. We also limited the retroactive effect of these new definitions. If an alien solicited funds or membership, or provided material support for an organization that was not designated at that time by the Secretary of State, the alien will have the opportunity to show that he did not know and should have known that his acts would further the organization's terrorist activity. This is substantially better than the administration's proposal, which by its terms, would have empowered the INS to deport someone who raised money for the African National Congress in the 1980s.

Throughout our negotiations on these issues, Senator KENNEDY provided steadfast leadership. Although neither of us are pleased with the final product, it is far better than it would have been without his active involvement.

Trade Sanctions. I was disappointed that the Administration's initial proposal authorizing the President to impose unilateral food and medical sanctions would have undermined a law we passed last year with overwhelming bipartisan support.

Under that law, the President already has full authority to impose unilateral food and medicine sanctions during this crisis because of two exceptions built into the law that apply to our current situation. Nevertheless, the Administration sought to undo this law and obtain virtually unlimited authority in the future to impose food and medicine embargoes, without making any effort for a multi-lateral approach in cooperation with other nations. Absent such a multi-lateral approach, other nations would be free to step in immediately and take over business from American firms and farmers that they are unilaterally barred from pursuing.

Over 30 farm and export groups, including the American Farm Bureau Federation, the Grocery Manufacturers of America, the National Farmers Union, and the U.S. Dairy Export Council, wrote to me and explained that the Administration proposal would ''not achieve its intended policy goal.''

I worked with Senator ENZI, and other Senators, on substitute language to give the Administration the tools it needs in this crisis. This substitute has been carefully crafted to avoid needlessly hurting American farmers in the future, yet it will assure that the U.S. can engage in effective multilateral sanctions.

This bipartisan agreement limits the authority in the bill to existing laws and executive orders, which give the President full authority regarding this conflict, and grants authority for the President to restrict exports of agricultural products, medicine or medical devices. I continue to agree with then-Senator Ashcroft who argued in 1999 that unilateral U.S. food and medicine sanctions simply do not work when he introduced the ''Food and Medicine for the World Act.''

As recently as October 2000, then-Senator Ashcroft pointed out how broad, unilateral embargoes of food or medicine are often counterproductive. Many Republican and Democratic Senators made it clear just last year that the U.S. should work with other countries on food and medical sanctions so that the sanctions will be effective in hurting our enemies, instead of just hurting the U.S. I am glad that with Senator ENZI's help, we were able to make changes in the trade sanctions provision to both protect our farmers and help the President during this crisis.

Money Laundering. Title III of the USA Act consists of a bipartisan bill that was reported out of the Banking Committee on October 4, 2001. I commend the Chairman and Ranking Member of that Committee, Senators SARBANES and GRAMM, for working together to produce a balanced and effective package of measures to combat international money laundering and the financing of terrorism.

I am pleased that the Chairman and Ranking Member of the Banking Committee agreed to our inclusion in the managers' amendment of a small change to a provision of title III, section 319, relating to forfeiture of funds in United States interbank accounts. As reported by the Banking Committee, this provision included language suggesting that in a criminal case, the government may have authority to seek a pretrial restraining order of substitute assets. In fact, as all but one of the circuit courts to consider the issue have held, the government has no such authority. The managers' amendment strikes the offending language from section 319.

Another provision added as part of the Banking Committee title—section 351—is far more troubling. Section 351 creates a new Bank Secrecy Act offense involving the bulk smuggling of more than $10,000 in currency in any conveyance, article of luggage or merchandise or container, either into or out of the United States. The obvious purpose of this section is to circumvent the Supreme Court's decision in United States v. Bajakajian, 118 S. Ct. 2029 (1998), which held that a ''punitive'' forfeiture violates the Excessive Fines Clause of the Eighth Amendment if it is grossly disproportional to the gravity of the offense it is designed to punish.

In fact, the crime created in section 351—willfully evading a currency reporting requirement by ''concealing'' and transporting more than $10,000 across a U.S. border—is no different than the crime at issue in Bajakajian—willfully evading a currency reporting requirement by transporting more than $10,000 across a U.S. border. A forfeiture that is ''grossly disproportional'' with respect to the latter will inevitably be found ''grossly disproportional'' with respect to the former. The new element of ''concealment'' does little or nothing to bolster the government's claim to forfeiture of the unreported currency, since this element is already implicit in the current crime of evasion: It is hardly likely that a person who is in the process of willfully evading the currency reporting requirement will be waiving his currency around for all the world to see.

Conclusion. I have done my best under the circumstances and want to thank especially Senator KENNEDY for his leadership on the Immigration parts of the bill. My efforts have not been completely successful and there are a number of provisions on which the Administration has insisted with which I disagree. Frankly, the agreement of September 30, 2001 would have led to a better balanced bill. I could not stop the Administration from reneging on the agreement any more than I could have sped the process to reconstitute this bill in the aftermath of those breaches. In these times we need to work together to face the challenges of international terrorism. I have sought to do so in good faith.

Mr. President, I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Utah.

Mr. HATCH. Mr. President, I enjoyed the remarks of my distinguished colleague from Vermont. I compliment him for the work he has done on this bill and for the hard work, over the last 3 weeks, that he and his staff have put into this bill, as well as other members of the Judiciary Committee as a whole, and, of course, people on my side as well.

Mr. President, I do not intend to take very long. I know our colleagues are tired, and I know they would like to go home. I also know that we have a distinguished colleague in the Chamber who has some amendments on which we may have to vote.

Four weeks ago we were a relatively tranquil nation, but on September 11, in what amounted to a dastardly attack, an unprovoked attack of war, the World Trade Center was destroyed, along with almost 6,000 people, or maybe more. Our Pentagon was struck by a volitionary act of terrorism.

As a result of the acts of heroes, one of the planes was downed in Pennsylvania, killing all aboard, including those heroes who made sure that that plane did not strike either the Capitol or the White House. I want to pay special tribute to those people who were so heroic as to give up their own lives to protect the lives of so many others.

There have been so many acts of heroism and self-sacrifice—the firefighters who gave their lives, the firefighters who worked day and night, the volunteers who have gone in there, the mayor of New York City, the Governor, and so many others who deserve mention.

This bill, hopefully, will help to at least rectify and redeem some of the problems, problems that have existed ever since September 11.

We did not seek this war; it was thrust upon us. It was an unprovoked attack by people who claim that they represent a religious point of view when, in fact, what they represent is a complete distortion of the religion of Islam.

Islamic people do not believe in murder, murdering innocent civilians. The Koran does not teach that. They do not believe in suicide. The Koran does not teach that.

This is not a war against Islam; this is a war against terrorism and people who have so little regard for human life that they would do something against innocent civilians that was unthinkable before September 11.

Therefore, we live in a dangerous and difficult world today. It is a different world. And we are going to have to wake up and do the things we have to do to protect our citizenry and, of course, to protect the rest of the world to the extent this great Nation can, with the help of other nations, a number of which have become supportive of our efforts. We are very grateful to them.

But a lot of people do not realize we have terror cells in this country—that has been in the media even—and there are people in this country who are dedicated to the overthrow of America. There are people who are dedicated to terrorism right here within our Nation. And some of these people who have participated in this matter may very well be people who were rightfully in our Nation—or at least we thought were rightfully in our Nation.

The responsibility of redeeming and rectifying this situation is the responsibility of the Congress, the Justice Department, the FBI, the INS, and the Border Patrol. It is our job to provide the tools, and for them to first identify and then eradicate terrorist activity within our borders. And our President has taken the extraordinary step of saying we are going to go after terrorists worldwide and those who harbor them.

I agree with the President. I think it is time to do it. It is time to hit them where it hurts. It is time to let them know we are not going to put up with this type of activity.

A few weeks ago, the Justice Department sent up its legislative proposal. It was a good legislative proposal. They had a lot of ideas in there that literally we have been trying to get through for years. When we passed the 1996 antiterrorism, effective death penalty act, a number of us tried to get some of these provisions in at that time, but we were unsuccessful for a variety of reasons, some very sincere.

The fact is, a lot of the provisions we have in the bill are not brand new; a lot of them have been requested for years. And had they been in play, who knows but we might have been able to interdict these terrorists and have stopped what happened and have stopped the loss of civil liberties for approximately 6,000 or more people.

In the past several weeks, after the Justice Department sent up its bill, Senator LEAHY and I, Justice Department officials, White House officials, staff members from both of our staffs, and staff members from other members of the committee have worked day and night to come up with this particular bill.

I congratulate my partner and my colleague, Senator LEAHY, for his hard work on this bill, and his staffers' for the work they have done on this bill, and, of course, my own staffers, and, of course, those others I have named.

This has been a very difficult bill to put forward because there are all kinds of cross-pressures, all kinds of ideas, all kinds of different thoughts, all kinds of differing philosophies. We believe, with all kinds of deliberation and work, we have been able to put together a bill that really makes sense, that will give the Justice Department the tools it needs to be able to work and stamp out terrorist activity within our country. At least we want to give them the very best tools we possibly can.

We have tried to accommodate the concerns of Senators on both sides of the aisle. We have worked very hard to do so. We cannot accommodate everybody's concerns. As Senator LEAHY has said, this is not a perfect bill. Nothing ever seems to be perfect around here. But this is as good a bill as can be put together, in a bipartisan way, in this area in the history of the Senate. I really feel good about it, that we have done this type of a job.

As I say, a lot of these provisions have been requested by the Justice Department and both Democrat and Republican White Houses for years. We took into consideration civil liberties throughout our discussions on this bill. I think we got it just right. We are protective of civil liberties while at the same time giving the tools to the law enforcement agencies to be able to do their jobs in this country.

I might mention that this bill encourages information sharing, that would be absolutely prohibited under

current law, among various agencies of Government, information sharing that should have been allowed a long time ago, at least in my view.

It updates the laws with regard to electronic surveillance and brings those laws into the digital age, and brings them into an effective way so that we can, in a modernized way, protect our society, at least to the extent we can, from these types of terrorist activities.

Of course, little things, such as pen registers, trap-and-trace authority—we have been able to resolve these problems after years of problems.

I would like to make a few comments regarding the process for this legislation. Although we have considered this in a more expedited manner than other legislation, my colleagues can be assured that this bill has received thorough consideration. First, the fact is that the bulk of these proposals have been requested by the Department of Justice for years, and have languished in Congress for years because we have been unable to muster the collective political will to enact them into law.

No one can say whether these tools could have prevented the attacks of September 11. But, as the Attorney General has said, it is certain that without these tools, we did not stop the vicious acts of last month. I say to my colleagues, Mr. President, that if these tools could help us now to track down the perpetrators—if they will help us in our continued pursuit of terrorist activities within our national borders then we should not hesitate any further to pass these reforms into law. As long as these reforms are consistent with our—Constitution and they are—it is difficult to see why anyone would oppose their passage.

Furthermore, I would like to clearly dispel the myth that the reforms in this legislation somehow abridge the Constitutional freedoms enjoyed by law-abiding American citizens. Some press reports have portrayed this issue as a choice between individual liberties on the one hand, and on the other hand, enhanced powers for our law enforcement institutions. This is a false dichotomy. We should all take comfort that the reforms in this bill are primarily directed at allowing law enforcement agents to work smarter and more efficiently—in no case do they curtail the precious civil liberties protected by our Constitution. I want to assure my colleagues that we worked very hard over the past several weeks to ensure that this legislation upholds all of the constitutional freedoms our citizens cherish. It does.

Mr. President, I will submit for the RECORD my extended remarks describing this legislation, but I would like to take a minute to explain briefly a few of the most important provisions of this critical legislation.

First, the legislation encourages information-sharing between various arms of the federal government. I believe most of our citizens would be shocked to learn that, even if certain government agents had prior knowledge of the September 11 attacks, under many circumstances they would have been prohibited by law from sharing that information with the appropriate intelligence or national security authorities.

This legislation makes sure that, in the future, such information flows freely within the Federal government, so that it will be received by those responsible for protecting against terrorist attacks.

By making these reforms, we are rejecting the outdated Cold War paradigm that has prevented cooperation between our intelligence community and our law enforcement agents. Current law does not adequately allow for such cooperation, artificially hampering our government's ability to identify and prevent acts of terrorism against our citizens.

In this new war, terrorists are a hybrid between domestic criminals and international agents. We must lower the barriers that discourage our law enforcement and intelligence agencies from working together to stop these terrorists. These hybrid criminals call for new, hybrid tools.

Second, this bill updates the laws relating to electronic surveillance. Electronic surveillance, conducted under the supervision of a federal judge, is one of the most powerful tools at the disposal of our law enforcement community. It is simply a disgrace that we have not acted to modernize the laws currently on the books which govern such surveillance, laws that were enacted before the fax machine came into common usage, and well before the advent of cellular telephones, e-mail, and instant messaging. The Department of Justice has asked us for years to update these laws to reflect the new technologies, but there has always been a call to go slow, to seek more information, to order further studies.

This is no hypothetical problem. We now know that e-mail, cellular telephones, and the Internet have been principal tools used by the terrorists to coordinate their atrocious activities. We need to pursue all solid investigatory leads that exist right now that our law enforcement agents would be unable to pursue because they must continue to work within these outdated laws. It is high time that we update our laws so that our law enforcement agencies can deal with the world as it is, rather than the world as it existed 20 years ago.

A good example of way we our handicapping our law enforcement agencies relates to devices called ''pen registers.'' Pen registers may be employed by the FBI, after obtaining a court order, to determine what telephone numbers are being dialed from a particular telephone. These devices are essential investigatory tools, which allow law enforcement agents to determine who is speaking to whom, within a criminal conspiracy.

The Supreme Court has held, in Smith v. Maryland, that the information obtained by pen register devices is not information that is subject to any constitutional protection. Unlike the content of your telephone conversation once your call is connected, the numbers you dial into your telephone are not private. Because you have no reasonable expectation that such numbers will be kept private, they are not protected under the Constitution. The Smith holding was cited with approval by the Supreme Court just earlier this year.

The legislation under consideration today would make clear what the Federal courts have already ruled—that Federal judges may grant pen register authority to the FBI to cover, not just telephones, but other more modern modes of communication such as e-mail or instant messaging. Let me make clear that the bill does not allow law enforcement to receive the content of the communication, but they can receive the addressing information to identify the computer or computers a suspect is using to further his criminal activity.

Importantly, reform of the pen register law does not allow—as has sometimes been misreported in the press—for law enforcement agents to view the content of any e-mail messages—not even the subject line of e-mails. In addition, this legislation we are considering today makes it explicit that content can not be collected through such pen register orders.

This legislation also allows judges to enter pen register orders with nationwide scope. Nationwide jurisdiction for pen register orders makes common sense. It helps law enforcement agents efficiently identify communications facilities throughout the country, which greatly enhances the ability of law enforcement to identify quickly other members of a criminal organization, such as a terrorist cell.

Moreover, this legislation provides our intelligence community with the same authority to use pen register devices, under the auspices of the Foreign Intelligence Surveillance Act, that our law enforcement agents have when investigating criminal offenses. It simply makes sense to provide law enforcement with the same tools to catch terrorists that they already possess in connection with other criminal investigations, such as drug crimes or illegal gambling.

In addition to the pen register statute, this legislation updates other aspects of our wiretapping statutes. It is amazing that law enforcement agents do not currently have authority to

seek wiretapping authority from a Federal judge when investigating a terrorist offense. This legislation fixes that problem.

Moving on, I note that much has been made of the complex immigration provisions of this bill. I know Senators SPECTER, KOHL and KENNEDY had questions about earlier provisions, particularly the detention provision for suspected alien terrorists.

I want to assure my colleagues that we have worked hard to address your concerns, and the concerns of the public. As with the other immigration provisions of this bill, we have made painstaking efforts to achieve this workable compromise.

Let me address some of the specific concerns. In response to the concern that the INS might detain a suspected terrorist indefinitely, the Senator KENNEDY, Senator KYL, and I worked out a compromise that limits the provision. It provides that the alien must be charged with an immigration or criminal violation within seven days after the commencement of detention or be released. In addition, contrary to what has been alleged, the certification itself is subject to judicial review. The Attorney General's power to detain a suspected terrorist under this bill is, then, not unfettered.

Moreover, Senator LEAHY and I have also worked diligently to craft necessary language that provides for the deportation of those aliens who are representatives of organizations that endorse terrorist activity, those who use a position of prominence to endorse terrorist activity or persuade others to support terrorist activity, or those who provide material support to terrorist organizations. If we are to fight terrorism, we can not allow those who support terrorists to remain in our country. Also, I should note that we have worked hard to provide the State Department and the INS the tools they need to ensure that no applicant for admission who is a terrorist is able to secure entry into the United States through legal channels.

Finally, the bill gives law enforcement agencies powerful tools to attack the financial infrastructure of terrorism giving our Government the ability to choke off the financing that these dangerous terrorist organizations need to survive. It criminalizes the practice of harboring terrorists, and puts teeth in the laws against providing material support to terrorists and terrorist organizations. It gives the President expanded authority to freeze the assets of terrorists and terrorist organizations, and provides for the eventual seizure of such assets. These tools are vital to our ability to effectively wage the war against terrorism, and ultimately to win it.

There have been few, if any, times in our nation's great history where an event has brought home to so many of our citizens, so quickly, and in such a graphic fashion, a sense of our vulnerability to unexpected attack.

I believe we all took some comfort when President Bush promised us that our law enforcement institutions would have the tools necessary to protect us from the danger that we are only just beginning to perceive.

The Attorney General has told us what tools he needs. We have taken the time to review the problems with our current laws, and to reflect on their solutions. The time to act is now. Let us please move forward expeditiously, and give those who are in the business of protecting us the tools that they need to do the job.

Mr. President, I think most people understand this is an important bill. All of us understand it needs to be done. All of us understand that these are tools our law enforcement people deserve and need to have. And, frankly, it is a bill that I think can make a real difference with regard to the interdiction of future acts of terrorism in our society.

Nobody can guarantee, when you have people willing to commit suicide in the perpetration of these awful acts, at all times that we can absolutely protect our Nation. But this bill will provide the tools whereby we might be able—and in most cases should be able—to resolve even those types of problems.

So with that, I am happy to yield the floor.

The PRESIDING OFFICER (Mr. DURBIN). Who yields time?

The Senator from Maryland.

Mr. SARBANES. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 10 minutes.

Mr. SARBANES. Mr. President, I rise in very strong support of S. 1510, the Uniting and Strengthening America Act of 2001, and in particular, Title III of S. 1510, the International Money Laundering Abatement and Anti-Terrorist Financing Act of 2001.

Title III was reported out of the Committee on Banking, Housing, and Urban Affairs, which I am privileged to chair, a week ago today by a unanimous vote of 21 to 0.

President Bush said on September 24: ''We have launched a strike on the financial foundation of the global terror network.''

Title III of our comprehensive anti-terrorism package supplies the armament for that strike. Osama bin Laden may have boasted that ''al-Qaeda [includes] modern, educated youth who are aware of the cracks inside the western financial system, as they are aware of the lines in their hands.'' With Title III, we are sealing up those cracks.

Title III contains, among other things, authority to take targeted action against countries, institutions, transactions, or types of accounts the Secretary of the Treasury finds to be of ''primary money-laundering concern.'' It also contains requirements for due diligence standards directed at corresponding accounts opened at U.S. banks by foreign offshore banks and banks in jurisdictions that have been found to fall significantly below international anti-money laundering standards.

It contains a bar on the maintenance of U.S. correspondent accounts for offshore shell banks—those banks that have no physical presence or employees anywhere, and that are not part of a regulated and recognized banking company. There is also a requirement that all financial institutions establish anti-money laundering programs.

Title III also contains several provisions that should enhance the ability of the Government to share more specific information with banks, and the ability of banks to share information with one another relating to potential terrorist or money-laundering activities, and a large number of important technical improvements in anti-money laundering statutes, as well as, mandates to the Department of the Treasury to act or formulate recommendations to improve our anti-money laundering programs.

The problem of money laundering is not a new one. There have been significant efforts for some time in Congress to cut the financial lifelines on which criminal operations depend. Senator JOHN KERRY'S exhaustive investigation nearly a decade ago into the collapse of a shady institution called BCCI, which he found was established with ''the specific purpose of evading regulation or control by governments,'' led him to introduce anti-money laundering legislation. A bill similar to his was approved last year by the Banking Committee of the House of Representatives on a 31 to 1 vote.

Recent investigations by Senator CARL LEVIN'S Permanent Subcommittee on Investigations produced two excellent reports on the ways criminals use financial institutions to launder funds and how we can counter these activities. Senator LEVIN's reports demonstrated dramatically how correspondent banking facilities and private banking services impede financial transparency and hide foreign client identity and activity, thereby contributing to international money laundering.

Senator CHARLES GRASSLEY has also advocated for stronger money laundering legislation, and sponsored the Money Laundering and Financial Crimes Strategy Act of 1998, which mandates the development of an annual national money laundering strategy.

Two weeks ago we held our own hearings in the Banking Committee. We heard from a number of expert witnesses and from Under Secretary of the

Treasury Gurule; Assistant Attorney General Chertoff; and Ambassador Stuart Eizenstat, the former Deputy Secretary of the Treasury.

On October 4, the Banking Committee marked-up and reported out our own bill. The committee print was built, in a sense, on the foundation given to us by Senators KERRY, LEVIN, GRASSLEY, and by others in this institution.

Before describing the provisions of Title III in greater detail, I want to thank all members of the Banking Committee for their contributions to this legislation. As I indicated, it came out of the committee on a vote of 21 to 0. The Ranking Member, Senator GRAMM, provided crucial support. He raised certain issues which were addressed in the course of the mark-up involving, among other things, important due process protections. Senators STABENOW and JOHNSON were instrumental in producing a compromise to resolve a dispute over one of the package's most important provisions. Senator ENZI contributed his experience as an accountant in refining another critical provision.

Senator SCHUMER, who has been involved in past efforts to address money laundering activities, played an important role, as did Senators ALLARD, BAYH, CORZINE, and CRAPO, who offered amendments and contributed important improvements to various parts of the subtitle.

I am deeply grateful to all of the members of the committee for their strong, positive, and constructive contributions and for their willingness to work day and night. It is my understanding that the committee staff went three consecutive nights without any sleep in order to prepare this legislation. This is carefully considered legislation because it reflects and builds upon efforts which have been made over a number of years.

Earlier today, our colleagues on the Financial Services Committee in the House of Representatives marked-up a bill, many of the provisions of which are identical or virtually identical to those contained in Title III of the package now before us.

Public support across the country for anti-money laundering legislation is extremely strong. Jim Hoagland put it plainly in the Washington Post:

> This crisis offers Washington an opportunity to force American and international banks to clean up concealment and laundering practices they now tolerate or encourage and which terrorism can exploit.

Terrorist attacks require major investments of time, planning, training, practice, and financial resources to pay the bills. Money laundering is the transmission belt that gives terrorists the resources to carry out their campaigns of carnage. We intend, with Title III of this legislation, to end that transmission belt and its ability to bring resources to the networks that enable terrorists to carry out their campaigns of violence.

Title III addresses all aspects of our defenses against money laundering. Those defenses generally fall into three parts. The first is the Bank Secrecy Act, ''BSA'', passed in 1970. It requires financial institutions to keep standardized transaction records and report large currency transactions and suspicious transactions and mandates reporting of the movement of more than $10,000 in currency into or out of the country. The statute is called the ''bank secrecy act,'' because it bars bank secrecy in America, by preventing financial institutions from maintaining opaque records, or discarding their records altogether. Secrecy is the hiding place for crime, and Congress has barred our institutions from allowing those hiding places. The financial institutions covered by that act include banks, broker-dealers, casinos, and non-bank transmitters of funds, currency exchangers, and check cashers—all financial services businesses through which our citizens—and criminals hiding as legitimate citizens—can move funds into and through our economy. Unfortunately, reporting regulations covering some of these institutions have not yet been promulgated.

The second part of our money laundering defenses are the criminal statutes first enacted in 1986 that make it a crime to launder money and allow criminal and civil forfeiture of the proceeds of crime. The third part is the statutory framework that allows information to be communicated to and between law enforcement officials. Our goal must be to assure—to the greatest extent consistent with reasonable privacy protections—that the necessary information can be used by the right persons in ''real time'' to cut off terrorism and crime.

Title III modernizes provisions in all three areas to meet today's threats in a global economy. Its provisions are divided into five subtitles, dealing, respectively, with ''international counter-money laundering measures''—sections 311–328—''Bank Secrecy Act improvements''—sections 331–342—bulk cash smuggling—section 351 and anti-corruption measures—sections 361–363.

There are 39 provisions in Title III. At this time, I want to summarize some of the bill's most important provisions.

Section 311 gives the Secretary of the Treasury, in consultation with other senior government officials, authority to impose one or more of five new ''special measures'' against foreign jurisdictions, entities, transactions or accounts that the Secretary, after consultation with other senior federal officials, determines to pose a ''primary money laundering concern'' to the United States. The special measures all involve special recordkeeping and reporting measures—to eliminate the curtains behind which launderers hide. In extreme cases the Secretary is permitted to bar certain kinds of interbank accounts from especially problematic jurisdictions. The statute specifies the considerations the Secretary must take into account in using the new authority and contains provisions to supplement the Administrative Procedure Act to assure that any remedies—except certain short-term measures—are subject to full comment from all affected persons.

This new provision gives the Secretary real authority to act to close overseas loopholes through which U.S. financial institutions are abused. At present the Secretary has no weapons except Treasury Advisories—which don't impose specific requirements—or full economic sanctions that suspend financial and trade relations with offending targets. President Bush's invocation of the International Economic Emergency Powers Act (IEEPA) several weeks ago was obviously appropriate. But there are many other situations in which we will not want to block all transactions, but in which we will want to do more than simply advise financial institutions about under-regulated foreign financial institutions or holes in foreign counter-money laundering efforts. Former Deputy Secretary Eizenstat testified before the Committee that adding this tool to the Secretary's arsenal was essential.

Section 312 focuses on another aspect of the fight against money laundering, the financial institutions that are on the front lines making the initial decisions about what foreign banks to allow inside the United States. It requires U.S. financial institutions to exercise appropriate due diligence when dealing with private banking accounts and interbank correspondent relationships with foreign banks. With respect to foreign banks, the section requires U.S. financial institutions to apply appropriate due diligence to all correspondent accounts with foreign banks, and enhanced due diligence for accounts sought by offshore banks or banks in jurisdictions found to have substandard money laundering controls or which the Secretary determines to be of primary money laundering concern under the new authority given him by section 311.

The section also specifies certain minimum standards for the enhanced due diligence that U.S. financial institutions are required to apply to accounts opened for two categories of foreign banks with high money laundering risks—offshore banks and banks in jurisdictions with weak anti-money laundering and banking controls. These minimum standards were developed from, and are based upon, the factual record and analysis contained in the Levin staff report on correspondent banking and money laundering.

Section 312 is essential to Title III. It addresses, with appropriate flexibility, mechanisms whose very importance for the conduct of commercial banking makes them special targets of money launderers, as illustrated in Senator LEVIN's extensive reports and hearings. A related provision, in section 319, requires foreign banks that maintain correspondent accounts in the United States to appoint agents for service of process within the United States and authorizes the Attorney General and the Secretary of the Treasury to issue a summons or subpoena to any such foreign bank seeking records, wherever located, relating to such a correspondent account. U.S. banks must sever correspondent arrangements with foreign banks that do not either comply with or contest any such summons or subpoena, and if the Attorney General or the Secretary of the Treasury asks them to sever the arrangements.

These provisions send a simple message to foreign banks doing business through U.S. correspondent accounts: be prepared, if you want to use our banking facilities, to operate in accordance with U.S. law.

Section 313 also builds on the factual record before the Banking Committee to bar from the United States financial system pure ''brass-plate'' shell banks created outside the U.S. that have no physical presence anywhere and are not affiliated with recognized banking institutions. These shell banks carry the highest money laundering risks in the banking world because they are inherently unavailable for effective oversight—there is no office where a bank regulator or law enforcement official can go to observe bank operations, review documents or freeze funds.

Section 327 permits the Secretary to deal with abuse of another recognized commercial banking mechanism—concentration accounts that are used to commingle related funds in one place temporarily pending disbursement or the transfer of funds into individual client accounts. Concentration accounts have been used to launder funds, and the bill permits the Secretary to issue rules to bar the use of concentration accounts to move client funds anonymously, without documentation linking particular funds to their true owners.

Section 332 requires financial institutions to establish minimum anti-money laundering programs that include appropriate internal policies, management, employee training, and audit features. This is not a ''one size fits all'' requirement; in fact its very generality recognizes that different types of programs will be appropriate for different types and sizes of institutions.

A number of improvements are made to the suspicious activity reporting rules. First, technical changes strengthen the safe harbor from civil liability for institutions that report suspicious activity to the Treasury. The provisions not only add to the protection for reporting institutions; they also address individual privacy concerns by making it clear that government officers may not disclose suspicious transaction reports information except in the conduct of their official duties. The Act also requires the issuance of suspicious transaction reporting rules applicable to brokers and dealers in securities within 270 days of the date of enactment.

Sections 341 and 342 of the Title deal with underground banking systems such as the Hawala, which is suspected of being a channel used to finance the al Qaeda network. Section 341 makes it clear that underground money transmitters are subject to the same record-keeping rules—and the same penalties for violating those rules—as above-ground, recognized, money transmitters. It also directs the Secretary of the Treasury to report to Congress, within one year, on the need for additional legislation or regulatory controls relating to underground banking systems. Section 342 authorizes the Secretary of the Treasury to instruct the United States Executive Director of each of the international financial institutions to use such Director's ''voice and vote'' to support loans and other use of resources to benefit nations that the President determines to be contributing to efforts to combat international terrorism, and to require the auditing of each international financial institution to ensure that funds are not paid to persons engaged in or supporting terrorism.

Section 351 creates a new Bank Secrecy Act offense involving the bulk smuggling of more than $10,000 in currency in any conveyance, article of luggage or merchandise or container, either into or out of the United States, and related forfeiture provisions. This provision has been sought for several years by both the Departments of Justice and Treasury.

Other provisions of the bill address relevant provisions of the Criminal Code. These provisions were worked out with the Judiciary Committee and are included in Title III because of their close relationship to the provisions of Title 31 added or modified by Title III.

The most important is section 315, which expands the list of specified unlawful activities under 18 U.S.C. 1956 and 1957 to include foreign corruption offenses, certain U.S. export control violations, offenses subject to U.S. extradition obligations under multilateral treaties, and misuse of funds of international financial institutions.

Section 316 establishes procedures to protect the rights of persons whose property may be subject to confiscation in the exercise of the government's anti-terrorism authority.

Section 319 treats amounts deposited by foreign banks in interbank accounts with U.S. banks as having been deposited in the United States for purposes of the forfeiture rules, but grants the Attorney General authority, in the interest of fairness and consistent with the United States' national interest, to suspend a forfeiture proceeding based on that presumption. This closes an important forfeiture loophole.

Section 321 allows the United States to exclude any alien that the Attorney General knows or has reason to believe is or has engaged in or abetted certain money laundering offenses.

A third important set of provisions modernize information sharing rules to reflect the reality of the fight against money laundering and terrorism.

Section 314 requires the Secretary of the Treasury to issue regulations to encourage cooperation among financial institutions, financial regulators and law enforcement officials and to permit the sharing of information by law enforcement and regulatory authorities with such institutions regarding persons reasonably suspected, based on credible evidence, of engaging in terrorist acts or money laundering activities. The section also allows banks to share information involving possible money laundering or terrorist activity among themselves—with notice to the Secretary of the Treasury.

Section 335 permits, but does not require, a bank to include information, in a response to a request for an employment reference by a second bank, about the possible involvement of a former institution-affiliated party in potentially unlawful activity, and creates a safe harbor from civil liability for the bank that includes such information in response to an employment reference request, except in the case of malicious intent. Given its different focus, it is not my intention to similarly limit a bank's safe harbor from civil liability for the filing of suspicious activity reports under the Bank Secrecy Act.

Section 340 contains amendments to various provisions of the Bank Secrecy Act, the Right to Financial Privacy Act, and the Fair Credit Reporting Act, to permit information subject to those statutes to be used in the conduct of United States intelligence or counter-intelligence activities to protect against international terrorism.

The modernization of our money laundering laws represented by Subtitle III is long overdue. It is not the work of one week or one weekend, but represents years of careful study and a bipartisan effort to produce a piece of prudent legislation. The care taken in producing the legislation extends to several provisions calling for reporting on the legislation's effect and a provision for a three-year review of the legislation's effectiveness.

Title III responds, as I've indicated, to the statement of Assistant Attorney

General Chertoff, the head of the Department of Justice's Criminal Division, at the Banking Committee's September 26 hearing that ''[w]e are fighting with outdated weapons in the money laundering arena today.'' Without this legislation, the cracks in the system of which bin Laden boasted will remain open. We should not, indeed we can not, allow that to happen, any more than we can delay dealing with the financial aspects of the terrorist threat.

Title III is a balanced effort to address a complex area of national concern. I strongly urge my colleagues to follow the unanimous recommendation of the Banking Committee and support this important component of the anti-terrorism package.

I ask unanimous consent that a section-by-section summary of Title III be included in the RECORD.

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

TITLE III—INTERNATIONAL MONEY LAUNDERING ABATEMENT AND ANTI-TERRORIST FINANCING ACT OF 2001—SECTION-BY-SECTION SUMMARY

Sec. 301. Short title and table of contents.

Sec. 302. Findings and purposes.

Sec. 303. Provides that the provisions added and amendments made by Title III will terminate after September 30, 2004, if the Congress enacts a joint resolution to that effect, and that such joint resolution will be given expedited consideration in each Houses of Congress.

SUBTITLE A. INTERNATIONAL COUNTER-MONEY LAUNDERING AND RELATED MEASURES

Sec. 311. Gives the Secretary of the Treasury, in consultation with other senior government officials, authority (in the Secretary's discretion) to impose one or more of five new ''special measures'' against foreign jurisdictions, entities, transactions and accounts that the Secretary, after consultation with other senior federal officials, determines to pose a ''primary money laundering concern'' to the United States. The special measures include: (1) requiring additional recordkeeping or reporting for particular transactions, (2) requiring the identification of the foreign beneficial owners of certain accounts at a U.S. financial institution, (3) requiring the identification of customers of a foreign bank who use an interbank payable-through account opened by that foreign bank at a U.S. bank, (4) requiring the identification of customers of a foreign bank who use an interbank correspondent account opened by that foreign bank at a U.S. bank, and (5) after consultation with the Secretary of State, the Attorney General, and the Chairman of the Federal Reserve Board, restricting or prohibiting the opening or maintaining of certain interbank correspondent or payable-through accounts. Measures 1–4 may not be imposed, other than by regulation, for a period in excess of 120 days; measure 5 may only be imposed by regulation. Also requires the Secretary of the Treasury, in consultation with the appropriate Federal banking agencies, to submit to Congress, within 180 days of the date of enactment, recommendations for the most effective way to require foreign nationals opening a U.S. bank account to provide identification comparable to that required when U.S. citizens open a bank account.

Sec. 312. Requires a U.S. financial institution that maintains a correspondent account or private banking account for a non-United States person to establish appropriate and, if necessary, enhanced due diligence procedures to detect and report instances of money laundering. Creates a minimum anti-money laundering due diligence standards for U.S. financial institutions that enter into correspondent banking relationships with banks that operate under offshore banking licenses or under banking licenses issued by countries that (a) have been found non-cooperative with international counter money laundering principles, or (b) have been the subject of special measures authorized by Sec. 311. Creates minimum anti-money laundering due diligence standards for maintenance of private banking accounts by U.S. financial institutions.

Sec. 313. Bars depository institutions and broker-dealers operating in the United States from establishing, maintaining, administering, or managing correspondent accounts for foreign shell banks, other than shell bank vehicles affiliated with recognized and regulated depository institutions.

Sec. 314. Requires the Secretary of the Treasury to issue regulations to encourage cooperation among financial institutions, financial regulators and law enforcement officials and to permit the sharing of information by law enforcement and regulatory authorities with such institutions regarding persons reasonably suspected, based on credible evidence, of engaging in terrorist acts or money laundering activities. Allows (with notice to the Secretary of the Treasury) the sharing of information among banks involving possible terrorist or money laundering activity.

Sec. 315. Expands the list of specified unlawful activities under 18 U.S.C. 1956 and 1957 to include foreign corruption offenses, certain U.S. export control violations, and misuse of funds of the IMF.

Sec. 316. Establishes procedures to protect the rights of persons whose property may be subject to confiscation in the exercise of the government's anti-terrorism authority.

Sec. 317. Gives United States courts ''long-arm'' jurisdiction over foreign persons committing money laundering offenses in the United States, over foreign banks opening United States bank accounts, and over foreign persons seizing assets ordered forfeited by a U.S. court.

Sec. 318. Expands the definition of financial institution for purposes of 18 U.S.C. 1956 and 1957 to include banks operating outside the United States.

Sec. 319. Treats amounts deposited by foreign banks in interbank accounts with U.S. banks as having been deposited in the United States for purposes of the forfeiture rules, but grants the Attorney General authority, in the interest of justice and consistent with the United States' national interest, to suspend a forfeiture proceeding based on that presumption. Requires U.S. financial institutions to reply to a request for information from a U.S. regulator relating to anti-money laundering compliance within 120 hours of receipt of such a request. Requires foreign banks that maintain correspondent accounts in the United States to appoint agents for service of process within the United States and authorizes the Attorney General and the Secretary of the Treasury to issue a summons or subpoena to any such foreign bank seeking records, wherever located, relating to such a correspondent account. Requires U.S. banks to sever correspondent arrangements with foreign banks that do not either comply with or contest any such summons or subpoena. Authorizes United States courts to order a convicted criminal to return property located abroad and to order a civil forfeiture defendant to return property located abroad pending trial on the merits. Authorizes United States prosecutors to use a court-appointed Federal receiver to find a criminal defendant's assets, wherever located.

Sec. 320. Permits the United States to institute forfeiture proceedings against the proceeds of foreign criminal offenses found in the United States.

Sec. 321. Allows the United States to exclude any alien that the Attorney General knows or has reason to believe is or has engaged in or abetted certain money laundering offenses.

Sec. 322. Extends the prohibition against the maintenance of a forfeiture proceedings on behalf of a fugitive to include a proceeding by a corporation whose majority shareholder is a fugitive and a proceeding in which the corporation's claim is instituted by a fugitive.

Sec. 323. Permits the government to seek a restraining order to preserve the availability of property subject to a foreign forfeiture or confiscation judgment.

Sec. 324. Increases from $100,000 to $1,000,000 the maximum civil and criminal penalties for a violation of provisions added to the Bank Secrecy Act by sections 311 and 312 of the Act.

Sec. 325. Directs the Secretary of the Treasury, in consultation with the Attorney General, the Federal banking agencies, the SEC, the CFTC and other appropriate agencies to evaluate operation of the provisions of Subtitle A of Title III of the Act and recommend to Congress any relevant legislative action, within 30 months of the date of enactment.

Sec. 326. Directs the Secretary of the Treasury to report annually to the Senate Banking Committee and House Financial Services Committee on measures taken pursuant to Subtitle A of Title III of the Act.

Sec. 327. Authorizes the Secretary of the Treasury to issue regulations concerning the maintenance of concentration accounts by U.S. depository institutions to prevent an institution's customers from anonymously directing funds into or through such accounts.

Sec. 328. Provides criminal penalties for officials who violate their trust in connection with the administration of Title III.

SUBTITLE B. CURRENCY TRANSACTION REPORTING AMENDMENTS AND RELATED IMPROVEMENTS

Sec. 331. Clarifies the terms of the safe harbor from civil liability for financial institutions filing suspicious activity reports pursuant to 31 U.S.C. 5318(g).

Sec. 332. Requires financial institutions to establish anti-money laundering programs and grants the Secretary of the Treasury authority to set minimum standards for such programs.

Sec. 333. Clarifies that penalties for violation of the Bank Secrecy Act and its implementing regulations also apply to violation of Geographic Targeting Orders issued under 31 U.S.C. 3526, and to certain recordkeeping requirements relating to funds transfers. Otherwise clarifies and updates certain provisions of 31 U.S.C. 5326 relating to Geographic Targeting Orders.

Sec. 334. Adds ''money laundering related to terrorist funding'' to the list of subjects to be dealt with in the annual National Money Laundering Strategy prepared by the Secretary of the Treasury pursuant to the

''Money Laundering and Financial Crimes Strategy Act of 1998.''

Sec. 335. Permits (but does not require) a bank to include information, in a response to a request for an employment reference by a second bank, about the possible involvement of a former institution-affiliated party in potentially unlawful activity, and creates a safe harbor from civil liability for the bank that includes such information in response to an employment reference request, except in the case of malicious intent.

Sec. 336. requires the Bank Secrecy Act Advisory Group to include a privacy advocate among its membership and to operate under certain of the ''sunshine'' provisions of the Federal Advisory Committee Act.

Sec. 337. Directs the Secretary of the Treasury and the Federal bank regulatory agencies to submit reports to Congress, one year after the date of enactment, containing recommendations on possible legislation to conform the penalties imposed on depository institutions for violations of the Bank Secrecy Act with penalties imposed on such institutions under section 8 of the Federal Deposit Insurance Act.

Sec. 338. Directs the Secretary of the Treasury, after consultation with the Securities and Exchange Commission and the Federal Reserve Board, to promulgate regulations, within 270 days of the date of enactment, requiring broker-dealers to file suspicious activity reports. Also requires the Secretary of the Treasury, the SEC, Federal Reserve Board, and the CFTC to submit jointly to Congress, within one year of the date of enactment, recommendations for effective application of the provisions of 31 U.S.C. 5311–30 to both registered and unregistered investment companies.

Sec. 339. Directs the Secretary of the Treasury to submit a report to Congress, six months after the date of enactment, on the role of the Internal Revenue Service in the administration of the Bank Secrecy Act, with emphasis on whether IRS Bank Secrecy Act information processing responsibility (for reports filed by all financial institutions) or Bank Secrecy Act audit and examination responsibility (for certain non-bank financial institutions) should be retained or transferred.

Sec. 340. Contains amendments to various provisions of the Bank Secrecy Act, the Right to Financial Privacy Act, and the Fair Credit Reporting Act, to permit information to be used in the conduct of United States intelligence or counterintelligence activities to protect against international terrorism.

Sec. 341. Clarifies that the Bank Secrecy Act treats certain underground banking systems as financial institutions, and that the funds transfer recordkeeping rules applicable to licensed money transmitters also apply to such underground systems. Directs the Secretary of the Treasury to report to Congress, within one year of the date of enactment, on the need for additional legislation or regulatory controls relating to underground banking systems.

Sec. 342. Authorizes the Secretary of the Treasury to instruct the United States Executive Director of each of the international financial institutions (for example, the IMF and the World Bank) to use such Director's ''voice and vote'' to support loans and other use of resources to benefit nations that the President determines to be contributing to United States efforts to combat international terrorism, and to require the auditing of each international financial institution to ensure that funds are not paid to persons engaged in or supporting terrorism.

SUBTITLE C. CURRENCY CRIMES

Sec. 351. Creates a new Bank Secrecy Act offense involving the bulk smuggling of more than $10,000 in currency in any conveyance, article of luggage or merchandise or container, either into or out of the United States, and related forfeiture provisions.

SUBTITLE D. ANTI-CORRUPTION MEASURES

Sec. 361. Expresses the sense of Congress that the United States should take all steps necessary to identify the proceeds of foreign government corruption that have been deposited in United States financial institutions and return such proceeds to the citizens of the country to whom such assets belong.

Sec. 362. Expresses the sense of Congress that the United States must continue actively and publicly to support the objectives of the 29-country Financial Action Task Force Against Money Laundering.

Sec. 363. Expresses the sense of Congress that the United States, in its deliberations and negotiations with other countries, should promote international efforts to identify and prevent the transmittal of funds to and from terrorist organizations.

SUBTITLE E. MISCELLANEOUS

Sec. 371. Expands the SEC's emergency order authority.

Sec. 372. Creates uniform protection standards for Federal Reserve facilities.

Mr. LEAHY. Mr. President, I thank the distinguished chairman of the Banking Committee, the senior Senator from Maryland, Mr. SARBANES. He did unbelievable work in this committee to pass out a money-laundering bill—a very complex and difficult subject. He did it unanimously, I believe, in a committee that probably has as diverse a membership—that is an understatement—as one might find. I compliment him and thank him for his kind words.

I reserve the remainder of my time. I see the chairman of the Senate Intelligence Committee here, who wishes to give his opening statement.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I conferred with Senator DASCHLE a few minutes ago. It is his desire—so there is no misunderstanding of the Members—that a number of opening statements be given: The Senator from Florida, the chairman of the Intelligence Committee, and we understand Senator STABENOW wishes to speak, and there may be a couple of other opening statements.

As soon as that is done, we are going to turn to Senator FEINGOLD to offer the first of his amendments. After that, there will be a vote on the first Feingold amendment.

Mr. LEAHY. Mr. President, I yield 10 minutes to the senior Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 10 minutes.

Mr. GRAHAM. Mr. President, I wish to commend Senators DASCHLE and LOTT for their leadership in bringing this critical piece of legislation to the Senate just 1 month after the horrific events of September 11. Senators LEAHY and HATCH also deserve credit for moving quickly to shape the judiciary components of this bill and choreograph other provisions, including those affecting the intelligence agencies.

My remarks will focus on title IX of this legislation, which is entitled ''Improved Intelligence,'' as well as the other provisions in the bill that directly affect the mission of the agencies of the intelligence community.

Title IX is derived from S. 1448, legislation which was developed within the intelligence community, entitled ''Intelligence to Prevent Terrorism Act of 2001.''

Since long before September 11, I have been working with members of the committee, particularly Senators FEINSTEIN and KYL, on comprehensive counterterrorism legislation. Most of the provisions of our bill, with some changes requested by the administration, have now become title IX of S. 1510.

The provisions in title IX, as well as other provisions in the bill, are designed to accomplish a daunting but not impossible task. That task is to change the cultures within the Federal law enforcement and intelligence agencies—primarily the FBI and the CIA—so they work seamlessly together for the good of the American people.

Both the FBI and the CIA are very good. They are the standards of the world in their own missions. But those missions are very different. The Federal Bureau of Investigation is goal oriented. A criminal case has a beginning, a middle, and an end. In a case that has developed the guilty party, the end is a conviction for the crime committed. The information collected during a criminal case is very closely held. It is held closely because its purpose is to result in the successful prosecution of an event that occurred in the past—not to inform thinking about what may happen now or in the future.

The Central Intelligence Agency, on the other hand, as well as its other companions in the intelligence community, has a global approach, literally and figuratively. The CIA is restricted to activities outside the United States of America. The CIA collects information on a worldwide basis, and it processes that information, analyzes that information, and it places it in the hands of its customers. Its customers are other Federal agencies and senior policymakers, including the President of the United States. The purpose of that information is to allow those senior policymakers to make more informed decisions.

Given the threats we now face, the cultures growing out of these different missions must be melded. We cannot fight terrorism by putting yellow tape around a bomb site, calling it a crime scene, collecting evidence, and proceeding to trial frequently years later.

We must put the evidence collected after such an event to work for us in real time so we can predict and prevent the next attack. If there is a single goal of the intelligence components of this antiterrorism bill, it is to change the focus from responding to acts that have already occurred to preventing the acts which threaten the lives of American citizens in this country and abroad.

It is critical that all information lawfully available to the Federal Government be used efficiently and effectively to fight terrorism. We cannot continue to use critical information only in a criminal trial. Any information collected must be available to intelligence officials to inform their operational initiatives so as to prevent the next attack.

Along these lines, several provisions of S. 1510 are designed to change the way information is handled within the Federal Government. For example, section 203 permits law enforcement to share information collected in grand jury proceedings and from title III criminal wiretaps with intelligence agencies. Current law, as it has been interpreted, prevents that sharing, except in very limited circumstances.

Section 905 then complements section 203 in that it requires law enforcement officers, FBI agents, and the Justice Department prosecutors to provide foreign intelligence derived in the course of a criminal investigation, including grand juries, criminal wiretaps, FBI interviews, and the like, to the Central Intelligence Agency and to other intelligence agencies.

A ''permissive'' approach is not good enough under current circumstances. Too many lives have been lost, too many lives are at risk. Law enforcement sharing of information with the intelligence agencies must be mandatory.

Section 908 further complements this legislation by providing the training of law enforcement officers at the Federal, State, and local agencies so they will be better equipped to recognize foreign intelligence information when they see it, and to get it to the right place on a timely basis.

Let me give a couple of hypothetical but eerily-close-to-reality examples. It is likely that there are, tonight, grand juries meeting at various places in the United States to deal with issues related to the events of September 11. Witnesses may be providing information—information about training camps in Afghanistan, ground warfare techniques used by al-Qaida and the Taliban, the types and quantity of weapons available. This type of information will be critical for the military—critical for the military now, not 2 years from now when these cases might go to trial.

Another example is in the area of wiretaps. Let me just take two wiretaps. One has been issued under the Foreign Intelligence Surveillance Act because there was a finding by a Federal judge that there was credible evidence that the telephone was being used by an agent of a foreign power.

In the course of listening to the wiretap, this conversation comes across: I am planning to fly from a specifically designated site in Central America to a city in Texas. I am going to take my flight a week from Monday. My intention is, once I arrive over that city, to distribute chemical or biological materials that will terrorize the people of that city by creating havoc due to the illnesses that will be provoked.

But how are you going to pay for this? You don't have the money to buy a plane, chemicals, or get the expertise necessary to do that?

I am going to do that because I am going to rob a bank next Monday in order to get the money that I need to pay for this operation. The bank is going to be located at the corner of First and Main, and I am going to do it 3 hours after the bank closes next Monday.

The person listening to that conversation with a foreign intelligence wiretap is under a legal obligation to make known to the appropriate law enforcement officials that there is about to be a bank robbery at a specific location on a specific date and time in a certain Texas city.

Conversely, if that exact conversation had taken place under a criminal wiretap under title 3, the person listening to that conversation would be prohibited from telling the foreign intelligence agencies that there was about to be a terrorist attack on a date certain against a specific Texas city originating at a specific site in Central America.

Try to convince the American people that makes sense. It clearly does not in today's reality. This legislation is going to make the same requirement of mandatory sharing when the information is gathered under a criminal wiretap that involves foreign intelligence information, as is the case today when information gathered under a Foreign Intelligence Surveillance Act wiretap must be made available to appropriate law enforcement officials.

Another provision of title 9 addresses the role of the Director of Central Intelligence in the process of collecting foreign intelligence under the Foreign Intelligence Surveillance Act. It recognizes the need to target limited resources, including personnel and translators against the highest priority targets.

I ask if I can have an additional 5 minutes.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I have about 11 minutes left that has not been committed which I thought I might use to answer some questions. I give the Senator 2 of my 11 minutes.

Mr. GRAHAM. I appreciate the Senator's limitations.

Mr. LEAHY. We just had one Senator ask me for 30 minutes. I am looking at my 11. How can I give him 30? But I will give you 2 of the 11.

Mr. GRAHAM. Mr. President, I thank the Senator from Vermont.

We have a provision that the Director of Central Intelligence, the DCI, will set the overall strategic goals for the collection of foreign intelligence so that we can use our limited resources as effectively as possible.

In order to complement that, we also have a provision that will establish a national virtual translation center as a means of increasing our woefully limited linguistic capabilities to translate the material which we are gathering.

We will also provide for additional capability with human intelligence. We have become very reliant on technology—eavesdropping, satellite imagery, to the exclusion of the use of human beings. If we want to gain information about the bin Ladens of the world, we cannot just take a picture of bin Laden.

Today it is increasingly difficult to eavesdrop on bin Laden. What we need to do is get a human being who is able to get close enough to bin Laden to learn his intentions and capabilities. This gets to the difficult issue of what kind of assets, human beings, we hire to work for us to gather such information?

We would all like to employ the purist of people, all choir boys to do this type of work. Unfortunately, they are not the type of people who are likely to be able to get close to the bin Ladens of the world. Thus, we have a provision in this legislation in the nature of a sense of Congress which we hope will send a strong message to the intelligence community that we are encouraging them to overcome some previous messages from Congress and to proceed to recruit the persons who they find to be necessary to gain access to terrorists so that we can have the best opportunity of protecting ourselves.

With the adoption of this legislation, we have not reached the end of our task or responsibilities to protect the American people. We are taking a substantial step in that direction.

To reiterate, another provision of title 9 addresses the role of the Director of Central Intelligence in the process of collecting foreign intelligence under the Foreign Intelligence Surveillance Act. It recognizes the need to target limited resources—e.g. translators—against the highest priority targets.

In order to ensure that scarce resources are effectively used, the DCI—in his role as head of the Intelligence community, not as CIA Director—will set overall strategic goals for FISA collection.

He will work with the Attorney General to ensure that FISA information is distributed to the intelligence operators and analysts who need it government-wide.

Of course, the operational targeting and collection using wiretaps will be conducted by the FBI, as it has in the past; the DCI will perform no role in those decisions.

One of the scarce resources that has plagued the Intelligence Community, as well as law enforcement, is translation capability.

Section 907 of this bill requires the FBI and CIA to work together to create a ''National Virtual Translation Center.''

Such a center would seek to remedy the chronic problem of developing critical language abilities, and matching those resources to intelligence collected by the wide range of techniques available.

It is not enough to be able to listen to the conversations of terrorists and their supporters.

Those conversations must be translated, often from difficult languages such as Urdu, and analyzed, all in a timely fashion.

Our intelligence services collect vast amounts of data every day. It is possible that we may find that a critical clue to the September 11 attacks may have been available, but untranslated, days, weeks, or even months before the hijackings.

We must address this problem before another specific threat is overlooked.

Finally, I would like to mention a problem that has received a great deal of attention in recent weeks. There has been criticism of the intelligence agencies for placing too great a reliance on technical intelligence collection—laws dropping, satelite photograph—in recent years at the expense of human sources, or spies.

A corollary of this criticism is that CIA officers are to risk-averse and that they do not aggressively recruit sources overseas that may have access to terrorist groups because the sources may have engaged in human rights violations or violent crimes.

As to the first problem, the Intelligence authorization bill for fiscal year 2002, which may come to the floor next week, provides greater resources for human source recruitment—and it is part of a 5-year plan to beef up this method of collection.

With respect to the second problem, we in the Congress simply must accept some of the responsibility for creating a risk-averse reaction at CIA, if needed there is one.

The internal CIA regulations addressing the so-called ''dirty asset'' problem grew out of the criticisms by Congress in the mid-1990s about the recruitment of sources in Guatemala with sordid pasts.

We address this issue in S. 1510, section 903, by sending a strong message to CIA Headquarters and CIA officers overseas that recruitment of any person who has access to terrorists or terrorist groups should be of the highest priority.

There is no place in times like these for timidity in seeking every method available to learn the capabilities, plans, and intentions of terrorists.

Congress needs to send a strong message that we value such efforts to recruit sources on terrorism, even those with pasts we would not applaud.

Section 903 sends that message.

I urge passage of S. 1510.

I again commend the Members of the Senate who have played such an effective role.

I also thank the staff: Al Cumming, Bob Filippone, Vicki Divoll, Steven Cash, Bill Duhnke, Paula DeSutter, Jim Hensler, and Jim Barnett.

They have been working for the past many months to bring us to the point of this legislation being available for adoption by the Senate tonight and for the safety of the American people.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Vermont.

Mr. LEAHY. I ask the distinguished Senator from Utah—I see the distinguished senior Senator from Pennsylvania is here—perhaps after the senior Senator from Utah, and then after the senior Senator from Pennsylvania speaks, whether it might be possible to go to the Senator from Wisconsin for the purpose of bringing up his amendments, and we can then debate and vote on them. Will that be agreeable to everybody?

Mr. HATCH. It is agreeable.

Mr. LEAHY. I ask unanimous consent that after the Senator from Utah, and the Senator from Pennsylvania, we go to the Senator from Wisconsin for the purpose of bringing up his amendments.

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

The Senator from Utah.

Mr. HATCH. Mr. President, in my opening remarks, I was remiss in not mentioning the tremendous work of the distinguished chairman and vice chairman of the Intelligence Committee. They have done a tremendous amount of work on the intelligence aspect of this bill. As a member of the Intelligence Committee, I express my high regard for the both of them and the work they have done.

I also express my regard for my friend from Maryland, Senator SARBANES, who came to the Senate with me, for the work he has done on the money-laundering section of this bill. He and Senator GRAMM and the Banking Committee have done yeoman's service on this, and I hope we are able to have that as part of the final bill.

I would be remiss if I did not acknowledge the great work that has been done—also, Senator KYL and so many others. I felt I needed to say that. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, parliamentary inquiry, that I have 30 minutes under the unanimous consent request?

The PRESIDING OFFICER. The Senator is correct.

Mr. SPECTER. I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition and asked for this reservation of time to express my concerns about the record which the Senate is creating so that whatever legislation we pass will pass constitutional muster.

The Supreme Court of the United States has handed down a series of decisions in the past decade which question the constitutionality and, in fact, invalidate acts of Congress because there has been an insufficient record compiled. So I make these statements and review the record so far with a view to urging my colleagues to create a record in this Chamber, in conference, or wherever that opportunity may present itself.

In 1989, in the case of Sable v. FCC, the Supreme Court of the United States struck down an act of Congress saying, ''no Congressman or Senator purported to present a considered judgment.'' I thought it was a remarkable statement by the Supreme Court since Congressman Tom Bliley in the House of Representatives had established a very comprehensive record.

The Supreme Court in 1997, in a case captioned Reno v. ACLU, again invalidated an act of Congress noting, ''the lack of legislative attention to the statute at issue in Sable suggests another parallel with this case.''

It was surprising to me that the Supreme Court of the United States would invalidate an act of Congress on the ground that no Senator or Congressman had purported to present a considered judgment, when that is the view of the Supreme Court which is contrary to Congress.

Under our doctrine of separation of powers, it seemed to me an act of Congress should stand unless there is some specific provision in the Constitution which warrants invalidating it or for vagueness under the due process clause of the fifth amendment.

The Supreme Court of the United States, in January of last year, did it again in a case captioned Kimel v. Florida Board of Regents, a case which involved the Age Discrimination in Employment Act. There the Court said, ''our examination of the act's legislative record confirms that Congress' 1974 extension of the Act to the States was an unwarranted response to a perhaps inconsequential problem.'' Again,

a remarkable holding that the Congress had an unwarranted response and that it was an inconsequential problem, totally contradicting the judgment of the Congress of the United States.

Then the Court went on in the Kimel case to say, ''Congress had no reason to believe that broad prophylactic legislation was necessary in this field.''

Those are only a few of the cases where the Supreme Court of the United States has invalidated acts of Congress. There is no doubt there is a need for legislation to expand the powers of law enforcement to enable us to act against terrorists. My own experience in 8 years on the Intelligence Committee, 2 years of which was as chairman, and my work as chairman of the Judiciary Subcommittee on Terrorism have convinced me without a doubt of the scourge of terrorism which we have seen many times but never with the intensity which we observed on September 11 of this year.

The act of Congress in expanding law enforcement has to be very carefully calibrated to protect civil liberties and be in accordance with the Constitution of the United States. Attorney General Ashcroft met with a number of us on Wednesday, September 19, just 8 days after the incident of September 11, and asked that we enact legislation by the end of the week. My response at that time was I thought it could not be done in that time frame, but I thought we could hold hearings in the remainder of that week, perhaps on Thursday the 20th, or Friday the 21st, or Saturday the 22nd, to move ahead, understanding the import of the administration's bill, and legislate to give them what they needed, consistent with civil rights.

The Judiciary Committee then held a hearing on September 25 where the Attorney General testified for about an hour and 20 minutes. At that time, as that record will show, only a few Senators were able to ask questions. In fact, the questioning ended after my turn came, and most of the Judiciary Committee did not have a chance to raise questions.

On September 26, the following day, I wrote to the chairman of the committee saying:

I write to urge that our Judiciary Committee proceed promptly with the Attorney General's terrorism package with a view to mark up the bill early next week so the full Senate can consider it and hopefully act upon it by the end of the week. I am concerned that some further act of terrorism may occur which could be attributed to our failure to act promptly.

I then found out on October 3 that the Subcommittee on the Constitution was having a hearing. By chance, I heard about it in the corridors. Although we were having a hearing with Health and Human Services Secretary Thompson on bioterrorism, I absented myself from the bioterrorism hearing and went down the hall to the Judiciary subcommittee hearing and participated there and expressed many of the reservations and concerns I am commenting about today.

On that date, I again wrote to Senator LEAHY. I ask unanimous consent that the full text of my letter to him and the full text of his reply to me of October 9 be printed in the RECORD at the conclusion of these remarks.

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

(See exhibit 1.)

Mr. SPECTER. I quote only from the first sentence of Senator LEAHY's response to me:

I thank you for your letters of September 26 and October 3 and for your participation in the September 25 hearing regarding antiterrorism legislation. On October 3, you wrote that you were concerned about the lack of hearings. I share that concern and have tried to notice prompt hearings on a number of aspects of the legislative proposals at the earliest possible time.

On this state of the record, which I hope can yet be perfected, I am concerned about our meeting the standards of the Supreme Court of the United States for a sufficient deliberative process.

When Attorney General Ashcroft appeared before the Judiciary Committee on September 25, he said the only detention he wanted on aliens was those who were subject to deportation proceedings. I then pointed out, as the record will show, that the legislation submitted by the Attorney General was much broader and did not limit detention simply or exclusively to those who were subject to deportation proceedings. So my comment was that it was necessary to analyze the bill very carefully, not do it hurriedly, and give the Attorney General of the Department of Justice what he needed, consistent with constitutional rights.

The other issue which I had an opportunity to raise in the very brief period of time I had—some 5 minutes—involved modifications to the Foreign Intelligence Surveillance Act, where the issue was to change the law from ''the purpose,'' being the gathering of intelligence, to ''a purpose.'' Ultimately the legislation has been modified to read ''a significant purpose.''

At that hearing, the Attorney General said he did not look to obtain content from electronic surveillance unless probable cause was established. But in the draft bill, which the Department of Justice had submitted at that time, that was not what the bill provided. So that on this state of the record, I think the Congress has some work to do, tonight in conference or perhaps by other means, to see to it we have a record which will withstand constitutional scrutiny.

On our Judiciary Committee, we have many Members who have expertise in this field. This bill, as the RECORD will show, was negotiated by the chairman and ranking member with the Department of Justice, with the participation of the committee only to the extent of the hearing of the full committee on September 25 and the subcommittee on October 3.

We have on our Judiciary Committee a number of Members who have had experience as prosecuting attorneys. We have a number of lawyers who are learned in law. We have other Members who have extensive experience on the Judiciary Committee and a great deal of common sense which may top some of us who have prosecutorial experience or extended experience with probable cause and search warrants or surveillance of some sort or another.

I express these concerns so whatever can be done by the Congress will be done to meet the constitutional standards.

How much of the 15 minutes have I used?

The PRESIDING OFFICER. The Senator has 3 minutes 37 seconds remaining.

Mr. SPECTER. I reserve the remainder of my time, and I yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, September 26, 2001.

Hon. PATRICK J. LEAHY,
Chairman, Senate Judiciary Committee, Washington, DC.

DEAR PAT: I write to urge that our Judiciary Committee proceed promptly with the Attorney General's terrorism package with the view to mark up the bill early next week so the full Senate can consider it and hopefully act upon it by the end of next week.

I am concerned that some further act of terrorism may occur which could be attributed to our failure to act promptly.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
Washington, DC, October 3, 2001.

Hon. PATRICK J. LEAHY,
Chairman, Senate Judiciary Committee, Washington, DC.

DEAR SENATOR LEAHY: I am very much concerned about the delay in acting on the anti-terrorism legislation and also about the absence of hearings to establish a record for the legislative package.

In recent decisions, the Supreme Court of the United States has declared acts of Congress unconstitutional when there has been an insufficient record or deliberative process to justify the legislation.

On the anti-terrorism legislation, perhaps more than any other, the Court engages in balancing the needs of law enforcement with the civil rights issues so that it is necessary to have the specification of the problems to warrant broadening police power.

In my judgment, there is no substitute for the hearings, perhaps in closed session, to deal with these issues.

As you know, I have been pressing for hearings. I am now informed that Senator Hatch has convened a meeting of all Republican senators to, in effect, tell us what is in a proposed bill where Judiciary Committee members have had no input.

We could still have meaningful hearings this week and get this bill ready for prompt floor action.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 9, 2001.

Hon. ARLEN SPECTER,
711 Hart Senate Office Building, Washington, DC.

DEAR ARLEN, I thank you for your letters of September 26, 2001 and October 3, 2001 and for your participation in the September 25, 2001 hearing regarding anti-terrorism legislation. On October 3, 2001, you wrote that you were concerned about the lack of hearings. I share that concern and have tried to notice prompt hearings on a number of aspects of the legislation proposals at the earliest possible time.

As you know, the Attorney General consented to appear at our September 25, 2001 hearing for only an hour and we had to prevail upon him to stay a few extra minutes so that Senator Feinstein and you could have a brief opportunity to ask the Attorney General a single question. I invited him to rejoin us the following Tuesday to complete the hearing and I continue to extend such invitations, but he has not accepted any of my follow up invitations. In addition, although Members of the Committee submitted questions in writing to the Attorney General following the September 25, 2001 hearing, they have yet to be answered. I agree with you that these are important matters that justify a more thorough record than we have been able to establish.

Last week, Senator Feingold chaired an important hearing on civil liberties concerns before the Constitution Subcommittee. This week Senators Schumer, Feinstein and Durbin each are working to organize hearings on these matters and Senators Kennedy and Biden are working on possible hearings next week.

At the same time, we have continued to work nonstop to prepare for Senate action on legislative proposals. We suffered a setback last week when after weeks of intensive negotiations the White House reneged on agreements reached on Sunday, September 30, 2001, and we had to spend much of last week renegotiating a legislative package. Finally, last Thursday S. 1510 was introduced by the Majority Leader, the Republican Leader, the Chairmen of the Judiciary, Banking and Select Intelligence Committees and by Senators Hatch and Shelby as Ranking Members. I am seeking to work closely with the Senate leadership to be prepared to proceed to that legislation at the earliest opportunity. The House is on a similar track and may well consider its version of legislation later this week, as well.

You and I both know that no legislation can guarantee against future terrorist attacks. Nonetheless, I have expedited work on anti-terrorism legislation, within which the Administration has insisted on including general criminal law measures not limited to terrorism, in order to allow the Senate to act promptly in response to the unprecedented attacks of September 11, 2001.

Sincerely,

PATRICK LEAHY,
Chairman.

Mr. LEAHY. I understand the distinguished Senator from Wisconsin is willing to have the distinguished Senator from Michigan recognized for 5 minutes. I ask unanimous consent she be allowed to proceed preceding the Senator from Wisconsin.

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

The Senator from Michigan is recognized for 5 minutes.

Ms. STABENOW. I thank our distinguished chairman and my friend from Wisconsin for allowing me to proceed before he presents his amendments.

I rise this evening to congratulate all involved in this effort. As has been said on so many occasions, it is not perfect but we have come together with a very positive, important step forward that we can all celebrate this evening on a bipartisan basis.

As the Senator from Michigan, along with my colleague, Senator LEVIN, we certainly celebrate the efforts along the northern border and the important authorizations for dollars that allow us to continue to protect and strengthen the efforts at the border. I thank my chairman of the Banking Committee, Senator SARBANES, for his efforts to put into this important bill language dealing with the critical issue of money laundering which essentially allows us to follow the money.

My colleague, Senator LEVIN, has been extremely involved in helping to lead efforts to lay out the case for this. Senator KERRY and Senator GRASSLEY have been involved in important work. I thank them.

The antiterrorism bill before the Senate takes a significant step forward in cutting the flow of terrorist money. As the President has repeatedly said, stopping the flow of money is key to stopping terrorism. That is what we are doing this evening. In particular, we are establishing important new responsibilities, both for our Government and for our financial institutions. The bill authorizes the Treasury Secretary to take special measures to stop suspected money-laundering activities. This anti-money-laundering language is significant because it requires financial institutions to set up their own due diligence to combat money laundering, particularly for private and corresponding banking situations. This is a key provision of which I was proud to be a part. I am pleased we were able to come up with language that allows that.

Another important provision I was pleased to offer in the Banking Committee, which is now part of the bill, was clear authority for the Treasury Secretary to issue regulations to crack down on abuses related to concentration accounts. These accounts are administrative accounts used by financial institutions to combine funds from multiple customers, various transactions. They do not require any identification or accountability of who is involved or how much money we are talking about.

The amendment I advocated urges the Treasury Secretary to issue regulations ensuring these concentration accounts identify by client name all of the client funds moving through the account to prevent anonymous movement of the funds that might facilitate money laundering. This is a classic case of why this is so important: Raul Salinas, brother of former Mexican President Carlos Salinas, transferred almost $100 million to Citibank administrative accounts in New York and London without any documentation indicating the ownership of these funds. The wire transfers sent the funds to Citibank and asked each transfer be brought to the attention of a specific private banker. Later, the private banker transferred the funds to private accounts controlled by Mr. Salinas. The origin of this money—$100 million—was never satisfactorily identified.

Allegations of drug money or other corporate sources persist to this day. We know, through Senator LEVIN's exhaustive documentation at his hearings, that other private banks use this practice as well. Although financial regulators have cautioned against this practice over and over again, they have not yet issued regulations to stop this loophole. That is why the language in this bill is so important.

The use of these anonymous concentration accounts breaks the audit trail associating specific funds with specific clients. Again, the goal, as the President said, is to follow the money. We have to have information if we are going to follow the money.

It should now be abundantly clear to Treasury that they have the authority to stop this practice. I hope it is also abundantly clear it is a serious problem. I am very concerned that the administration act quickly on these anonymous accounts.

I congratulate everyone involved in this effort. I think the effort regarding the anti-money-laundering language is a critical part of making sure we have an effective antiterrorism bill. I thank my colleagues for their work.

The PRESIDING OFFICER. The time of the Senator from Michigan has expired. Who yields time?

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I will give a brief statement before I start my amendments, and I ask unanimous consent the time be equally divided amongst the time I have on each of my four amendments.

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

Mr. FEINGOLD. Mr. President, 1 month ago, we all were viciously attacked. I am pleased and grateful that both the domestic and international effort to respond to these attacks is fully underway. As we recall, almost as soon as the attacks of September 11 ended, our public discussion turned to two issues: how the United States will respond to these terrorist acts and how

we can protect ourselves against future attacks.

Almost immediately, discussion of that second issue raised the question of how our efforts to prevent terrorism will affect the civil liberties enjoyed by all Americans as part of our constitutional birthright.

I was encouraged by many of the reactions that our leaders and Members of this body had, but especially encouraged by the words of our colleague, Senator GEORGE ALLEN of Virginia who represents one of the States struck by terrorism. On the day after the attacks he said:

> We must make sure that as we learn the facts, we do not allow these attacks to succeed in tempting us in any way to diminish what makes us a great nation. And what makes us a great nation is that this is a country that understands that people have God-given rights and liberties. And we cannot—in our efforts to bring justice—diminish those liberties.

I agree with Senator ALLEN. I believe that one of the most important duties of this Congress is in responding to the terrible events of September 11, in order to protect our civil liberties, which, of course, derive from our Constitution. That is why I am pleased that we did not take the Attorney General's advice to enact an anti-terrorism bill immediately without any deliberation or negotiation. I commend Senator LEAHY for all his efforts to improve this bill. It is certainly a better and more comprehensive bill than the one the administration originally proposed. I think even the administration recognizes that.

But I still believe we needed a more deliberative process on this bill, and more careful consideration of the civil liberties implication of it. I held a hearing in the Constitution Subcommittee at which many serious and substantive concerns about the bill were raised by commentators and experts from both sides of the political spectrum.

As the chairman of the subcommittee, I took many of those concerns very seriously. That is why I would not consent on Tuesday night to bringing up this bill and passing it without any amendments being considered. I am pleased that we were able to reach agreement on a process that will allow some of my concerns with this bill to be debated and voted on through the amendment process.

That is not to say that no measures to strengthen law enforcement should be enacted. They should be. We need to do it. We need to do some very serious updating of a number of these laws. This bill does many things to assist the Department of Justice in its mission to catch those who helped the terrorists and prevent future attacks. We can and we will give the FBI new and better tools. But we must also make sure that the new tools don't become instruments of abuse.

There is no doubt that if we lived in a police state, it would be easier to catch terrorists. If we lived in a country where the police were allowed to search your home at any time for any reason; if we lived in a country where the government was entitled to open your mail, eavesdrop on your phone conversations, or intercept your email communications; if we lived in a country where people could be held in jail indefinitely based on what they write or think, or based on mere suspicion that they were up to no good, the government would probably discover and arrest more terrorists, or would be terrorists, just as it would find more lawbreakers generally. But that would not be a country in which we would want to live, and it would not be a country for which we could, in good conscience, ask our young people to fight and die. In short, that country would not be America.

I think it is important to remember that the Constitution was written in 1789 by men who had recently won the Revolutionary War. They did not live in comfortable and easy times of hypothetical enemies. They wrote the Constitution and the Bill of Rights to protect individual liberties in times of war as well as in times of peace.

There have been periods in our nation's history when civil liberties have taken a back seat to what appeared at the time to be the legitimate exigencies of war. Our national consciousness still bears the stain and the scars of those events: The Alien and Sedition Acts, the suspension of habeas corpus during the Civil War, the internment of Japanese-Americans during World War II and the injustices perpetrated against German-Americans and Italian-Americans, the blacklisting of supposed communist sympathizers during the McCarthy era, and the surveillance and harassment of antiwar protesters, including Dr. Martin Luther King, Jr., during the Vietnam war. We must not allow this piece of our past to become prologue.

Preserving our freedom is the reason we are now engaged in this new war on terrorism. We will lose that war without a shot being fired if we sacrifice the liberties of the American people in the belief that by doing so we will stop the terrorists.

That is why this exercise of considering the administration's proposed legislation and fine tuning it to minimize the infringement of civil liberties is so necessary and so important. And this is a job that only the Congress can do. We cannot simply rely on the Supreme Court to protect us from laws that sacrifice our freedoms. We took an oath to support and defend the Constitution of the United States. In these difficult times that oath becomes all the more significant.

There are quite a number of things in this bill that I am concerned about, but my amendments focus on a small discreet number of items.

At this point, I would like to turn to one of the amendments.

The PRESIDING OFFICER. The Senator is recognized.

AMENDMENT NO. 1899

Mr. FEINGOLD. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 1899.

Mr. FEINGOLD. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

> (Purpose: To make amendments to the provisions relating to interception of computer trespasser communications)
>
> On page 42, line 25, insert ''or other'' after ''contractual''.
>
> On page 43, line 2, strike ''for'' and insert ''permitting''.
>
> On page 43, line 8, insert ''transmitted to, through, or from the protected computer'' after ''computer trespasser''.
>
> On page 43, line 20, insert ''does not last for more than 96 hours and'' after ''such interception''.

Mr. FEINGOLD. I ask this time now be charged to the first amendment.

The PRESIDING OFFICER (Ms. STABENOW). The time will be charged.

Mr. FEINGOLD. Madam President, this amendment simply clarifies the provision in the bill dealing with computer trespass, section 217, so that it more accurately reflects the intent of the provision, as frequently expressed by the administration. Section 217 is designed, we have been told, to permit law enforcement to assist computer owners who are subject to denial of service attacks or other episodes of hacking. As currently drafted, however, this provision could allow universities, libraries, and employers to permit government surveillance of people who are permitted to use the computer facilities of those entities. Such surveillance would take place without a judicial order or probable cause to believe that a crime is being committed. Under the bill, anyone accessing a computer ''without authorization'' is deemed to have no privacy rights whatsoever, with no time limit, for as long as they are accessing the computer at issue. Basically, the way I read this, this provision completely eliminates fourth amendment protection for a potentially very large set of electronic communications.

The danger that this amendment tries to address is that ''accessing a computer without authorization'' could be interpreted to mean a minor transgression of an office or library computer use policy. Let's take an example. A working mom uses an office

computer to purchase Christmas presents on the Internet. Company policy prohibits personal use of office computers. This person has potentially accessed a computer without authorization and her company could give permission to law enforcement to review all of the e-mails that she sends or receives at work, monitor all the instant messages she sends, and record every website she visits: No warrant, no probable cause, no fourth amendment rights at all. My amendment makes clear that a computer trespasser is not someone who is permitted to use a computer by the owner or operator of that computer.

This amendment also limits the length of this unreviewed surveillance to 96 hours, which is a longer time frame than that placed on other emergency wiretap authorities. Again, if this provision is aimed solely at responding to cyber-attacks, there is no need to continue such surveillance beyond 96 hours—which is the time we put in our amendment—because that time is sufficient to allow the government to obtain a warrant to continue the surveillance. It is not as if they cannot continue it, they simply have to get a warrant after 4 days. Warrants based on probable cause are still the constitutionally preferred method for conducting surveillance in America. The need for immediate and emergency assistance during a denial of service attack or hacking episode, which I certainly think is a legitimate concern, cannot justify continued surveillance without judicial supervision.

Finally, this amendment prevents law enforcement from abusing this authority in investigations unrelated to the actual computer trespass. The current provision potentially allows law enforcement to intercept wire and electronic communications in many investigations where they may not want, or be able, to secure a court order. If the government suspects a person of committing a crime but does not have probable cause to justify monitoring of the suspect's work computer, it could pressure the owner or operator of the computer to find some transgression in the suspect's computer use, allowing the government carte blanche access to email and internet activity of the suspect. I suspect that few small business owners will be anxious to stand up to federal law enforcement requests for this information.

Now the administration was apparently willing to add language to deal with employees using office computers, but it refused to recognize that in our society many people use computers that they do not own, with permission, but without a contractual relationship. People who don't own their own home computers use computers at libraries. Students use computers at school in computer labs or student centers. Without my amendment, these innocent users could become subject to intrusive government surveillance merely because they disobeyed a rule of the owner of the computer concerning its use. I have been told that this is not the administration's intent, but they would not fix this provision. So I think it is fair to ask why. Why does the administration insist on leaving open the possibility that this provision will be abused to entirely eliminate the privacy of students' and library patrons' computer communications? Is there a hidden agenda here? I sincerely hope not, but I was very disappointed in the administration's unwillingness to address this concern. I remain willing to negotiate on this amendment, but if there is no further movement on it, I hope my colleagues will recognize that this amendment will leave the publicly expressed purpose of the computer trespass provision untouched and fix a potentially disastrous case of overbreadth.

I reserve the remainder of my time.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FEINGOLD. Madam President, how much time do I have remaining on my side?

The PRESIDING OFFICER. Eighteen and one-half minutes on this amendment.

Mr. FEINGOLD. Madam President, I yield 5 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Madam President, I rise to support my colleague, Senator FEINGOLD, and his amendment to section 217. I think the Senator has done a tremendous job in outlining the issues related to this bill and the fact that haste can sometimes make waste. Haste in some instances on very well crafted language to uphold our rights under the Constitution can be infringed upon.

Section 217 is intended to allow computer system owners and operators to fully engage Federal law enforcement where someone hacks or intrudes into their system. As Senator FEINGOLD mentioned, that could be a business owner, or it could be a library system, or it could be a university system.

Unfortunately, as drafted, there are few limits on what communications the Government could intercept without showing probable cause that a crime has been committed and without having the opportunity for judicial review of those intercepts.

The provisions do not even limit the scope of the surveillance. Once authorized, the Government could intercept all communications of a person who is allegedly a trespasser. Again, let me be clear: Without meeting the fourth amendment requirement to show probable cause.

Further, there is no time limit on the surveillance under the provision of this legislation. For those who may be reviewing this legislation for the first time, and understanding that as they go to their workplace, or as they go to their educational institution, or as they go to their library to enhance their education, they could be under surveillance for a very long and indefinite period of time without their knowledge.

Thus, once authorized by a computer system operator, the Government could intercept all communications of a person forever without a proper search warrant. Even a court order wiretap expires after 30 days.

This amendment would remedy some of the defects in this bill. It would do that by requiring that the surveillance be only of communications associated with the trespass and that the length of the surveillance be limited to 96 hours, which, by the way, is twice as long as the time limit placed on emergency wiretap authority. If the problem continues, investigators could easily obtain additional warrant time for the surveillance to continue.

This is a very important time in our country's history. It is a time in which we want to act in unity and support the administration. It is a time in which we want to act to give law enforcement the tools they need to apprehend those who have been responsible and may be responsible for future acts of terrorism. But we also must preserve the right of citizens of this country when it comes to the fourth amendment.

I encourage my colleagues to support the Feingold amendment. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. FEINGOLD. Madam President, first, I want to say how important it is to have on the committee the Senator with expertise in this area as well as her own background. I appreciate very much her help on this matter.

Madam President, how much time do I have remaining on my side?

The PRESIDING OFFICER. The Senator has 14½ minutes.

Mr. FEINGOLD. I am happy to yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, my colleague from Washington I think speaks within a framework of expertise that she brings to this particular amendment. I speak from the framework of a layperson who has been trying to understand this bill's pluses and minuses.

I say to Senator FEINGOLD and all colleagues, since I think there is kind of a rush to table all of the Feingold

amendments, that this amendment is eminently reasonable. The Senator from Wisconsin is saying: Let's put a time limit on this. That is good. Let's have some judicial oversight. That is good as well.

There are international terrorists who have killed many Americans and want to kill more Americans. There are a lot of provisions in this bill which I think are right on the money, including northern border protection which is relevant to the Chair, relevant to the Senator from Washington, and certainly relevant to the people I represent. But I also think there is no reason, in this rush to pass the bill, that we can't make some changes. These are minor changes the Senator wants to make. This just gives this piece of legislation more balance.

I will say this: There is a lot that is good in this bill and a lot that is attractive to me as a Senator. When you add some of the additional security provisions that help all the people we are asked to represent in addition to the benefits—the financial help to all of the rescue workers and all of the innocent people's families, people have been murdered—there is much in this bill that is commendable. The Senator from Wisconsin is just trying to give it more balance.

I say to my colleagues that I hope you will support this amendment. I want to say one other thing as well. I really believe what is good about this bill is the provisions that focus on the people whom the terrorists are basically trying to kill—Americans. What is not as good is when the reach of the bill goes too far beyond that and is too broad.

The sunset provision that passed in the House is so important, so that we can continue to monitor this legislation as we move forward.

I think this amendment that the Senator from Wisconsin has submitted is a step to give this piece of legislation a little more balance, and it will be more vigilant of people's civil liberties. I think it is the right step.

I thank the Senator for his amendment.

Mr. FEINGOLD. I thank the Senator from Minnesota for his help, especially for making this point: All this amendment is about is making sure that it is about the problem we face with the terrorism that is threatening our country and our freedoms. That is all we are trying to do—make sure it doesn't go broadly into people's rights, and into their privacy, and into their own lives.

At this point, I am simply going to reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Madam President, let me talk a little bit about the provision of today's legislation that has been referred to as the ''computer trespasser'' exception.

This provision is a perfect example of how our laws dealing with electronic surveillance have become outdated, and nonsensical as applied to modern technology.

Imagine the following scenario. A terrorist decides to wreak havoc in a major U.S. city by shutting down an electrical power grid. He uses a computer to hack into the mainframe computer of a regional utility company, which he plans to use to bring down the power grid. Before the terrorist can accomplish his goal, the utility company recognizes that an intruder is attempting to access their computer. The company quickly calls the FBI for assistance in repelling the intruder.

Guess what? Under current law, even with the permission from the utility company, the FBI is not permitted to monitor the terrorist's activity on the utility company's computer, because current law perversely grants the terrorist privacy rights with respect to his communications on the computer he has invaded.

It is as if police could not investigate a burglary, even when invited into the house by the victim of the burglary, because the burglar had established privacy rights inside the home he has invaded.

It is anomalies such as this, in our current laws regarding electronic surveillance, that today's legislation is designed to fix.

As it stands, the computer trespasser provision is defined in such a way that the owner or operator of a computer network cannot arbitrarily declare the user of the network at trespasser, and then invite law enforcement in to monitor that user's communications.

The provision, as written, provides that a person is not considered a computer trespasser if the person has an ''existing contractual'' relationship for access to all or part of the computer network.

Senator FEINGOLD's amendment would broadly amend the negotiated exception, including within its scope anyone with a contractual or ''other'' relationship to the owner or operator of a computer network. What is meant by ''other'' relationship? Any hacker could make the argument that they have a relationship with a computer operator. Indeed, were I a defense counsel, I would argue that the mere fact that the hacker has accessed the computer has created some form of relationship. Clearly, the proposed amendment would broadly and unwisely give immunity from our cyber-crime laws. This amendment creates an exception to the criminal laws and puts law enforcement back in the same position they currently are—that is, powerless to investigate hacking incidents where the owner of the computer network wants the assistance of law enforcement.

Madam President, we should not tie the hands of our law enforcement to assist the owners of our computer networks. We should not help hackers and cyberterrorists to get away.

If you are a victim of a burglary, shouldn't you have the right to ask the police to investigate your house, to come to your house and investigate?

Why should the owners of the computer not have the right to ask the police to investigate a commuter-hacking incident, especially where it appears it is terrorist oriented?

This act applies, as written, only to people without authorization to be on the computer. Why should the law protect people who have invaded a computer they have no right to be on?

Let me say one last comment about this. The proponents of this amendment argue it will apply to students using a university computer. That is true, but only if such students use that university computer to hack into a place where they do not belong.

Either we have to get serious in this modern society, with these modern computers, about terrorism or we have to ignore it. I, for one, am not for ignoring it. I believe we need to have this language in here—so does the Justice Department; so does the White House and the White House Counsel's Office—in order to do what cannot be done today to protect people in our society, and to protect our powerplants, our dams, and so many important facilities in our society that are vulnerable to cyber-terrorists. This law, the way it is currently written, will help to do that.

That is all I care to say about it. But I believe we should vote down the Senator's amendment. I know it is well intentioned. I have great respect for the Senator from Wisconsin. He is one of the very diligent members of our committee, and I appreciate him very much, but on this amendment I believe we have to keep the language of the bill the way it is written in order to give our law enforcement people the tools to be able to stop terrorist hacking into computers.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank my friend for his kind words.

Madam President, in response to the points he made, first, let me respond that I accept the premise of this basic provision in terms of updating the ability to get at computer hackers. That is an update. We did not know what this was a few years ago. We did not know what risks it posed. Nobody opposes that very important part of this bill.

But what the Senator claims is that the phrase ''contractual relationship'' somehow makes sure that people are protected from being subject to this who really should not be subject to this; but it does it.

I can think of at least three categories of people who do not come within the category of ''contractual relationship.'' One is in the context employment. It is nice if you have a contract, but a lot of employees do not.

They do not fall within the protection of a contractual relationship.

The same goes for people who would go and use a computer at a library. They do not have a contractual relationship to protect them in this situation.

And finally, as the Senator conceded here, in his last example, that certainly students, students at all our universities across the country, are not protected by that language. And that is all we want to do, to make it clear that this amendment is related to the problem of computer hackers, not moms who might be buying Christmas presents on a computer at work, even though they are not supposed to, or students who maybe are gambling on a university computer. Of course they should not do that, but should that subject them to extraordinary, unprecedented intrusion by Government law enforcement authority? Of course not.

The Senator attempts to suggest that the provision in here having to do with our desire to have the language say ''contractual'' or ''other'' relationship would somehow allow a hacker to claim that he is protected. The notion that a hacker would be considered as somebody who has a relationship with the company under this amendment is an absurd interpretation of the amendment's intent, so that clearly is not what this amendment would do.

And finally, let me get back to the students, the example the Senator from Utah mentioned. It is simply an unprecedented intrusion into individual rights for a university to be able to allow—because of a minor use that is not within university rules—that person to be completely subject to this kind of intrusion.

Mr. DURBIN. Will the Senator yield for a question?

Mr. FEINGOLD. Yes.

Mr. DURBIN. I have followed this debate closely. I commend the Senator for the hearing he had on the constitutional rights part of this debate. But I want to make sure I understand exactly what his amendment sets out to do.

Is my understanding correct that under the Feingold amendment there could be surveillance of a computer for 96 hours before there is any court approval, so that in the example given by the Senator from Utah, the law enforcement authorities could, in fact, monitor the communications of someone using this computer for 96 hours before ever going to a court and asking for a warrant for that search?

Mr. FEINGOLD. That is correct. And that even troubles me for the length of time that it is allowed—but it is far better than an infinite position. Law Enforcement should be required to seek a warrant as soon as possible, within reason, given the fact that what the amendment tries to get at is emergency situations involving hackers. As soon as possible, they should have to meet the standards that are normally met.

But, yes, the amendment does permit that, in my view, rather extraordinary period of time before the requirement would have to be made.

Mr. DURBIN. And that period of time, I ask the Senator from Wisconsin, is roughly twice the amount currently given under emergency wiretap authority; is that correct?

Mr. FEINGOLD. That is correct.

Mr. DURBIN. One last question. I want to try to understand. I ask the Senator do you not say, in your amendment, that a trespasser does not include someone who is permitted to use a computer by the owner or operator of the computer?

Mr. FEINGOLD. Correct.

Mr. DURBIN. And the difference, of course, is whether it is a contractual relationship or just a permission to use; you are including permission to use as well as contractual relationship?

Mr. FEINGOLD. That is correct.

Mr. DURBIN. The examples you have given are of people going to a library, who may not have a contractual relationship with the library but use the computer, who would be subjected to this warrantless search of their computer communications for an indefinite period of time.

Mr. FEINGOLD. That is right, exactly. This is exactly the problem. All we asked of the committee and of the administration yesterday was to make it clear that they did not want to reach these people. That is what we have been told. The purpose of this is to get at the threat of computer hackers.

The Senator from Illinois has just illustrated, with those examples—and he is, of course, correct—that this could be interpreted and could be understood to include situations that not only have nothing to do with the problem but represent a very serious departure from the individual rights people should have in our country.

Mr. DURBIN. I thank the Senator from Wisconsin.

Mr. FEINGOLD. I thank the Senator from Illinois and reserve the remainder of my time.

Mr. LEAHY. Madam President, I have been concerned about the scope of the amendment carving an exception to the wiretap statute for so-called ''computer trespassers.'' This covers anyone who accesses a computer ''without authorization'' and could allow government eavesdropping, without a court order or other safeguards in the wiretap statute, or Internet users who violate workplace computer use rules or online service rules.

I was unable to reach agreement with the administration on limiting the scope of this amendment, and the Feingold amendment makes further refinements. It is unfortunate that the administration did not accept this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator from Wisconsin has 4 minutes 47 seconds; the managers have 9 minutes 14 seconds.

Mr. HATCH. I am prepared to yield back whatever time we have, if it is all right with the distinguished Senator from Vermont, with the understanding that we are just trying to stop unauthorized hacking that could be done by terrorists and others who are criminals that currently cannot be stopped. I am prepared to yield back the time, if the distinguished Senator from Vermont is.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I ask the chairman of the committee, after listening to the presentation by the Senator from Wisconsin, what is the chairman's view of the incursion on law enforcement by the limitation of 96 hours?

Mr. LEAHY. The incursion of law enforcement by the 96 hours?

Mr. SPECTER. The principal thrust of what the Senator from Wisconsin seeks to do is to broaden the definition of a contractual relationship to someone who may otherwise have permission. What I am trying to do is to understand the administration's position, the law enforcement position as to how law enforcement is adversely impacted by what the Senator from Wisconsin seeks to do.

My concern, as expressed earlier, is that, especially in the face of the challenge by the amendment, this is a complicated bill.

The reality is, it is hard to know all of it without the normal hearing process. Now we have a specific challenge. What I would like to know is, how does it inhibit law enforcement? What about the broader definition gives problems to law enforcement? And then, what is the difficulty in having 96 hours, which is 4 days, to see what is going on to find some basis for seeking a warrant with probable cause?

Mr. LEAHY. Frankly, I don't have a problem with the Feingold amendment as it is written. I do have a problem, however, with keeping a bill together. The initial administration request had no limitations whatsoever. It was so wide open we were concerned that someone who might be using a computer at work to add up their accounts for the month would be trapped by this because the company said you couldn't use the computer to add up your checking account, for example, to use a far-fetched example, because they would be accessing the computer without authorization and the Government could just step in and go forward.

The administration moved partly our way. We actually ended up with a compromise on this. I suspect what they

would say to the Senator from Pennsylvania is that these attacks last more than 96 hours and that they would be unable to go after them if they were limited to the 96 hours.

We saw this recently 2 or 3 weeks ago where we had a continuous roving attack on a number of Government computers. As I recall—I didn't pay that much attention at the time—they were attacking them one week and when we came back the following week, they were still attacking them. So you had more than 96 hours.

Frankly, it is a case where we have reached a compromise. The distinguished ranking member, speaking on behalf of the administration, said this is not acceptable to them. Had this been part of the original package, I wouldn't have found it acceptable.

Mr. HATCH. Will the Senator yield?

Mr. SPECTER. Yes.

Mr. HATCH. Basically, what the administration is after here is that if a burglar is coming into your home and the police come to investigate, they don't have to report to a judge within 96 hours. The police have to act on these terrorist matters. If they find that a terrorist has infiltrated a computer controlling an electrical grid system, they want to get right on the ball and do something about it. That is what they are trying to do with this provision.

There are no fourth amendment rights implicated because you have people who have hacked into a computer that they don't have any right to be in.

We want to give law enforcement the power to stop that. This provision upsets that power and basically puts us back where we are when we can't do anything in a modern digital age to stop terrorists from stopping power grids and damaging dams and a whole raft of other things.

Mr. SPECTER. Madam President, if the Senator from Utah will yield for a question?

Mr. HATCH. Surely.

Mr. SPECTER. The Senator from Wisconsin makes the point that people may have standing to use a computer even without a contractual relationship. He uses the example of a student. Does the Senator from Utah believe or does the administration represent that there are no relationships other than contractual which give a person the legitimate standing to use the computer?

Mr. HATCH. Under this provision, you do not have a right to hack into another private computer, whether you are a university student or anybody else. It only applies, the law we have written, to unauthorized access. It does not apply to authorized access. But unauthorized access, yes, it applies to that. If we don't put it in there, we will be leaving a glaring error that currently exists in our laws that prohibit us from solving some of these problems. It would be a terrible thing to not correct at this particular time, knowing what we know about how these terrorists are operating right now.

Mr. SPECTER. So is the Senator from Utah saying that if you have permission, that is a form of a contractual relationship?

Mr. HATCH. I am saying that if you have permission, you are not covered by this provision as written. In other words, you would not be considered a hacker.

Mr. SPECTER. On its face you would seem to, unless there is a contractual relationship?

Mr. HATCH. It comes down to authorized or unauthorized access. If it is authorized, it is not covered under the computer trespasser provision.

Mr. SPECTER. I thank the Senator.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, did the Senator yield back his remaining time?

Mr. HATCH. Yes, we are prepared to yield.

Mr. LEAHY. We are prepared if the Senator from Wisconsin is.

Mr. FEINGOLD. I want to clarify a couple points, then I will be prepared to yield the remaining time.

These were helpful exchanges on a couple of points. First of all, it became very clear from Senator SPECTER's excellent questioning that, of course, there is no guarantee, under the way this language is set up, under the words ''contractual relationship,'' that the provision would not apply to students or to people who would use a computer at a library. I can't understand why, if that is the intent of the administration, the intent of the legislation, why they don't just agree to language that would say so. That is all we asked for yesterday. It could have resolved the problem. For some reason, they won't agree to it.

Second, is this notion that a hacker could somehow get in under our language. There is no way that a hacker has a relationship with the computer owner that permits the use of the computer. The hacker is, obviously, the antithesis, the opposite of an individual with a relationship that permits use of the computer.

Finally, I am amazed at this notion that this amendment, even under our version of it, would allow only 96 hours for surveillance when under the example of the Senator from Utah, an ongoing hacker attack is occurring.

Is it the Senator's contention that at the end of 96 hours, the FBI would not have probable cause to get a warrant, when all it has been dealing with for 4 days is this hacking of the computer? Of course, it would. It would be the easiest thing in the world.

Section 217 is a very dramatic exception to the usual rule as derived under our system, and expressed in the fourth amendment. Normally, you have to come up with probable cause and a warrant. There are exceptions because we have difficult problems sometimes. But 96 hours? At the end of that time, with clear evidence of a hacking attempt, a warrant could easily be obtained. Obviously, our amendment takes care of the need for emergency authorization. In fact, I think it is too generous. I am trying to put some kind of a time limit on this so we can have some semblance of the normal rules that protect our citizens.

If the other side yields their time, I will yield my remaining time as well.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Madam President, I have listened to this debate with great interest, and I appreciate very much the arguments made by the Senator from Wisconsin. As the Senator from Vermont and, I believe, the Senator from Pennsylvania, have noted, there are circumstances where I can easily see that we could be sympathetic to his amendment. He makes an argument.

My difficulty tonight is not substantive as much as it is procedural. There is no question, all 100 of us could go through this bill with a fine-tooth comb and pinpoint those things which we could improve. There is no doubt about that. I have looked at this bill, and there are a lot of things, were I to write it alone, upon which I could improve. I know the chairman of the committee believes that too.

I think we also have to recognize that this is the product of a lot of work in concert with our Republican colleagues, in concert with the administration, in concert with civil liberties groups, and in concert with law enforcement. We have come up with what I would view as a delicate but, yes, successful compromise.

Now, if we had opened the bill to amendment, I have no doubt there are many colleagues who would offer amendments with which I would vehemently disagree—in fact, so much so that I might want to filibuster the bill. I would probably lose. I think there is a realistic expectation that on a lot of these issues, my side would lose. I think you could make the same case for the other side. So, we made the best judgment we could, taking into account the very delicate balance between civil liberties and law enforcement that we had to achieve in bringing a bill of this complexity to the floor.

I have to say, I think our chair and ranking member and all of those involved did a terrific job under the most difficult of circumstances. What we did was to say: Let's take this product and work with it; let's review it; if we have to make some changes, let's consider them; but let's recognize that if we were to take this bill open-ended, there

would be no end to the amendments—that is the result that would most likely occur in such a circumstance.

While I may be sympathetic to some amendments offered tonight, had it been an open debate, there would have been a lot of amendments for which I would not have been sympathetic.

Given those circumstances, my argument is not substantive, it is procedural. We have a job to do. The clock is ticking. The work needs to get done. We have to make our best judgment about what is possible, and that process goes on.

I hope my colleagues will join me tonight in tabling this amendment and tabling every other amendment that is offered, should he choose to offer them tonight. Let's move on and finish this bill. Let's work with the House and come up with the best product between the Houses. Then, let's let law enforcement do its job, and let's use our power of oversight to ensure that civil liberties are protected.

I make a motion to table.

Mr. LEAHY. Will the Senator withhold that motion to table for a moment?

Mr. DASCHLE. Yes.

Mr. LEAHY. Madam President, I have served with over 250 Senators here, and I have been proud to serve with all of them. I know of no Senator who has a stronger commitment to our individual rights and personal liberties than the senior Senator from South Dakota, our majority leader. But I also know that were it not for his commitment and efforts, we would not be here with a far better bill than the one originally proposed by the administration. It has been because of his willingness to back us up as we try to improve that bill, to remove unconstitutional aspects of it, because of his willingness, we were able to get here.

As the Senator from South Dakota, the dearest friend I have in this body, has said, he could find parts he would do differently, and he knows there are parts I would do differently—even on this one. I have high regard for the Senator from Wisconsin, and I would have loved to have had his amendment. Actually, I would have done it probably differently than that. But we had a whole lot of places where we won and some where we lost.

I can tell you right now, if we start unraveling this bill, we are going to lose all the parts we won and we will be back to a proposal that was blatantly unconstitutional in many parts. So I join, with no reluctance whatsoever, in the leader's motion.

Mr. DASCHLE. Madam President, I move to table.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, on this bill there was not a single moment of markup or vote in the Judiciary Committee. I accepted that because of the crisis our Nation faces. This is the first substantive amendment in the Senate on this entire issue, one of the most important civil liberties bills of our time, and the majority leader has asked Senators to not vote on the merits of the issue. I understand the difficult task he has, but I must object to the idea that not one single amendment on this issue will be voted on the merits on the floor of the Senate.

What have we come to when we don't have either committee or Senate deliberation on amendments on an issue of this importance?

I yield the floor, and I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. DASCHLE. Madam President, I move to table the amendment.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from New Mexico (Mr. DOMENICI), the Senator from South Carolina (Mr. THURMOND), and the Senator from Mississippi (Mr. LOTT) are necessary absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 83, nays 13, as follows:

[Rollcall Vote No. 299 Leg.]

YEAS—83

Akaka	Ensign	McConnell
Allard	Enzi	Mikulski
Allen	Feinstein	Miller
Baucus	Fitzgerald	Murkowski
Bayh	Frist	Murray
Bennett	Graham	Nelson (FL)
Biden	Gramm	Nelson (NE)
Bond	Grassley	Nickles
Breaux	Gregg	Reed
Brownback	Hagel	Reid
Bunning	Hatch	Roberts
Burns	Hollings	Rockefeller
Byrd	Hutchinson	Santorum
Campbell	Hutchison	Sarbanes
Carnahan	Inhofe	Schumer
Carper	Inouye	Sessions
Chafee	Jeffords	Shelby
Cleland	Johnson	Smith (NH)
Clinton	Kennedy	Smith (OR)
Cochran	Kerry	Snowe
Conrad	Kohl	Stevens
Craig	Kyl	Thomas
Crapo	Landrieu	Thompson
Daschle	Leahy	Torricelli
DeWine	Lieberman	Voinovich
Dodd	Lincoln	Warner
Dorgan	Lugar	Wyden
Edwards	McCain	

NAYS—13

Bingaman	Cantwell	Corzine
Boxer	Collins	Dayton
Durbin	Levin	Wellstone
Feingold	Specter	
Harkin	Stabenow	

NOT VOTING—4

Domenici	Lott
Helms	Thurmond

The motion was agreed to.

Mr. LEAHY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. LEAHY. Madam President, so we understand where we are, there is still a fair amount of time on the bill that the Senator from Utah and I have and we have committed to Senators on both sides of the aisle who need time. The remaining time is for the Senator from Wisconsin who has three more amendments with the same time as he had in the last amendment.

The Senator from Massachusetts has asked for 5 minutes. I understand we have three more amendments that would take probably an hour or so per amendment with the vote if the Senator from Wisconsin wishes to use all his time, and he has a right to do that.

Once those are disposed of, the Senator from Utah and I are probably prepared to yield back our time.

I yield 5 minutes to the Senator from Massachusetts.

Mr. KERRY. Madam President, it was depending entirely on what the Senator from Wisconsin was doing. I reserve that now and see where we are heading.

Mr. LEAHY. I yield the floor.

Mr. FEINGOLD. Madam President, it is my intention to offer two more amendments, not the third amendment. I believe the time for each of these amendments could be less than the full time allotted. We have a fair amount of interest, but I didn't expect as much debate. I think the last two could be expedited, and I am prepared to proceed, if that is what my colleagues desire.

AMENDMENT NO. 1900

I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 1900.

Mr. FEINGOLD. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 21, line 14, insert ''except that, in such circumstances, the order shall direct that the surveillance shall be conducted only when the target's presence at the place where, or use of the facility at which, the electronic surveillance is to be directed has been ascertained by the person implementing the order and that the electronic surveillance must be directed only at the

communication of the target,'' after ''such other persons''.

Mr. KERRY. For the purpose of planning, could the Senator give us a sense of both amendments and how long he thinks he will talk.

Mr. FEINGOLD. I have about 12 minutes on this amendment subject to any response to that and approximately the same on the second amendment.

Mr. KERRY. I thank the Chair.

Mr. FEINGOLD. Madam President, this amendment has to do with what is called roving wiretap, or multipoint surveillance authority. This is one of the first things Attorney General Ashcroft asked for in the first days after the September 11 attack and gave the example of a terrorist using throwaway cell phones and the need for continued roaming wiretap authority to allow the FBI to keep up with the ready availability of this new technology.

First, let me say I have a lot of sympathy for the idea of updating this area of the law. Obviously, it is needed in light of changes in technology. It is vitally important for Members of the Senate to understand that roving wiretap authority is already available for criminal investigations under title III. It is in title 18, section 2518(11) and (12). The Attorney General doesn't need nor has he asked for any new roving wiretap authority for criminal investigations. He already has it.

What the bill does in Section 206 is provide similar authority in investigations under the Foreign Intelligence Surveillance Act, known as FISA. I am not opposed to expanding existing roving wiretap authority to include FISA investigations, but I am very concerned that Section 206 does not include a key safeguard that was part of the roving wiretap authority when it was added to title III in 1986. That protection minimizes the possible misuse of the authority, whether intentional or unintentional, to eavesdrop on the conversations of individuals who are not the subject of the investigation.

Let me read from the Senate Judiciary Committee's report on the legislation that granted roving wiretap authority:

> Proposed subsection 2518(12) of title 18 provides, with respect to both ''wire'' and ''oral'' communications, that where the federal government has been successful in obtaining a relaxed specificity order, it cannot begin the interception until the facilities or place from which the communication is to be intercepted is ascertained by the person implementing the interception order.

In other words, the actual interception could not begin until the suspect begins or evidences an intention to begin a conversation.

It further reads:

> It would be improper to use this expanded specificity order to tap a series of telephones, intercept all conversations over such phones and then minimize the conversations collected as a result. This provision puts the burden on the investigation agency to ascertain when the interception is to take place.

It seems to me that Congress struck the right balance in that provision. It recognized the needs of law enforcement, but also recognized that rights of innocent people were implicated and designed a safeguard to protect them.

When Congress passed FISA in 1978 it granted to the executive branch the power to conduct surveillance in certain types of investigations without meeting the rigorous probable cause standard under the Fourth Amendment that is required for criminal investigations. Investigations of agents of foreign powers were different. There is a lower threshold for obtaining an order from the FISA court. But I don't think that roving wiretap authority under FISA should be less protective of the constitutional rights of innocent people who are not the subject of the investigation than the authority that Congress intended to grant in a standard criminal investigation.

My amendment takes the safeguard from Title III—from current law—and includes it in the FISA roving wiretap authority provision. The amendment simply provides that before conducting surveillance, the person implementing the order must ascertain that the target of the surveillance is actually in the house that has been bugged, or using the phone that has been tapped.

Let me give a few examples of how this would work, which should also show why it is necessary. Indeed, it may be constitutionally required. If the government receives information that the target of the FISA investigation is making phone calls from a particular bank of pay phones in a train station, it may set up wiretaps at all the phones in that bank, but may only listen in on a particular phone that the subject is using. Before beginning the actual surveillance it must know that the suspect is using a particular phone. Otherwise, on the basis of a report that a terrorist has been using a particular bank of pay phones, the private conversations of innumerable innocent Americans with absolutely no connection to the investigation would be subject to government scrutiny. That violates their Fourth Amendment rights. Similarly, the Government should not be able to conduct surveillance on all payphones in a neighborhood frequented by a suspected terrorist or on a particular payphone all day long while innocent people use it.

Another example. Suppose a target of a FISA investigation has the practice of using a neighbor's or relative's phone. Under my amendment, the Government would not be able to listen in on all calls from that phone, but only those taking place when the target is in that person's home. Likewise, if the government believes that the target uses computers in a library, it can only monitor the one that the terrorist is actually using, not all the computers in that facility even when the terrorist is not there.

I don't believe this amendment should affect the Government's authorization to monitor a new cell phone obtained by the target. If the phone is in the possession of the target or is registered to the target, then the person implementing the surveillance has ascertained that the facility is being used by the target. They could do it, and I support that.

Now, it has been pointed out to me that in 1999 this safeguard was removed from Title III with respect to wiretaps but left in place with respect to bugs. The change was made in the conference report of an intelligence authorization bill, without consideration by the Senate Judiciary Committee.

I remind my colleagues again that my amendment was part of the roving wiretap authority that Congress granted federal law enforcement in criminal investigations in 1986. It contains a standard that as far as we know served law enforcement adequately in conducting effective surveillance on very sophisticated criminal organizations, including the mafia and drug importation and distribution organizations. I submit that if this standard is not sufficient, we would have seen an open effort to change it, but we didn't. Even after the change made in 1999 without discussion or debate, the standard remains in effect for bugs placed in homes or businesses. Without this protection, Section 206 threatens the rights of innocent people.

If law enforcement has been significantly impaired in conducting effective surveillance in criminal investigations under the roving wiretap provision in current law, we should be shown specific evidence of its shortcomings. But if it has not been impaired, then there is no reason not to include a similar safeguard in the roving wiretap authority under FISA.

I urge my colleagues to take a close look at this amendment. It is reasonable, it appropriately reflects current law, but it also allows for updating to face the reality of new technology and all the technologies that are implicated here. And it protects the constitutional rights of people who are not the subjects of an investigation.

Mr. WELLSTONE. Will the Senator yield for a question?

Mr. FEINGOLD. Yes.

Mr. WELLSTONE. Again, I am not a lawyer. I do not think I understood exactly all the argument you were making.

Are you saying there has to be some standard of proof? That before conducting surveillance, law enforcement has to make sure? In other words, before you actually wiretap a phone or bug a house or a home, the target of the surveillance has to be in that home you are bugging?

Mr. FEINGOLD. No. Let's say somebody goes to their neighbor's house to use their phone. They do that once or twice or whatever it might be. Our amendment makes sure this new provision doesn't open up that house and everybody in it and every phone call they have in the house to unlimited Government surveillance. It requires what has been normally required under the law, that the law enforcement people ascertain that the person is in the house at the time so it is credible that they would be using that phone again.

Mr. WELLSTONE. In other words, other people who are in the house who have nothing to do with the target of surveillance, their conversations could be—

Mr. FEINGOLD. Their conversations could and undoubtedly would be, without some protection.

Mr. WELLSTONE. And the same thing for the bugging?

Mr. FEINGOLD. Exactly.

Mr. WELLSTONE. So you are trying to minimize the misuse of authority. It might be unintentional?

Mr. FEINGOLD. Absolutely. There are standards, as I indicated in my statement. There have been rules about how law enforcement has to ascertain, whether it be at a phone bank or in somebody else's home, that there is a reasonable belief that the individual is actually there. Without that kind of rule, what we are doing is not just extending this authority to the reality that people have cell phones and move around and use different phones of their own, but it takes us into an area that, frankly, prior to September 11 we would never have dreamed of allowing.

Mr. WELLSTONE. Madam President, if I could take 2 minutes —I ask the Senator from Wisconsin, might I have 2 minutes?

Mr. FEINGOLD. Yes. Madam President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

Mr. FEINGOLD. I yield 2 minutes.

Mr. WELLSTONE. My colleague is saying we have to be very careful about not eavesdropping on the conversations of innocent individuals.

Again, we all are painfully aware of September 11. I personally think there is much in this bill that is good, that we need to do. But I think all the Senator from Wisconsin is trying to do is achieve some balance and make sure we do not go above and beyond going after terrorists who are trying to kill Americans and instead end up eavesdropping on innocent people in our country.

I think the vast majority of the people in the country, if they understood what this amendment was about, would support this amendment. I do not think passing this amendment does any damage whatsoever to much of what is in this bill, which is so important.

So, again, I hope Senators will support this amendment on the merits. I think it is a very important amendment. I thank the Senator from Wisconsin.

Mr. FEINGOLD. I thank the Senator from Minnesota very much for his help, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from Utah.

Mr. HATCH. Madam President, under current law, law enforcement has so-called-roving or multi-point surveillance authority for criminal investigations under title III, but FISA does not have comparable provisions for agents investigating foreign intelligence. Roving interceptions are tied to a named person rather than to any particular communications facility or place. Today's bill adds this vital authority to FISA.

This authority is critical for tracking suspected spies and terrorists who are experts in counter-surveillance methods such as frequently changing locations and communications devices such as phones and computer accounts.

It simply makes no sense that our wire-tapping statute recognizes this problem, and provides roving wiretap authority for surveillance of common criminals, but makes no provision for roving authority to monitor terrorists under the FISA statute.

The proposed amendment would not succeed in its stated goal of harmonizing the standard between title III wiretaps and FISA wiretaps. The proposed amendment would put a requirement on the interception of wire or electronic communications under a FISA warrant that does not exist in the title III context—a requirement that the law enforcement officer implementing the wiretapping order personally ascertain that the target of the order is using a telephone or computer, before the monitoring could begin.

This requirement is operationally unworkable. The way that roving orders are implemented, requires that law enforcement officers have the ability to spot check several different telephones in order to determine which one is being used by the target of the order. The language proposed in this amendment does not give law enforcement officers the ability to do so. In fact, they would be worse off under this proposal than they are under current law.

The goal of the roving wiretap provision is to give counter-terrorism investigators as much authority to conduct wiretaps as their counterparts have in conducting criminal investigations. This amendment defeats that goal by putting new, significant obstacles in the path of investigators attempting to investigate and prevent terrorist activities.

Mr. LEAHY. Madam President, Senator FEINGOLD provided invaluable assistance to the committee during our consideration of this legislation. He also held a hearing in his Constitution Subcommittee last week on the critical civil liberties issues raised by the Administration's anti-terrorism bill. I fully appreciate the depth of his concern and his desire to improve this bill.

The Attorney General and I agreed in principal that the roving, or multipoint, wiretap authority for criminal cases should be available under FISA for foreign intelligence cases. The need for such authority is especially acute to conduct surveillance of foreign spies trained in the art of avoiding surveillance and detection.

Senator FEINGOLD's amendment simply assures that when roving surveillance is conducted, the Government makes efforts to ascertain that the target is actually at the place or using the phone, being tapped. This is required in the criminal context. It is unfortunate that the Administration did not accept this amendment.

I hope all time could be yielded back on both sides.

Mr. FEINGOLD. It is my understanding the opponents have yielded all time.

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. If the Senator is going to yield his.

Mr. FEINGOLD. I yield my time.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, I will just use a minute of my leader time to respond.

I have already made my argument on the first amendment. I, in the interest of time, am not going to repeat it. As I said before, I am sympathetic to many of these ideas, but I am much more sympathetic to arriving at a product that will bring us to a point where we can pass something into law. The record reflects the compromises that have been put in place, the very delicate balance that we have achieved. It is too late to open up the amendment process in a way that might destroy that delicate balance. For that reason, I move to table this amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from South Carolina (Mr. THURMOND), and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

The result was announced—yeas 90, nays 7, as follows:

[Rollcall Vote No. 300 Leg.]

YEAS—90

Akaka	Dorgan	Lott
Allard	Durbin	Lugar
Allen	Edwards	McCain
Baucus	Ensign	McConnell
Bayh	Enzi	Mikulski
Bennett	Feinstein	Miller
Biden	Fitzgerald	Murkowski
Bingaman	Frist	Murray
Bond	Graham	Nelson (FL)
Boxer	Gramm	Nelson (NE)
Breaux	Grassley	Nickles
Brownback	Gregg	Reed
Bunning	Hagel	Reid
Burns	Harkin	Roberts
Byrd	Hatch	Rockefeller
Campbell	Hollings	Santorum
Carnahan	Hutchinson	Sarbanes
Carper	Hutchison	Schumer
Chafee	Inhofe	Sessions
Cleland	Inouye	Shelby
Clinton	Jeffords	Smith (NH)
Cochran	Johnson	Smith (OR)
Collins	Kennedy	Snowe
Conrad	Kerry	Stabenow
Craig	Kohl	Stevens
Crapo	Kyl	Thomas
Daschle	Landrieu	Torricelli
Dayton	Leahy	Voinovich
DeWine	Lieberman	Warner
Dodd	Lincoln	Wyden

NAYS—7

Cantwell	Levin	Wellstone
Corzine	Specter	
Feingold	Thompson	

NOT VOTING—3

Domenici	Helms	Thurmond

The motion was agreed to.

Mr. LEAHY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I ask unanimous consent to have printed in the RECORD a Statement of Administration Policy on the USA Act.

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

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies)

S. 1510—UNITING AND STRENGTHENING AMERICA (USA) ACT OF 2001

The Administration commends the Senate leadership and the Chairman and Ranking Member of the Senate Judiciary Committee on reaching agreement on S. 1510. This bill contains, in some form, virtually all of the proposals made by the Administration in the wake of the terrorist attacks perpetrated against the United States on September 11th. The Administration strongly supports passage of this bill.

The Administration's initial proposals, on which S. 1510 is based, were designed to provide Federal law enforcement and national security officials with the tools and resources necessary to disrupt, weaken, and counter the infrastructure of terrorist organizations, to prevent terrorist attacks, and to punish and defeat terrorists and those who harbor them. S. 1510 includes the provisions proposed by the Administration in three main areas: (1) information gathering and sharing; (2) substantive criminal law and criminal procedure; and (3) immigration procedures. The Administration strongly supports passage of these provisions. The Administration also supports valuable provisions, introduced by the Chairman of the Senate Judiciary Committee, aimed at improving the Nation's border protection.

Information Gathering and Sharing

Existing laws fail to provide national security authorities and law enforcement authorities with certain critical tools they need to fight and win the war against terrorism. For example, technology has dramatically outpaced the Nation's statutes. Many of the most important intelligence gathering laws were enacted decades ago, in and for an era of rotary telephones. Meanwhile, the Nation's enemies use e-mail, the Internet, mobile communications and voice mail.

S. 1510 contains numerous provisions that address this problem by helping to make the intelligence gathering and surveillance statutes more ''technology-neutral.'' Specifically, the bill updates the pen-register, trap-and-trace, and Title III-wiretap statutes to cover computer and mobile communications more effectively, while ensuring that the scope of the authority remains the same.

The bill also provides for nationwide scope of orders and search warrants, and other practical changes that will enable law enforcement to work more efficiently and effectively. In addition, the bill contains important updates of foreign intelligence gathering-statutes, with the identical goal of making the statutes technology-neutral. Even more important, the bill contains provisions to reduce existing barriers to the sharing of information among Federal agencies where necessary to identify and respond to terrorist threats. The ability of law enforcement and national security personnel to share this type of information is a critical tool for pursuing the war against terrorism on all fronts.

Substantive Criminal Law and Criminal Procedure

S. 1510 contains important reforms to the criminal statutes designed to strengthen law enforcement's ability to investigate, prosecute, prevent, and punish terrorism crimes. The bill would remove existing barriers to effective prosecution by extending the statute of limitations for terrorist crimes that risk or result in death or serious injury. The bill also creates and strengthens criminal statutes, including a prohibition on harboring terrorists and on providing material support to terrorists, and provides for tougher penalties, including longer prison terms and higher conspiracy penalties for those who commit terrorist acts. These provisions will help to ensure that the fight against terrorism is a national priority in our criminal justice system.

Border Protection and Immigration Procedures

S. 1510 also contains a number of provisions that would enhance the ability of immigration officials to exclude or deport aliens who engage in terrorist activity and improve the Federal government's ability to share information about suspected terrorists. Under the bill, those who contribute to or otherwise support terrorist organizations and terrorist activities would be denied admission to or deported from this country, and the Attorney General would be authorized to detain deportable persons who are suspected of terrorist activities pending their removal from the United States. In addition, the bill provides for access by the Department of State and the Immigration and Naturalization Service to criminal history records and related information maintained by the Federal Bureau of Investigation.

Money Laundering

Title III of S. 1510 includes money laundering and other financial infrastructure provisions, arising from a separate legislative proposal from the Administration. These provisions were added to this bill after unanimous approval was reached on these provisions in the Senate Banking Committee. The Administration supports the effort to strengthen the money laundering statutes to help combat terrorism, and supports virtually all of the proposals that are now included in S. 1510.

Pay-As-You-Go Scoring

Any law that would increase direct spending is subject to the pay-as-you-go requirements of the Balanced Budget and Emergency Deficit Control Act. Accordingly, S. 1510, or any substitute amendment in lieu thereof that would also increase direct spending, will be subject to the pay-as-you-go requirement. OMB's scoring estimates are under development. The Administration will work with Congress to ensure that any unintended sequester of spending does not occur under current law or the enactment of any other proposals that meet the President's objectives to reduce the debt, fund priority initiatives, and grant tax relief to all income tax paying Americans.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I know the Senator from Wisconsin has another amendment. I have had requests for time on our side of the aisle from the distinguished Senator from Washington State, Ms. CANTWELL, for 7 minutes; the distinguished Senator from Massachusetts, Mr. KERRY, for 5 minutes; the distinguished Senator from Minnesota, Mr. WELLSTONE, for 5 minutes; the distinguished Senator from Michigan, Mr. LEVIN, for 2 minutes.

I mention that, not to lock that in, because the time is there, but just to give people an idea of where we are.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, is the Senator from Vermont proposing a time agreement?

Mr. LEAHY. No. I am just saying what people are requesting for time. I am trying to get some idea. A number of Senators have asked the distinguished leader and myself how much longer we are going to be here tonight.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, let me just say, anybody who wishes to speak on this bill is certainly welcome to do so, but we will be here after the vote for anybody who wishes to accommodate any other Senator who would like to go home.

The hour is late. We have one more amendment, and then we have final passage. It is my hope that we can complete our work on the bill and certainly leave open the opportunity for Senators to express themselves. We

will stay just as long as that is required. I hope, though, we can accommodate other Senators who may not feel the need to participate in further debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I had spoken earlier this evening at some length about my concerns as to the procedures on the bill. I want to make a very few brief comments at this time.

I am concerned about the procedures on establishing a record which will withstand constitutional scrutiny. I shall not repeat the citations from decisions of the Supreme Court of the United States which I cited earlier, except to say that the Supreme Court has invalidated acts of Congress where there is not a considered judgment.

I understand the position of the majority leader in wanting to get this bill finished. Earlier this evening, I went through an elaborate chronology as to what has happened here. Nine days after September 11, the Attorney General submitted a bill. I had suggested hearings that week. The bill was submitted on September 20. We could have had hearings on September 21 and even on September 22, a Saturday. The Judiciary Committee had one hearing, a very brief one, on September 25.

I wrote the chairman of the committee two letters urging hearings, and there was ample time to have hearings to find out about the details of this bill. There was a Judiciary subcommittee hearing on October 3.

This bill was negotiated between the chairman and ranking member and the White House. The Judiciary Committee did not take up the bill. We have had ample time. This bill should have been before the Senate 2 weeks ago. If we had moved on it promptly after it was submitted on the 20th, we could have had hearings, perhaps some in closed session. We could have had a markup. We could have had an understanding of the bill.

When the Senator from Wisconsin has offered two amendments, which I have supported, I am inquiring as to what is the specific concern about law enforcement to preclude the adoption of the amendments of the Senator from Wisconsin and on the possible invasions of privacy that may result from the amendments not being adopted.

This is a very important bill. I intend to vote for it. I served 8 years on the Intelligence Committee, 2 years as chairman. I chaired the Subcommittee of Judiciary on Terrorism. I have been through detailed hearings and understand the problem we face, especially in light of the warning which was put out today, and I understand, with the approval of the President, that a terrorist act may happen in the United States or overseas in the next several days.

We do need adequate law enforcement powers. We should have finished this bill some time ago. But when the majority leader says he is concerned about procedure and not about substance, we are regrettably establishing a record where we have not only not shown the deliberative process to uphold constitutionality, but we are putting on the record a disregard for constitutionality and elevating procedure over substance, which is not the way you legislate in a constitutional area where the Supreme Court of the United States balances law enforcement's needs with the incursion on privacy.

I feel constrained to make these comments. I hope yet that we can create a record which will withstand constitutional scrutiny.

Again, I intend to vote for the bill, but say again that this body ought to be proceeding in a way to establish the record. The worst thing that would happen is if we try terrorists, having used these procedures, and have the convictions invalidated. I have had experiences as a prosecuting attorney and know exactly what that means.

I want my concerns noted for the record. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I have 5 minutes, but I will not use it. I want to make two very quick points.

One, as a former prosecutor, I am sympathetic to the comments of the Senator from Pennsylvania. I think all of us ought to be respectful of what the Senator from Wisconsin has been talking about this evening.

I will vote for the bill. I am particularly sensitive to what the majority leader has said about the delicacy and the balance. Even within that delicacy, there are some very legitimate concerns.

It is my hope that when this goes to conference, some of the positions of the House will be thought about carefully and respected and that the Senate may even be able to improve what we have by taking those into account.

The second point is that there is within this legislation for the first time a very significant effort on money laundering. I will say to my colleagues that of all the weapons in this war and for all of our might militarily, the most significant efforts to ferret out and stop terrorists are going to come from the combination of information, intelligence that we gather and process, and from our ability to take unconventional steps, particularly those such as the money-laundering measures.

Senator LEVIN has done an outstanding job of helping to frame that, as has Senator SARBANES. The truth is, there are banking interests that even to this moment still resist living up to the standards of the Basel convention and the international standards about knowing your customer and being part of the law enforcement effort rather than a blockade to it.

We are told there may be some effort through the House to try to strip this out. It is my hope that the Senate will stand firm and hold to the full measure of what President Bush has asked us to do.

This will be a long effort, a painstaking effort. If we are serious about it, we have to have the law enforcement tools to make this happen.

One of the most critical ones is empowering the Secretary of the Treasury to do a reasonable, ratcheted, sort of geared process of addressing the concerns of ferreting out money laundering and taking the money away from these illicit interests around the globe. They are not just in terrorism. They are linked to money laundering, to illegal alien trafficking. They are all part of the same network which also funds the terrorists themselves.

We recognize that three-quarters of the heroin that reaches the United States comes from Afghanistan. The Taliban and al-Qaida were both trafficking in that heroin. These networks and the interconnectedness of them to the banking institutions, the financial marketplace, are absolutely essential for us as we fight a war on terrorism.

I hope this money-laundering component will be part of the final terrorism bill.

I yield whatever remaining time I have.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I thank Chairman LEAHY, Chairman SARBANES, and members of their committees, for including our very strong anti-money-laundering provisions in the antiterrorism bill. The antiterrorism bill is simply incomplete unless it has anti-money-laundering provisions. Our provisions are strong provisions. They will help prevent terrorists and other criminals from using our banks to get their money into this country to fund their activities which are terrorizing this country.

There apparently is going to be a continuing effort in the House of Representatives to strip the anti-money-laundering provisions, which we have worked so hard on, from the antiterrorism bill. It is my understanding the White House will support keeping those provisions in the bill. Our committees have worked very hard to keep our anti-money-laundering provisions in the antiterrorism bill. Unless these provisions are in there, we are providing the executive branch with only half a tool box in the fight against terrorism.

Three years ago, the minority staff of the Permanent Subcommittee on Investigations which I now chair, began its investigation into money laundering using U.S. banks. Three years,

three sets of hearings, two reports and a five-volume record on correspondent banking and money laundering was the result.

We found, not surprisingly, that U.S. banks have accounts for foreign banks and that the customers of those foreign banks can then use the U.S. banks to move their money. But if foreign banks do a poor job of screening their customers, criminals and terrorists can end up using U.S. banks for their criminal purposes.

We found that U.S. banks do a poor job in screening the foreign banks they accept as correspondent customers. Banks told us ''a bank is a bank is a bank'' but that's not true. There are good banks and bad banks. We found numerous banks where the bank was engaged in criminal activity or had such poor banking practices any criminal could be a customer. If a bad bank has a correspondent account with a U.S. bank, customers of that bad bank have access to U.S. financial system. Then criminals, including drug traffickers and terrorists, are able to use our financial systems to carry out their crimes.

In response to what we learned, we developed a bill—S. 1371, the Money Laundering Abatement Act introduced in early August.

It's a bipartisan bill, and I would like to recognize my cosponsors—in particular, Senator CHUCK GRASSLEY who has helped to lead the fight for including this money laundering legislation on this anti-terrorism bill. The cosponsors in addition to Senator GRASSLEY are: Senators SARBANES, KYL, DEWINE, BILL NELSON, DURBIN, KERRY and STABENOW. The provisions of this bill have been included in the legislation we are now considering.

We now know that the September 11 terrorists used our financial institutions and systems to help accomplish their ends. They used checks, credit cards, and wire transfers involving U.S. banks in Florida, New York, Pennsylvania. We've seen the photos of two of the terrorists using an ATM machine. Osama bin Laden has bragged about it. There are reports of large, unpaid credit card bills.

We know that current law is not tough enough in area of correspondent banking—the mechanism used to transfer money around the globe. There are too many holes that let in bad banks and bad actors, and we need to close them.

Look at what we've learned just in the last few days about bin Laden and al-Qaida. Several U.S. banks have had correspondent accounts for a Sundanese bank called the al Shamal Islamic Bank.

A 1996 State Department fact sheet states that bin Laden helped finance the bank in the amount of $50 million. A respected international newsletter on intelligence matters, Indigo Publications in March 16, 2000, said bin Laden remains a leading shareholder, although the al Shamal Bank apparently denies that.

Testimony in the February 2001 criminal trial of the 1998 terrorist bombings of U.S. embassies in Kenya and Tanzania, revealed that a bin Laden associate who handled financial transactions for al-Qaida testified al-Qaida had a half dozen accounts at al Shamal bank, one of which was in bin Laden's name. The witness at that trial said in 1994 a bin Laden associate took $100,000—in cash, U.S. Dollars—out of the Shamal Bank gave it to the witness and told him to deliver it to an individual in Jordan, which he did.

Another bin Ladin associate testified at the same trial that he received $250,000 by a wire transfer from the Shamal Bank to his account in a U.S. bank in Arlington, Texas, to purchase a plane in the United States for bin Laden. He said he personally delivered the plane to bin Laden.

Why did this bank have a correspondent account with a U.S. bank? Why should we allow that to happen?

Even today, when you look at the al Shamal bank website, the bank is still active and advertises an extensive correspondent bank network. Three U.S. banks are listed. One of those banks has closed its account, but the two other banks continue to have accounts, although the accounts are frozen. Those accounts are now inactive because Sudan, home country of al Shamal, is on the list of terrorist countries and any business with the government of those countries has to be approved. But the accounts were operational at one point in time. Moreover, al Shamal bank has correspondent accounts with other foreign banks which have accounts with U.S. banks.

That means al Shamal bank can still be using the U.S. financial system through an account with a foreign bank that has a correspondent account with a U.S. bank. We call this nesting and it's a serious problem. It means the al Shamal bank and its customers can still use the U.S. banking system.

The bill before us would require U.S. banks to do a lot more homework on the banks they allow to have correspondent accounts. Under the anti-terrorism bill, it is my belief and my hope that a bank like al Shamal would never be granted a correspondent account at a U.S. bank.

The bill would also allow U.S. law enforcement to capture any illicit funds in a U.S. correspondent account. Now, if a criminal or terrorist has money in a foreign bank that has an account at U.S. bank and illicit money is being held in a U.S. account, law enforcement can't freeze that money unless the person is on the terrorist list or can prove that the foreign bank with the correspondent account is part of a criminal or terrorist act. That's an excessively hard threshold. This legislation would allow law enforcement to freeze money in correspondent accounts to the same extent they can freeze money in regular, individual accounts.

We need all the tools possible in our arsenal to fight the financial network of terrorism. The money laundering provisions in this bill close the loopholes in existing law and provide additional tools for law enforcement to use.

I thank Chairman SARBANES and the other members of the Banking Committee for including so much of the Levin-Grassley anti-money laundering bill, S. 1371, in the Committee's bill. I also thank Chairman LEAHY and the other Judiciary Committee members for including anti-money laundering provisions in title 3 of S. 1510, the anti-terrorism bill. Strengthening our anti-money laundering laws will strike a blow against terrorism by making it harder for terrorists to get the funds they need into United States; an anti-terrorism bill without these anti-money laundering provisions would be providing U.S. law enforcement with only half a toolbox against terrorism.

I would like to take a few minutes to discuss a few key provisions from the Levin-Grassley bill that have been incorporated into S. 1510. These provisions are based on an extensive record of hearings and reports issued in connection with investigations conducted over the past few years by the Permanent Subcommittee on Investigations, which I chair, into money laundering in the correspondent and private banking fields.

The four provisions I want to focus on are provisions that would ban foreign shell banks from the U.S. financial system; require U.S. financial institutions to exercise due diligence; add foreign corruption offenses to the crimes that can trigger a U.S. money laundering prosecution; and close a major forfeiture loophole involving foreign banks.

First is the shell bank ban in Section 313 of S. 1510. This provision is a very important one, because it attempts to eliminate from the U.S. financial system one category of foreign banks that carry the highest money laundering risks in the banking world today. Those are foreign offshore shell banks which, as defined in the bill, are banks that have no physical presence anywhere and no affiliation with any bank that has a physical presence. Our Subcommittee investigation found that these shell banks carry the highest money laundering risks in the banking world, because they are inherently unavailable for effective oversight. There is no office where a bank regulator or law enforcement official can go to observe bank operations, review documents, talk to bank officials, or freeze funds. Only a few countries now issue licenses for unaffiliated shall banks;

they include Nauru, Vanuatu, and Montenegro. Nauru alone is believed to maintain licenses for somewhere between 400 and 3,000 offshore shell banks, none of which are being actively supervised, and some of which are suspected of laundering funds for Russian organized crime. A staff report that we issued in February of this year includes four detailed case histories of offshore shell banks that were able to open correspondent accounts at U.S. banks and used them to move funds related to drug trafficking, bribe money and financial fraud money. The possibility that terrorists are also using shell banks to conduct their operations is real and cannot be ignored. That is why this provision seeks to exclude shell banks from the U.S. financial system.

The provision flat-out prohibits U.S. financial institutions from opening accounts for shell banks. Period. It also requires U.S. financial institutions to take reasonable steps to make sure that other foreign banks are not allowing shell banks to use their U.S. accounts to gain entry to the U.S. financial system. The point is to prevent shell banks from getting direct or indirect access to U.S. financial accounts. The shell bank ban applies to both banks and securities firms operating in the United States, so that it is as broad and as effective as possible.

The provision directs the Treasury Secretary to provide regulatory guidance to U.S. financial institutions on the reasonable steps they have to take to guard against shell banks using accounts opened for other foreign banks. One possible approach would be for U.S. financial institutions to include a new section in the standard language they use to open accounts for foreign banks asking the foreign bank to certify that it will not allow any shell bank to use its U.S. accounts. The U.S. financial institution could then rely on that certification, unless it encountered evidence to the contrary indicating that a shell bank was actually using the account, in which case the financial institution would have to take reasonable steps to evaluate that evidence and determine whether a shell bank was, in fact, using the U.S. account.

The provision contains one exception to the shell bank ban, which should be narrowly construed to protect the U.S. financial system to the greatest extent possible. This exception allows U.S. financial institutions to open an account for a shell bank that is both affiliated with another bank that maintains a physical presence, and subject to supervision by the banking regulatory of that affiliated bank. This exception is intended to allow U.S. financial institutions to do business with shell branches of large, established banks on the ground that the regulator of the established bank can and does oversee all of that bank's branches, including any shell branch.

This exception could, of course, be abused. It is possible that an established bank in a jurisdiction with weak banking and anti-money laundering controls could open a shell branch in another country with equally weak controls and try to use that shell branch to launder funds in ways that are unlikely to be detected or stopped by the bank regulator in its home jurisdiction. In that case, while the shell bank ban exception would not flat-out bar U.S. financial institutions from opening an account for the shell branch, another provision would come into play and require the U.S. financial institution to exercise enhanced due diligence before opening an account for this shell bank. I would hope that U.S. financial institutions would not open such an account—that they would exercise common sense and restraint and refrain from doing business with a shell operation that is affiliated with a poorly regulated bank and inherently resistant to effective oversight.

Many U.S. financial institutions already have a policy against doing business with shell banks, but at least one major U.S. bank, Citibank, has a history of taking on shell banks as clients. In order to keep those clients, Citibank tried very hard to expand the exception in this section to also allow U.S. accounts for shell banks affiliated with financial service companies other than banks, such as securities firms or financial holding companies. The broad exception was firmly and explicitly rejected by both the Senate Banking Committee and the House Financial Services Committee, because it would have opened a gaping loophole in the shell bank ban and rendered the ban largely ineffective. All a shell bank would have had to do to evade the ban was establish an affiliated shell corporation and call it a financial services company in order to be eligible to open a U.S. bank account. The Citibank approach would, for example, have allowed a shell bank established by bin Laden's financial holding company, Taba Investments, to open accounts at U.S. banks and securities firms. That would perpetuate the very problem that the Senate investigation identified in two of its shell bank case histories involving M.A. Bank and Federal Bank, each of which opened Citibank accounts in New York and used those accounts to deposit suspect funds associated with drug trafficking and bribery.

The exception to the shell bank ban is intended to be narrowly construed, and U.S. financial institutions will hopefully use great restraint in doing business with any shell bank that is not affiliated with a well known, well regulated bank. The shell bank ban is intended to close the U.S. financial marketplace to the money laundering risks posed by these banks, and it is my hope that other countries and the Financial Action Task Force on Money Laundering will follow the U.S. lead and take the same action in other jurisdictions.

The next provision is the due diligence requirement in Section 312 of S. 1510. This is another critical provision that tightens up U.S. anti-money laundering controls by requiring U.S. financial institutions to exercise due diligence when opening and managing correspondent and private banking accounts for foreign banks and wealthy foreign individuals.

The provision targets correspondent and private banking accounts, because these two areas have been identified by U.S. bank regulators as high risk areas for money laundering, and because Congressional investigations have documented money laundering abuses through them. For example, two weeks ago, I testified before the Banking Committee about a high risk foreign bank in Sudan that was able to open accounts at major banks around the world, including in the United States and, in 1994, used these accounts to funnel money to a bin Laden operative then living in Texas. On one occasion, he used a $250,000 wire transfer from the Sudanese bank to buy an airplane capable of transporting Stinger missiles, fly it to Sudan and deliver the keys to bin Laden. Six months earlier, we released a staff report with ten case histories of high risk foreign banks that used their U.S. accounts to transfer illicit proceeds associated with drug trafficking, financial fraud and other crimes. A year earlier, another staff report presented four case histories of senior foreign government officials or their relatives opening U.S. private banking accounts and using them to deposit millions of dollars in suspect funds. The bottom line is that U.S. banks need to do a much better job in screening the foreign banks and wealthy foreign individuals they allow to open accounts in the United States.

The due diligence provision would address that problem. It would impose an ongoing, industry-wide legal obligation on all types of financial institutions operating in the United States to exercise greater care when opening accounts for foreign banks and wealthy foreign individuals. Its due diligence requirements are intended to function as preventative measures to stop dubious banks and as well as terrorists or other criminals from using foreign banks' U.S. accounts to gain access to the U.S. financial system.

The general obligation to exercise due diligence with respect to all correspondent and private banking accounts is contained in paragraph (1). Paragraphs (2) and (3) then provide minimum standards for the enhanced

due diligence that U.S. banks must exercise with respect to certain correspondent and private banking accounts. Paragraph (4)(B) gives the Treasury Secretary discretionary authority to issue regulatory guidance to further clarify the due diligence policies, procedures and controls required by paragraph (1).

The regulatory authority granted in this section is intended to help financial institutions understand what is expected of them. The Secretary may want to issue regulations that help different types of financial institutions to understand their obligations under the due diligence provision. However, one caveat needs to be made with respect to the Secretary's exercise of this regulatory authority, and that involves how it is to be coordinated with Section 5318(a)(6), which authorizes the Secretary to grant ''appropriate exemptions'' from any particular money laundering requirement. There are going to be many efforts made by various groups of financial institutions to win an exemption from the due diligence requirements in this section—from insurance companies, to money transmitters, to offshore affiliates of large foreign banks. But the Committee's and the Senate's clear intention is to cover all major financial institutions operating in the United States. That is why Chairman SARBANES changed the language in my bill, S. 1371, so that the due diligence requirement did not apply just to banks, but to all financial institutions as that term is defined in Section 5312(a)(2) of title 31. That broad coverage is exactly what is contemplated by this statute. The bottom line, then, is that the Secretary is intended to apply the due diligence requirements broadly to U.S. financial institutions, and not to grant an exemption without a very compelling justification.

This same reasoning also applies to the shell bank ban. There will be some that will seek one exemption or another from the ban, asking the Treasury Secretary to use the authority available under Section 5318(a)(6). Again, the intent of the Committee and this Senate is to enact as comprehensive a shell bank ban as possible to protect the United States from the money laundering threat posed by shell banks. That means that the Secretary should refrain from granting any exemption to the shell bank ban without a very compelling justification.

The third provision I want to discuss is the provision in Section 315 adding new foreign corruption offenses to the list of crimes that can trigger a U.S. money laundering prosecution. This is another important advance in U.S. anti-money laundering law. Right now, because foreign corruption offenses are not currently on the list of crimes that can trigger a U.S. money laundering prosecution, corrupt foreign leaders may be targeting U.S. financial institutions as a safe haven for their funds. This provision will make it clear to those who loot their countries, or accept bribes, or steal from their people, that their illicit money is not welcome here. Our banks do not want that money, and if it is deposited in U.S. banks, it is subject to seizure and the depositor may become subject to a money laundering prosecution.

The fourth provision would close a major forfeiture loophole in U.S. law involving foreign banks. This provision is in Section 319(a) of S. 1510. It would make a depositor's funds in a foreign bank's U.S. correspondent account subject to the same civil forfeiture rules that apply to depositors funds in other U.S. bank accounts. Right now, due to a quirk in the law, U.S. law enforcement faces a significant and unusual legal barrier to seizing funds from a correspondent account. Unlike a regular U.S. bank account, it is not enough for U.S. law enforcement to show that criminal proceeds were deposited into the correspondent account; instead, because funds in a correspondent account are considered to be the funds of the foreign bank itself, the government must also show that the foreign bank was somehow part of the wrongdoing.

That's not only a tough job, that can be an impossible job. In many cases, the foreign bank will not have been part of the wrongdoing, but that's a strange reason for letting the foreign depositor who was engaged in a wrongdoing escape forfeiture. And in those cases where the foreign bank may have been involved, no prosecutor will be able to allege it in a complaint without first getting the resources needed to chase the foreign bank abroad.

Take, for example, the case of Barclays Bank which has frozen an account because of suspicious activity suggesting it may be associated with terrorism. If that account had been a correspondent account in the United States opened for Barclays Bank, U.S. law enforcement could have been unable to freeze the particular deposits suspected of being associated with terrorism, because the funds were in the Barclays correspondent account and Barclays itself was apparently unaware of any wrongdoing. That doesn't make sense. U.S. law enforcement should be able to freeze the funds.

Section 319(a) would eliminate that quirk by placing civil forfeitures of funds in correspondent accounts on the same footing as forfeitures of funds in all other U.S. accounts. There is just no reason foreign banks should be shielded from forfeitures when U.S. banks would not be.

Section 319 has many other important provisions as well, including provisions dealing with Federal Receivers, legal service on foreign banks and more.

I want to again thank Senator SARBANES and Senator LEAHY and their staffs for their hard work and cooperative spirit in bringing this bill to the floor and including the provisions of our bill in it.

I need to add that the hard work in passing this bill will be for naught if some of the banks have their way in the House and in Conference Committee. I'm very concerned with reports that there is an effort in the House to separate the money laundering and anti-terrorism bills, so money laundering will be considered separately. The banks should be working with us to figure out even more ways in which the money flow of terrorists can be shut down.

Madam President, I ask unanimous consent to print letters of support for this legislation and testimony from the FBI in the RECORD.

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

STATEMENT OF DENNIS M. LORMEL, CHIEF, FINANCIAL CRIMES SECTION, FEDERAL BUREAU OF INVESTIGATION, BEFORE THE HOUSE COMMITTEE ON FINANCIAL SERVICES, WASHINGTON, DC, OCTOBER 3, 2001

Correspondent banking is another potential vulnerability in the financial services sector that can offer terrorist organizations a gateway into U.S. banks just as it does for money launderers. As this Committee well knows, the problem stems from the relationships many U.S. Banks have with high risk foreign banks. These foreign banks may be shell banks with no physical presence in any country, offshore banks with licenses limited to transacting business with persons outside the licensing jurisdiction, or banks licensed and regulated by jurisdictions with weak regulatory controls that invite banking abuses and criminal misconduct. Attempts to trace funds through these banks are met with overwhelming obstacles. The problem is exacerbated by the fact that once a correspondent account is opened in a U.S. Bank, not only the foreign bank but its clients can transact business through the U.S. bank. As Congress has noted in the past, requiring U.S. banks to more thoroughly screen and monitor foreign banks as clients could help prevent much of the abuse in correspondent bank relationships.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, September 18, 2001.

Hon. CARL LEVIN,
Chairman, Permanent Subcommittee on Investigations, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

Hon. CHARLES GRASSLEY,
Co-Chairman, Senate Drug Caucus, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN AND MR. CO-CHAIRMAN: We are writing in response to your recent letter to Attorney General Ashcroft concerning S. 1371, the Money Laundering Abatement Act. We appreciate your continued commitment to addressing the serious problem of money laundering in this country and abroad, as demonstrated by your introduction of S. 1371. As you indicated in your letter, the Attorney General has expressed the need to strengthen our money laundering laws. In his August 7th speech, the Attorney General stated: ''The Department of Justice

has identified several areas in which our money laundering laws need to be updated to more effectively combat organized crime and to better serve the cause of justice.''

We were very pleased to see that one of the areas highlighted in the Attorney General's speech—the need to add to the list of foreign offenses that constitute predicate crimes for money laundering prosecutions—is included in S. 1371. This and other provisions in your bill would greatly improve our money laundering laws.

As the Attorney General also indicated in his speech, the Department of Justice has been developing its own proposal to update our money laundering laws and we hope to provide Congress with our own recommendations in the near future. We look forward to working with you in pursuing our mutual goal of strengthening and modernizing our money laundering laws to meet the challenges of this new century.

Thank you for your attention to this matter. If we may be of additional assistance, we trust that you will not hesitate to call upon us. The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this report.

Sincerely,

DANIEL J. BRYANT,
Assistant Attorney General.

U.S. DEPARTMENT OF JUSTICE,
DRUG ENFORCEMENT ADMINISTRATION,
Washington, DC, September 20, 2001.

Hon. CARL LEVIN,
Chairman, Permanent Subcommittee on Investigations, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for requesting our views on S. 1371, the ''Money Laundering Abatement Act,'' which is designed to combat money laundering and protect the United States financial system by strengthening safeguards in private and correspondent banking.

We greatly appreciate your initiative in this important area and believe that several provisions of S. 1371 would be of particular benefit to DEA's efforts to combat money laundering. In addition, as Assistant Attorney General Bryant recently indicated in his letter to you, the Administration has been working for some time on a package of additional suggested money laundering amendments, which we hope to be able to share with you shortly.

We look forward to working with you to strengthen and improve the Nation's money laundering laws. If I can be of any further assistance, please do not hesitate to contact me. The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

ASA HUTCHINSON,
Administrator.

FEDERAL DEPOSIT
INSURANCE CORPORATION,
Washington, DC, September 7, 2001.

Hon. CARL LEVIN,
Chairman, Permanent Subcommittee on Investigations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for the opportunity to comment on S. 1371, the Money Laundering Abatement Act. The Federal Deposit Insurance Corporation shares your concern about the damage to the U.S. financial system that may result from money laundering activities and we congratulate you for your leadership in this area.

As deposit insurer, the FDIC is vitally interested in preventing insured depository institutions from being used as conduits for funds derived from illegal activity. As you may know, in January of this year, the FDIC, together with the Department of the Treasury, the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, and the Department of State, issued Guidance On Enhanced Scrutiny For Transactions That May Involve The Proceeds Of Official Corruption. The FDIC is also an active participant in other working groups that seek more effective ways to combat money laundering.

S. 1371 is an important step in trying to preclude foreign entities from laundering money through U.S. financial institutions. S. 1371 would, in several ways, require U.S. financial institutions to identify foreign parties who open or maintain accounts with U.S. banks, such as through correspondent accounts or private banking accounts. The bill would also prohibit customers from having direct access to concentration accounts, and make it a crime to falsify the identity of a participant in a transaction with or through U.S. financial institutions. Correspondent and concentration accounts have the potential to be misused so as to facilitate money laundering, and the bill appropriately addresses these concerns.

One point we would like to raise is in relation to Section 3 of the bill. Section 3 provides for consultation between the Board of Governors of the Federal Reserve System and the Secretary of the Treasury, both in regard to devising measures to combat money laundering and defining terms relating to anti-money laundering measures. The FDIC believes that such consultation requirements should include the FDIC as well as the other Federal banking agencies.

Thank you again for the opportunity to provide our views on S. 1371. Please do not hesitate to contact Alice Goodman, Director of our Office of Legislative Affairs, at (202) 898–8730 if we can be of any further assistance.

Sincerely,

DONALD E. POWELL,
Chairman.

STATE OF MICHIGAN,
DEPARTMENT OF ATTORNEY GENERAL,
Lansing MI, September 25, 2001.

Hon: CARL LEVIN,
U.S. Senator, Russell Senate Office Bldg., Washington, DC.

Hon. CHUCK GRASSLEY,
U.S. Senator,
Hart Senate Office Bldg., Washington, DC.

DEAR SENATORS LEVIN AND GRASSLEY: I write to express my strong support for S1371, the Money Laundering Abatement Act. This is a prevalent problem that has allowed the criminal element to secrete the proceeds of criminal activity and to generate funds needed to facilitate and underwrite organized crime.

The bill will make it harder for foreign criminals to use United States banks to launder the proceeds of their illegal activity and allow investigators to detect, prevent, and prosecute money laundering. In particular, the bill strengthens existing anti-money laundering laws by adding foreign corruption offenses, barring U.S. banks from providing banking services to foreign shell banks, requiring U.S. banks to conduct enhanced due diligence, and making foreign bank depositors' funds in U.S. correspondence banks subject to the same forfeiture rules that apply to funds in other U.S. bank accounts.

Recent events highlighting the activities of foreign terrorists have demonstrated the necessity for his law. My colleagues in the U.S. Justice Department indicate that this and similar laws are essential if we are to succeed in our fight against organized crime, drug dealers, and terrorism. This bill is the result of lengthy hearings and congressional fact-finding that concluded that the regulations set forth in the bill are needed. The bill has my support, and I would urge its passage as soon as possible.

Sincerely yours,

JENNIFER M. GRANHOLM,
Attorney General.

STATE OF ARIZONA,
OFFICE OF THE ATTORNEY GENERAL,
Phoenix, AZ, August 2, 2001.

Hon. CARL LEVIN,
Russell Senate Office Building,
U.S. Senate, Washington, DC.

Hon. CHUCK GRASSLEY,
Hart Senate Office Building,
U.S. Senate, Washington, DC.

DEAR SENATORS LEVIN AND GRASSLEY: I write to express my views on the Money Laundering Abatement Act you are planning to introduce soon. This bill would provide much needed relief from some of the most pressing problems in money laundering enforcement in the international arena. The burdens it places on the financial institutions are well considered, closely tailored to the problems, and reasonable in light of the public benefits involved.

The bill focuses on the structural arrangements that allow major money launderers to operate. These include the use of shell banks and foreign accounts, abuse of private banking, evasion of law enforcement efforts to acquire necessary records, and of safe foreign havens for criminal proceeds. The approach is very encouraging, because efforts to limit the abuse of these international money laundering tools and techniques must come from Congress rather than the state legislatures, and because such measures attack money laundering at a deeper and more lasting level than simpler measures.

The focus on structural matters means that this bill's effects on cases actually prosecuted by state attorneys general are a relatively small part of the substantial effects its passage would have on money laundering as a whole. Nevertheless, its effects on money laundering affecting victims of crime and illegal drug trafficking would be dramatic. I will use two examples from my Office's present money laundering efforts.

My Office initiated a program to combat so-called ''prime bank fraud'' in 1996, and continues to focus on these cases. Some years ago, the International Chamber of Commerce estimated that over $10 million per day is invested in this wholly fraudulent investment scam. The ''PBI'' business has grown substantially since then. To date, my Office has recovered over $46 million in these cases, directly and in concert with U.S. Attorneys and SEC. Prime bank fraudsters rely heavily on the money movement and concealment techniques that this bill would address, particularly foreign bank accounts, shell banks, accounts in false identities, movement of funds through ''concentration'' accounts, and impunity from efforts to repatriate stolen funds. One of our targets was sentenced recently in federal court to over eight years in prison and ordered to make restitution of over $9 million, but without the tools provided in this bill, there is little

hope that the victims will even see anything that was not seized for forfeiture in the early stages of the investigation.

My Office is now engaged in a program to control the laundering of funds through the money transmitters in Arizona, as part of the much larger problem of illegal money movement to and through the Southwest border region. This mechanism is a major facilitator of the drug smuggling operations. Foreign bank accounts and correspondence accounts, immunity from U.S. forfeitures, and false ownerships are significant barriers to successful control of money laundering in the Southwest.

Your bill is an example of the immense value of institutions like the Permanent Subcommittee of Investigations, because this type of bill requires a deeper understanding of the issues that comes from long term inquiries by professional staff. We who are involved in state level money laundering control efforts should be particularly supportive of such long term strategies because they are most important to the quality of life of our citizens.

I commend your efforts for introducing this important legislation and will assist you in anyway I can to gain its passage.

Yours very truly,

JANET NAPOLITANO,
Attorney General.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I tell the distinguished Senator from Michigan and the distinguished Senator from Massachusetts, who made such strong and valid points on money laundering, we just received from the administration their statement of policy saying: This includes money laundering, other financial infrastructure provisions arising from separate legislative proposals. These provisions were added to this bill after unanimous approval to have these provisions in the Senate Banking Committee. The administration supports the effort to strengthen this—

And so on. They are extremely important, and I can assure both Senators that I will strongly support retention of this in conference.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 1901

Mr. FEINGOLD. Mr. President, I call up amendment No. 1901, which is at the desk.

The PRESIDING OFFICER (Mr. MILLER). The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 1901.

Mr. FEINGOLD. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To modify the provisions relating to access to business records under the Foreign Intelligence Surveillance Act of 1978)

Strike section 215 and insert the following:

SEC. 215. ACCESS TO BUSINESS RECORD UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(A) IN GENERAL.—Section 502 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1862) is amended—

(1) in subsection (a), by striking ''authorizing a common carrier'' and all that follows through ''to release records'' and inserting ''requiring a business to produce any tangible things (including books, records, papers, documents, and other items)'';

(2) in subsection (b)(2)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting: ''; and''; and

(C) by adding at the end the following new subparagraph:

''(C) the records concerned are not protected by any Federal or State law governing access to the records for intelligence or law enforcement purposes.''; and

(3) in subsection (d), by striking ''common carrier, public accommodation facility, physical storage facility, or vehicle rental facility'' each place it appears and inserting ''business''.

(b) CONFORMING AMENDMENT.—The text of section 501 of that Act (50 U.S.C. 1861) is amended to read as follows:

''SEC. 501. In this title, the terms 'agent of a foreign power', 'foreign intelligence information', 'international terrorism', and 'Attorney General' have the meanings given such terms in section 101.''.

Mr. FEINGOLD. Mr. President, this amendment has to do with section 215 in the bill. It allows the Government, under FISA, to compel businesses to turn over records to assist in an investigation of terrorism or espionage. The provision makes two significant changes from current law. Under current law, the FBI can seek records from only a limited set of businesses—from public accommodations, such as hotels and motels, car rental companies, storage facilities, and travel records, such as those from airlines.

Current law also requires the FBI to demonstrate to the FISA court that the records pertain to an agent of a foreign power. The FBI cannot go on a fishing expedition of records of citizens of this country who might have had incidental contact with a target of an investigation. But under section 215 of this bill, all business records can be compelled to be produced, including those containing sensitive personal information such as medical records from hospitals or doctors, or educational records, or records of what books someone has taken out of the library.

This is an enormous expansion of authority, compounded by the elimination of the requirement that the records have to pertain to an agent of a foreign power. Under this provision, the Government can apparently go on a fishing expedition and collect information on anyone—perhaps someone who has worked with, or lived next door to, or has been seen in the company of, or went to school with, or whose phone number was called by the target of an investigation.

So we are not talking here only about the targets of the investigation; we are talking about people who have simply had some incidental contact with the target. All the FBI has to do is to allege in order to get the order that the information is sought for an investigation of international terrorism or clandestine intelligence gathering. That is all they have to do, assert that—not to just get at the targets, but at people who have had any contact whatsoever with them.

On that minimal showing in an ex parte application in a secret court, the Government can lawfully compel a doctor or a hospital to release medical records or a library to release circulation records. This is truly a breathtaking expansion of the police power, one that I do not think is warranted.

My amendment does not completely strike the provision. There are elements of it that I think have legitimacy. First, my amendment maintains the requirement that the records pertain to a target alleged to be an agent of a foreign power. This provides some protection for American citizens who might otherwise become the subject of investigations for having some innocent contact with a suspected terrorist.

Second, while the amendment maintains the expansion of the FISA authority to all business records, it also requires the FBI to comply with State and Federal laws that contain a higher standard for the disclosure of certain private information. The amendment makes it clear that existing Federal and State statutory protections for the privacy of certain information are not diminished or superseded by section 215.

There are certain categories of records, such as medical records or educational records, that Congress and State legislatures have deemed worthy of a higher level of privacy protection. Let me quickly give you a couple of examples. In California, there is a very detailed statutory provision governing disclosure of medical information to law enforcement authorities. Generally, the law requires either patient consent, or a court order, or a subpoena. Before issuing an order for the records to be produced, the court must, among other things, find good cause based on a determination that there is a reasonable likelihood that the records in question will disclose material information or evidence of substantial value in connection with the investigation or prosecution.

Montana is another State with strong statutory, and indeed constitutional, protections for medical records. It provides that medical records can only be obtained with an investigative subpoena signed by a judge, and that subpoena may be issued only when it appears upon the affidavit of the prosecutor that a compelling State interest

requires it to be issued. In order to establish a compelling State interest, the prosecutor must state facts and circumstances sufficient to support probable cause to believe that an offense has been committed, and that the information relative to the commission of that offense is in the possession of the person or institution to whom the subpoena is directed.

My State of Wisconsin, along with many other States, has very strong library confidentiality laws which requires a court order for disclosure of public library system records.

Texas, for example, permits disclosure of library records ''to a law enforcement agency or prosecutor under a court order or subpoena obtained after a showing to a court that: (A) disclosure of the record is necessary to protect the public safety; (B) the record is evidence of an offense or constitutes evidence that a particular person committed an offense.''

Missouri and Nevada library records confidentiality laws both require that a court find ''that the disclosure of such record is necessary to protect the public safety or to prosecute a crime.''

South Carolina's library records confidentiality law permits disclosure ''in accordance with a proper judicial order upon finding that disclosure of the records is necessary to protect public safety, to prosecute a crime, or upon showing of good cause before a presiding judge in a civil matter.''

In short, our States have made policy judgments about the protection to which certain kinds of records are justified. We have Federal laws that express similar judgments—Federal Educational Records Privacy Act. Indeed, as I will mention, this bill provides new standards for the production of educational records in connection with terrorism investigations.

So my fear is that what section 215 does is effectively trump any and all of these State and Federal privacy protections. I think that is a result that most of our citizens and their State representatives would not countenance. So my amendment simply provides that this new authority to compel the production of business records through an order of a FISA court does not apply if another State or Federal law governs the law enforcement or intelligence access to the records.

To the extent that the records sought have no such statutory protection, the only effect this amendment would have is to ensure that the records actually pertain to the target. But I strongly believe that merely alleging that the records are needed for an intelligence investigation should not override other protections provided by State and Federal law.

I will quickly highlight the problem by referring to section 508 of this bill. That section, I think, would be rendered meaningless if section 215 is not amended as I propose.

The original version of section 508 proposed by the administration would have given the Attorney General the right to obtain the educational records of virtually any student without a court order. I and many other Senators had serious problems with that provision, and it was significantly changed before S. 1510 was introduced. Section 508 now does require a court order and does provide a specific showing that the Attorney General must make to obtain the order to get at these educational records. But if section 215 is enacted without my amendment a university could be ordered to turn over such records as ''tangible things'' on a much lower showing.

The administration asserts that it is too great a burden for the Government to abide by existing privacy protections and seek court orders to obtain certain sensitive information specifically identified by Congress and State legislators. I remind my colleagues that the protections I seek to preserve were carefully drafted and debated and enacted at a time when legislators could thoughtfully consider the full weight of granting such protections. We are now asked to set these protections aside with scant discussion of either the merits or the consequences of such a proposal, during a time of incredible strain on our democratic principles, and for an indeterminate length of time.

If my amendment is adopted, law enforcement will still have access to all of the information it seeks. But my amendment simply maintains the integrity of protections enacted by Congress and State legislatures for certain kinds of sensitive information to ensure that access to this information is given only where it is necessary. It makes sure that this provision does not become the platform or an excuse for a fishing expedition for damaging information on American citizens who are not the subjects of FISA surveillance.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. FEINGOLD. I yield 5 minutes to the Senator.

Mr. WELLSTONE. Mr. President, I say, again, to colleagues that this amendment the Senator from Wisconsin introduced makes sure that our Federal and State laws regarding certain sensitive privacy areas are not diminished or superseded by this provision.

The amendment of the Senator from Wisconsin goes to the heart of the concerns that a lot of the people we represent have. I imagine that the vote may be overwhelmingly in opposition to this amendment. That has been the pattern.

Again, I thank the Senator from Wisconsin for raising these questions. This is what we should be doing.

I conclude this way: I really think, in part, because of the kind of questions the Senator from Wisconsin has raised—again, I am not a lawyer—in looking at this bill, Mr. President, I say to Senator LEAHY, it seems to me he and others have done a great job and are doing everything possible to make this more balanced. There are so many good provisions in this bill that we need. I believe that.

I hope we can keep the sunset provision, which is so essential to oversight, because I think what is good is the provisions of this legislation that focus on combating terrorism and what is not quite so good is the parts of this bill that reach way beyond that.

Yes, there is a lot of good. I will support it. I will reserve final judgment of what comes out of the conference committee. I think we can make it better.

I thank my colleagues, Senator HATCH included, for their work. Sometimes people can honestly disagree. I know this is important. I know where we are as a nation, but the Senator from Wisconsin has raised important concerns tonight, and others as well. I hope we do better in conference.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from Minnesota. He said it exactly right. Each of us who spoke on these amendments tonight cares just as much as everybody in this room about the fight against terrorism and stopping it. We just want to make sure we do not go beyond that goal with unnecessary language that intrudes on our civil liberties. That is it. That is all we are trying to do.

I am pleased to yield 5 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I thank the Senator from Wisconsin for the time and his energies this evening. We all know that the hour is late and that there are many things we must accomplish in our acts to fight terrorism. This is probably one of the most significant pieces of legislation that affects our home-front activities in fighting that battle.

There are many good things in this bill. I am very proud of the authorizing language to triple the resources for our northern borders. I am very proud of the language in the bill that basically will set a new technology standard for our visa program so we can better identify people coming into this country. I am very proud of the many tools in the bill for law enforcement. I ask unanimous consent that the column in the Washington Post be printed in the RECORD.

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

[From the Washington Post, Oct. 10, 2001]

WHEN CARE BEATS HASTE

The complex antiterrorism legislation that the administration sent Congress less than a

month ago could reach the floors of both houses this week. The original proposal has been considerably improved since its hasty submission, but civil liberties groups continue to warn with cause that some of the detention and surveillance provisions would give the government more power than is either necessary or healthy.

Some of the members of both parties who helped construct the current compromises are likewise uneasy about their own handiwork, but reluctant to be seen as holding up a bill the administration insists it needs right away. The reluctance will be the greater now that the country is engaged in military action in Afghanistan; there is fear—we have no doubt well-founded—of retaliation. But dangerous moments are precisely the ones when it is most important that civil liberties be protected.

The House Judiciary Committee has dealt with the conflicting pressures in part by putting a kind of asterisk after the surveillance sections of the bill. It has ''sunset'' them, meaning the powers they confer will expire after two years unless a subsequent Congress, having seen how the powers work out, votes to extend them. The administration opposes the sunset provision and succeeded in keeping it out of the Senate version. But it's a reasonable compromise. A bill such as this is a balancing of risks—the risk of further attack versus the risk to civil liberties in seeking to forestall the attack. If the bill is as benign as the administration insists, it has nothing to fear from a sunset provision, which ought to be retained.

Parts of the administration proposal were sensible and are not in dispute: allowing the government in an age of cell phones to seek court approval for placing a wiretap on a person rather than a particular phone, for example. Others were drawn too loosely, and some still need work. The administration had sought authority to detain indefinitely non-citizens whom the attorney general thought even might be engaged in terrorism or other activities that endangered national security. That power has been greatly circumscribed. A person not charged with a crime after seven days can be held only if the government is moving to deport him. The question, which the bills don't clearly answer, is how long, without judicial determination, can it hold him then?

Wiretap authority now is easier to get for foreign intelligence than for law enforcement purposes. The legislation would make it easier still. The question then becomes how to make sure that the new authority isn't abused—in fact used for law enforcement purposes or fishing expeditions—in such a way as to make such surveillance far more commonplace than now. Related issues have to do with the sharing of law enforcement and intelligence information among government officials. There are ways to provide the broader authority the government says it needs while hedging against its abuse; in our view, not all of those have been fully explored.

So too with the power the bill would give law enforcement officials to obtain records of an individual's Internet use, including addresses of e-mail sent and received. Phone records are now available to law enforcement agencies more or less on request—when were calls made from phone A to phone B? what should be the Internet analogy?

The administration was said yesterday to be pressing for quick passage by both houses of the Senate measure; the more careful work of the House Judiciary Committee would be set aside. That's wrong, and an acquiescent step that in the long run Congress likely would regret.

Ms. CANTWELL. This article said it best with the headline: ''When Care Beats Haste'':

The question then becomes how to make sure that the new authority isn't abused—in fact used for law enforcement purposes or fishing expeditions—

Later it says that it would be wrong for us to take an acquiescent step that in the long run would really hurt our country.

What Senator FEINGOLD is simply trying to say is that we have already painstakingly over many years crafted a careful balance in protecting personal privacy. This language in section 215 changes that. It basically says that the FBI can have access to other things, including business records from U.S. citizens who may have had incidental contact with someone who is defined as a terrorist.

Think about that for a second. If you are an employer and someone in your company has now been accused of these terrorists acts and is under investigation, your business records can also be attained if, as Senator FEINGOLD said, it was deemed part of this investigation, with very minimal judicial review.

Take for another example, you happen to live across the hall from someone who now has become a suspect. Maybe you have been over to their house for dinner several times. Now, all of a sudden, you may be part of that investigation, and your financial records, your medical records, your personal records can now be part of that investigation, again, with very minimal judicial review.

I have heard from many in my State, including my State librarian, consumers, and businesses that are concerned, that this provision is far too broad.

It takes little imagination, as I said, to think of all the tangible items this would give the FBI carte blanche to examine some people's most private and personal papers.

The bottom line is this legislation could circumvent or supersede Federal and State privacy laws that protect student records, library records, and health records not previously admissible under FISA.

What we are talking about in the Feingold amendment is trying to preserve those State and Federal laws that already specify protection. The amendment simply states where Congress or a State legislature has enacted a law which requires an order to obtain records, that Federal or State law stands.

That seems pretty simple. We have worked on these issues. We should not work on them in haste.

This is a very complex time. It is no ordinary time for our country. This process has to remember those fourth amendment rights that we have so diligently fought for in the past. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I am grateful for the remarks of the Senator from Washington. I am afraid we are going to read them in a few years and wish maybe we listened more closely to what we are doing on this particular provision.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont.

Mr. LEAHY. Mr. President, the Senator from Utah wanted to say something for the record.

Mr. HATCH. Mr. President, I thank my colleagues.

I oppose Senator FEINGOLD's amendment to Section 215 of the bill. Section 215 allows federal law enforcement to apply for a court order to obtain records and other evidence in the course of an investigation to protect against international terrorism or clandestine intelligence activities. This provision has many safeguards built in to prevent its misuse.

For instance, the application must be made by the Director of the FBI or his designee, whose rank cannot be lower than an Assistant Special Agent in Charge, and specify that the records concerned are sought for an authorized investigation to protect against international terrorism or clandestine intelligence activities. Additionally, the investigation must be conducted pursuant to approved Attorney General guidelines and may not be conducted on a United States person solely upon the basis of activities protected by the first amendment to the Constitution.

As written, the provision balances the investigatory needs of the FBI with privacy concerns and provides adequate protection, while not allowing a host of state-law provisions to stand in the way of national security needs. Senator FEINGOLD's amendment would condition the issuance of the court order on a myriad of federal and state-law provisions. Such conditioning will have the effect of making investigations to protect against international terrorism more difficult than investigations of certain domestic criminal violations.

Senator FEINGOLD's amendment purports to preserve privacy protections in place for certain records. The amendment's effect, however, will be to place foreign international and intelligence investigations at a disadvantage to criminal investigations. For example, this amendment would make it more difficult for the government to obtain business records in a foreign-intelligence or foreign counter-intelligence investigation through a court order than it is to obtain the same records in a criminal health-care fraud or child pornography investigation through a

grand jury subpoena or administrative subpoena. (see 18 U.S.C. 3486).

Federal law enforcement officers investigating the activities of a terrorist organization or foreign intelligence target should not face a greater burden than that imposed on investigators of health-care fraud or child pornography.

I urge my colleagues to vote against this amendment.

Mr. LEAHY. Madam President, the administration originally wanted administrative subpoena authority in foreign intelligence cases for government access to any business record. I was able to reach agreement with the administration to subject this authority to judicial review and to bar investigations based on the basis of activities protected by the First Amendment.

The Feingold amendment would ensure that current laws providing safeguards for certain types of records, such as medical and educational records, be maintained. Again, it is unfortunate that the administration did not accept this amendment.

Mr. President, we are prepared to yield back the remainder of our time if the Senator from Wisconsin is prepared to yield back the remainder of his time.

Mr. FEINGOLD. If the majority leader is going to speak, I would like to respond. If not, I will simply yield back the remainder of my time.

Mr. LEAHY. I yield back the remainder of our time.

Mr. DASCHLE. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from South Carolina (Mr. THURMOND), and the Senator from New Mexico (Mr. DOMENICI), are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 8, as follows:

[Rollcall Vote No. 301 Leg.]

YEAS—89

Akaka	Brownback	Collins
Allard	Bunning	Conrad
Allen	Burns	Craig
Baucus	Byrd	Crapo
Bayh	Campbell	Daschle
Bennett	Carnahan	DeWine
Biden	Carper	Dorgan
Bingaman	Chafee	Durbin
Bond	Cleland	Edwards
Boxer	Clinton	Ensign
Breaux	Cochran	Enzi
Feinstein	Kyl	Rockefeller
Fitzgerald	Landrieu	Santorum
Frist	Leahy	Sarbanes
Graham	Lieberman	Schumer
Gramm	Lincoln	Sessions
Grassley	Lott	Shelby
Gregg	Lugar	Smith (NH)
Hagel	McCain	Smith (OR)
Hatch	McConnell	Snowe
Hollings	Mikulski	Specter
Hutchinson	Miller	Stabenow
Hutchison	Murkowski	Stevens
Inhofe	Murray	Thomas
Inouye	Nelson (FL)	Thompson
Jeffords	Nelson (NE)	Torricelli
Johnson	Nickles	Voinovich
Kennedy	Reed	Warner
Kerry	Reid	Wyden
Kohl	Roberts	

NAYS—8

Cantwell	Dodd	Levin
Corzine	Feingold	Wellstone
Dayton	Harkin	

NOT VOTING—3

Domenici	Helms	Thurmond

Mr. LEAHY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

NORTHERN BORDER SECURITY

Mr. STEVENS. Mr. President, I thank the members of the Judiciary Committee, especially Chairman LEAHY and Senator HATCH for their hard work on this important legislation. This bill will give the administration an increased ability to fight terrorism on many fronts. One section of the bill that is extremely important to my state addresses Northern Border Security. This bill will triple the number of Border Patrol, Customs Service, and INS inspectors along America's northern borders. It also authorizes $100 million to improve INS and Customs technology and for additional equipment for monitoring the northern borders. Alaska and Alaskans are in a unique position. One section of our northern boarder stretches from Maine through, my good friend's home state of, Vermont all the way to Washington State. A second section is that of my home State. As you know we are the largest State in the Nation with an enormous border with Canada that runs over 1,538 miles. We have one of the busiest international cargo airports in the world, which has lost a number of carriers since the September 11 attacks due to grossly inadequate staffing at our secure, sterile customs facility. We also have several major international ports scattered throughout Alaska including the Port of Anchorage, which handles the most container traffic in Alaska; Dutch Harbor, which is America's busiest commercial fishing port; and Valdez, where millions of barrels of North Slope crude oil are sent by pipeline to the ''South 48.'' The sections of the bill that address the Northern Border Security do not mention Alaska specifically. I intended to offer an amendment to insure that we are part of the definition. But as my good friend the Senator from Vermont pointed out to me, other northern border States are not mentioned specifically either. I understand that it is the intent of this legislation that Alaska and all other states that border Canada are ''Northern Border'' States and that INS, Border Patrol, U.S. Customs service and others should look at all of these states when addressing security issues. I would ask the manager of this bill if my understanding is correct?

Mr. LEAHY. Mr. President, the Senator from Alaska is correct. Alaska is definitely part of America's Northern Border and it was the intent of the committee and the Senate that it be part of that definition.

The unfolding facts about how the terrorists who committed the September 11 attack were able to enter this country without difficulty are chilling. Since the attacks many have pointed to our northern border as vulnerable to the entry of future terrorists. This is not surprising when a simple review of the numbers shows that the northern border has been routinely short-changed in personnel. While the number of border patrol agents along the southern border has increased over the last few years to over 8,000, the number at the northern border has remained the same as a decade ago at 300. This remains true despite the fact that Admad Ressam, the Algerian who planned to blow up the Los Angeles International Airport in 1999, and who has been linked to those involved in the September 11 attacks, chose to enter the United States at our northern border. It will remain an inviting target until we dramatically improve our security.

The USA Act includes my proposals to provide the substantial and long overdue assistance for our law enforcement and border control efforts along the Northern Border. My home State of Vermont has seen huge increases in Customs and INS activity since the signing of NAFTA. The number of people coming through our borders has risen steeply over the years, but our staff and our resources have not.

I proposed—and this legislation authorizes in section 402—tripling the number of Border Patrol, INS inspectors, and Customs Service employees in each of the States along the Northern Border. Alaska is certainly one of those States. I was gratified when 22 Senators—Democrats and Republicans—wrote to the President supporting such an increase, and I am pleased that the administration agreed that this critical law enforcement improvement should be included in the bill.

Mr. STEVENS. Mr. President, I thank the Senator from Vermont. With this clear statement of of the legislation I will not offer an amendment to specifically name Alaska as a Northern Border State.

ALIEN TERRORIST REMOVAL COURT

Mr. SMITH of New Hampshire. Mr. President, it had been my intention to offer an amendment which would strengthen provisions in the bill to deal with known terrorist aliens. As Senator LOTT well remembers, we worked in 1996, created the Alien Terrorist Removal Court, to hear cases against aliens who were known terrorist and to allow the Justice Department to deport these aliens without divulging classified information to the terrorist organization.

Mr. LOTT. I know the Senator from New Hampshire has been working a long time on this issue. In fact, when he sponsored this legislation back in 1995, I was a cosponsor of his bill. He has been a leader on this issue, he passed his legislation, and the Court was created.

Mr. SMITH of New Hampshire. That is correct. As the leader knows, there are some changes that are needed to improve the law, which is what my amendment was going to be about.

Mr. LOTT. I understand, and I agree that the law needs to be strengthened.

Mr. SMITH of New Hampshire. Mr. President, I would say to my colleagues, all the tools we are giving to the Justice Department in this bill are irrelevant if we cannot deport these terrorist who are living in our country preparing to terrorize American citizens. Page 162 of the bill says the Attorney General shall place an alien in removal proceedings within 7 days of catching him, or charge him with a criminal act, or else the bill says ''the Attorney General shall release the alien.'' Mr. President, the problem is that most of these terrorist have not committed criminal acts until they are ready to attack. Therefore, in most of these cases, the only option is to deport them.

Mr. LOTT. It is my opinion, that if we can deport known terrorist, we should do it. We cannot let the Justice Department be barred because the evidence was too sensitive to use in Court.

Mr. SMITH of New Hampshire. That is exactly the problem. Under current law, the Justice Department would have to give a declassified summary of all the secret evidence used in the deportation proceedings to the terrorist. Now, why would we compromise our intelligence sources and methods by revealing sensitive intelligence information to a known terrorist? The intelligence community would never allow it, and with good reason. But as a result, the Justice Department has never once used the alien terrorist removal court to deport anyone.

Mr. LOTT. That is my understanding, and it is a serious problem. I am in complete agreement with the Senator.

Mr. SMITH of New Hampshire. Mr. President, I thank the Leader. As I said, it had been my intention to offer an amendment to resolve this problem by eliminating the requirement for the Attorney General to give this sensitive information to the alien terrorist before deporting him. However, upon discussions with the Attorney General, who indicated to me that he supports this provision, and after discussions with the Leader, I have decided in the interest of moving this legislation to withhold my amendment at this time, with the assurance of the Leader and the Administration that we will work to solve this problem in conference.

Mr. LOTT. Let me say to the Senator that he can count me as a cosponsor of this amendment. It is an excellent amendment, it is needed, and I commit to the Senator that I will do my best to see that it is added in conference. I would further say to the Senator that I have also talked about this issue with the Attorney General, and he indicated to me that the Administration supports your amendment and that he will also work to support it in conference when we get to that point. So, I appreciate his withholding at this time so we can get this bill to conference where we can work to get the Smith amendment added to greatly improve this bill.

Mr. SMITH of New Hampshire. I thank the Leader for his strong support, and I am pleased that the administration is also supportive. I know how many long hours the Attorney General is putting in on this issue, and how committed he is to winning this war on terrorism. I look forward to passing this important provision which will be an invaluable tool for the Attorney General and the President in this war.

DETERRING MONEY LAUNDERING

Mr. SCHUMER. Mr. President, I would like to clarify with Chairman SARBANES my understanding of the provision in Title III, the anti-money laundering provisions in the antiterrorism package, entitled ''Section 314. Cooperative Efforts to Deter Money Laundering''.

As the Chairman is well aware, Section 314(b) is intended to address concerns about regulatory barriers that stand in the way of developing efficient mechanisms and services that financial institutions can use to fulfill their regulatory compliance obligations. The regulations to be issued by the Secretary, and potentially by bank and thrift regulators as well, could further this purpose by reconciling rules that could be interpreted in a way that places conflicting burdens on financial institutions.

Does that comport with the Chairman's understanding of the intent of the provision and how that intent could best be carried out by the regulators?

Mr. SARBANES. I thank the Senator for his question. Yes, that is also my understanding of Section 314.

Mr. CORZINE. Mr. President, I am going to support this legislation, and I want to commend the leadership—Senators DASCHLE and LOTT—and Senators LEAHY and HATCH, for their efforts in developing the bill. Clearly, there is no higher priority than combating terrorism and protecting our national security. At the same time, I do have real concerns about the process by which this legislation has come to the floor, and about the implications of some provisions for fundamental civil liberties.

There are several provisions in this legislation that make a real, positive contribution to the fight against terrorism. Other senators have discussed some of the highlights in more depth, so let me just focus on a few.

First, this bill includes legislation approved by the Senate Committee on Banking, Housing, and Urban Affairs, on which I sit, that will help authorities crack down on money laundering. This is essential if we are to deprive terrorists of resources. The bill will require additional reporting of suspicious transactions, require identification of the foreign owners of certain U.S. accounts, and impose other requirements on financial institutions to give authorities a greater ability to identify and prosecute money launderers. I also note that the bill includes a provision I authored that calls for a study into the possibility of expanding the legislation to include hedge funds and other investment services that also can be used by terrorists to launder money.

Beyond the money laundering provisions, I also am pleased that this bill provides additional funding for the victims of terrorism. Coming from New Jersey, where thousands of our residents have been victimized by the tragedy at the World Trade Center, this is especially important to me. In my view, we as a nation have a responsibility to ensure that terrorism victims and their families are not left alone and uncompensated. That is why I am pleased that the bill would replenish the antiterrorism emergency reserve, replace the annual cap on the Crime Victim Fund, authorize private contributions to the fund, and strengthen services for victims in other ways. While this is not all that we should be doing for victims and their families, I appreciate the work of the leaders in focusing on their needs.

I also pleased that the bill would triple the number of Border Patrol, Customs Service and immigration inspectors at our northern border. This would significantly enhance security over an area that, until now, has been seriously understaffed. The bill also authorizes $100 million to improve INS and Customs technology and additional equipment for monitoring the U.S.-Canada border.

In addition, I want to highlight language in this bill that would establish two new crimes related to bioterrorism, including provisions to prohibit

certain people from possessing a listed biological agent or toxin. There are many other things we need to do to prepare for the threat of a biological or chemical attack, and I have introduced related legislation, S. 1508, that would require states to develop coordinated plans, and that would provide additional resources for hospitals and other health care providers. The threat of bioterrorism is real, and I would hope that our leaders will bring related legislation to the Senate floor as soon as possible.

While I support the provisions in this bill on money laundering, victim services, border enforcement, and bioterrorism, I do have serious concerns about the way this bill was put together, and about other provisions that raise serious questions about the protection of civil liberties.

It is deeply troubling to me that we would be taking up a bill that deals with such sensitive civil liberties matters without comprehensive hearings, and without even consideration by the relevant committee. We are talking about a 243-page bill that was developed behind closed doors by a handful of people operating under enormous time pressure. This is a bill that raises fundamental questions that go to the very essence of our democracy, and our freedoms. It's not something that should be done in haste, with so little opportunity for input from outside experts, the public, and all senators.

Perhaps because the legislation was developed so quickly, and in an environment so dominated by great public anxiety about security, there is a real risk that we will make serious mistakes.

I am especially concerned about the provisions in this bill that require the detention of immigrants who are not terrorists, who are not criminals, but are merely suspected of future wrongdoing. In fact, these provisions go further than that. Lawful permanent residents who are charged with being deportable on terrorism grounds could be held indefinitely even if an immigration judge determines that the terrorism charges are false.

I understand that we need to give the government sufficient authority to protect Americans from those who pose a real threat to public safety. But this provision goes too far. And I hope it can be corrected in conference.

Similarly, there are other provisions of this legislation that seem very loosely drafted, and that could, perhaps unintentionally, lead to infringement on important civil liberties. For example, many have raised serious questions about provisions relating to law enforcement surveillance of Internet and telephone use, and about other provisions that give the government extensive new powers to conduct secret searches. These and other provisions do not seem to have received adequate scrutiny. I am hopeful that they can be examined more closely in conference, and any needed improvements can be made before the legislation is sent to the President.

I also would urge our conferees to accept a provision, like one included in the House version of this legislation, that would set a time limit on the application of certain provisions that pose the greatest threats to civil liberties. In my view, that's especially important since we have rushed this legislation through the Senate so quickly. As I said, I am hopeful that we can identify and correct any mistakes in conference. But we still seem to be operating on a rush basis, and I suspect that some mistakes are inevitable. Given the stakes involved, I think it would be better to make many of these provisions temporary, and then revisit these issues when we have more time to thoroughly consider all their implications.

In the end, while I do have serious concerns about certain aspects of this legislation, I have decided to support the effort to move it to conference. Our nation has just suffered the most horrendous act of terrorism in our history, and we are facing serious threats of other terrorist attacks. A vast, well-organized and well-funded terrorist network has gone to war against our nation. And while we should not overreact, or erode basic freedoms, we do have to defend ourselves.

We must give our law enforcement officials the tools they need to find and destroy these terrorist networks. And this legislation should help. But we need to continue to review and improve its provision as we go to conference. And we will need to continue to closely review the implementation of the legislation after it is enacted.

I yield the floor.

Ms. CANTWELL. Mr. President, I support this bill, but I do so only with some reservations.

We are giving broad new powers to our law enforcement and intelligence communities—without the traditional safeguards of judicial review and congressional oversight.

I believe that many provisions of the bill, particularly those sections dealing with electronic eavesdropping and computer trespass, remain seriously flawed and may infringe on civil liberties.

I am voting for this bill today with the strong hope that it will be improved in a conference with the House. As it currently stands, the Senate bill breaks down the traditional separation of domestic criminal matters governed by the fourth amendment right against unjustified search and seizure—from the gathering of international intelligence information traditionally gathered without the same concern for constitutional rights.

I strongly believe that we should have included in this bill a sunset provision that would give Congress the opportunity to reassess whether these new tools are yielding the intended results in the war on terror, and I am hopeful that the final bill will emerge with this and other improvements.

If this bill is not improved through a conference process or other negotiation, I reserve the right to vote against a conference report.

However, I also believe this bill contains many provisions that will significantly advance our battle against terrorism. I thank the Chairman for his hard work on these provisions and appreciate his efforts particularly to strengthen security on our northern border.

Among the most important provisions in this bill is the authorization to triple staffing across our northern border.

These increases in manpower are desperately needed. The northern border is patrolled by only 300 border patrol agents in contrast to the 9,000 on the southern border. More critically, at points of entry where suspect persons have repeatedly tried to enter or have entered, we currently lack sufficient staffing to allow Customs and INS inspectors and INS agents to do their job well. We place a tremendous responsibility on the individuals charged with deciding whom to admit and whom to turn away.

One additional new tool this bill provides is the establishment of a visa technology standard to help secure our border. I personally worked to get language included in this bill that requires the State Department and the Department of Justice to develop a shared technology standard—so that we can be certain each individual who seeks entry into our country on a visa—is the person he or she claims to be.

American citizenship comes with deeply valued privileges and rights. One of the most basic of those rights is privacy. To require a fingerprint or a digital photograph of an alien seeking to enter our country is a reasonable and effective way to improve our ability to keep terrorists out of this country while still welcoming a vibrant flow of legal immigrants.

Unfortunately, aspects of this bill that impose unreasonable and unwarranted requirements on legal immigrants, greatly expand electronic eavesdropping, and potentially provide law enforcement easy access to some types of email communications—remain troubling.

I would like to believe that the expansion of the ability of the government to place wiretaps on the lines of American citizens—done in secret with insignificant reporting or opportunity for oversight by the Congress—will not be abused.

I would like to believe that technologies like that technologies like

Carnivore will not be used to derive content from email communications.

But I am skeptical.

Several other aspects of this bill, when taken together, also have the potential to interfere with Americans' enjoyment of their right to privacy without providing value in the fight against terrorists.

Those of us who feel strongly about how new powers might chip away at traditional privacy rights will closely watch how law enforcement uses these tools.

The events of September 11 have changed us as a country forever. We have been attacked on our own soil. Thousands have died, thousands more have been injured. Very simply, we must do all that we can to stop terrorism by finding and disrupting terrorist activities here and abroad. The challenge we face is to do this without compromising the value that make Americans unique and have allowed us to become great: respect for personal autonomy and the rights of the individual; and tolerance of all regardless of race or religion.

While I will vote for this bill, I also promise to engage in vigilant oversight of these new powers, and I urge those in the law enforcement and intelligence communities to use these powers wisely and with great deliberation.

Mr. EDWARDS. Mr. President, I rise in support of S. 1510, the Uniting and Strengthening America Act.

In the aftermath of September 11, we face two difficult and delicate tasks: to strengthen our security in order to prevent future terrorist attacks, and at the same time, to safeguard the individual liberties that make America a beacon of freedom to all the world.

I believe that when the President signs this anti-terrorism legislation into law, we will have achieved those two goals as best we now can.

The act is a far-reaching bill. I will mention just a few key aspects of that bill.

First, the legislation brings our surveillance laws into the 21st century. Here are two of many examples. Under current law, the FBI can use a basic search warrant to access answering machine messages, but the FBI needs a different kind of warrant to get to voice mail. This law says the FBI can use a traditional warrant for both. Another example: Under current law, a Federal court can authorize many electronic surveillance warrants only within the court's limited jurisdiction. If the target of the investigation is in the judge's jurisdiction, but the subject of the warrant is technically an internet service provider located elsewhere, the warrant is no good as to that ISP. This bill allows the court overseeing an investigation to issue valid warrants nationwide.

Second, the act gives law enforcement officers and the foreign intelligence community the ability to share intelligence information with each other in defined contexts. For example, the act says that under specified conditions, the FBI may share wiretap and grand jury information related to foreign- and counter-intelligence. I appreciate concerns that this information-sharing authority could be abused. Like Chairman LEAHY, I would have preferred to see greater judicial oversight of these data exchanges. But I also believe we simply cannot prevail in the battle against terrorism if the right hand of our government has no idea what the left hand is doing.

Third, the act enhances intelligence authorities under the Foreign Intelligence Surveillance Act (FISA). When I met with FBI agents in North Carolina shortly after September 11, they told me their number one priority was to streamline the FISA process. We've done that. We've said, for example, that the renewal periods of certain key FISA orders may be longer than the initial periods. This makes sure the FBI can focus on investigations, not duplicative court applications.

A more controversial change concerns the purpose of FISA surveillance. Under current law, a FISA wiretap order may only enter if the primary purpose of the surveillance is foreign intelligence gathering. The administration initially proposed changing the ''primary purpose'' requirement to a requirement of ''a purpose,'' any foreign intelligence purpose. At a recent Intelligence Committee hearing, I was one of several Senators to raise constitutional questions about the Administration's initial proposal. The last thing we want is to see FISA investigations lost, and convictions overturned, because the surveillance is not constitutional. S. 1510 says that FISA surveillance requires not just ''a purpose,'' but ''a significant purpose,'' of foreign intelligence gathering. That new language is a substantial improvement that I support. In applying this ''significant purpose'' requirement, the FISA court will still need to be careful to enter FISA orders only when the requirements of the Constitution as well as the statute are satisfied. As the Department of Justice has stated in its letter regarding the proposed FISA change, the FISA court has ''an obligation,'' whatever the statutory standard, ''to reject FISA applications that do not truly qualify'' as constitutional. I anticipate continued close congressional oversight and inquiry in this area.

A forth step taken by this legislation is to triple the number of Border Patrol, INS inspectors, and Customs Service agents along our 4,000-mile northern border. Today there are just 300 border patrol agents to guard those 4,000 miles. Orange cones are too often our only defenses against illegal entries. This bill will change that.

Fifth, the bill expedites the hiring of translators by the FBI. It is unthinkable that our law enforcement agents could have critical raw intelligence that they simply cannot understand because they do not know the relevant language. This statute will help to change that state of affairs.

Finally, the bill makes the criminal law tougher on terrorists. We make it a crime to possess a biological agent or toxin in an amount with no reasonable, peaceful purpose, a crime to harbor a terrorist, a crime to provide material support to terrorism. And we say that when you commit a crime of terrorism, you can be prosecuted for that crime for the rest of your life, with no limitations period. Statutes of limitations guarantee what lawyers call ''repose.'' Terrorists deserve no repose.

As Chairman LEAHY and Senator HATCH have both said, this legislation is not perfect, and the House-Senate Conference may yet make improvements. For example, the Conference might clarify that, as to aliens detained as national security threats, the law will secure the due process protections and judicial review required by the Constitution and by the Supreme Court's recent decisions in Zadvydas v. Davis and INS v. St. Cyr. The Conference might also sensibly include a sunset of the new surveillance authorities, ensuring that Congress will reconsider this bill's provisions, which touch such cherished liberties, in light of further experience and reflection.

The bill is not perfect, but it is a good bill, it is important for the Nation, and I am pleased to support it.

Mr. KYL. Mr. President, I rise in strong support of the antiterrorism bill, S. 1510. The bill would provide our nation's law enforcement with important tools to more effectively investigate and prevent further attacks against the people of the United States.

At the outset, in response to concerns that some have raised, I want to make clear that we are not rushing to pass ill-conceived legislation.

During the past two Congresses, when I chaired the Judiciary Committee's Subcommittee on Technology and Terrorism, the Subcommittee held 19 hearings on terrorism. I want to repeat that: 19. The witnesses who appeared before the Subcommittee included the then-Director of the FBI Louis Freeh and representatives of all three of the congressionally-mandated commissions on terrorism that have issued reports over the last two years. Additional hearings on terrorism were held by the full Judiciary Committee and by other committees.

Many of the provisions contained in the Attorney General's proposed legislation mirror the recommendations of one or more of the major terrorism commissions and have already been examined by the committee of jurisdiction. In fact, some of these provisions

have already been voted on and passed by the Senate.

Indeed, as I will discuss more fully in a minute, the language sent forward by the Attorney General to establish nationwide trap and trace authority was included in the Hatch-Feinstein-Kyl Amendment to the recently passed Commerce, Justice, State Appropriations bill. Much of the remaining language in that amendment was included in the Counterterrorism Act of 2000, which the Senate passed last fall, after a terrorist attack on the U.S.S. *Cole* killed 17 American sailors and injured another 39. That bill was based on recommendations of the bipartisan, congressionally-mandated National Commission on Terrorism, known as the Bremmer Commission, which was established in 1998 in response to the embassy bombings in Tanzania and Kenya.

One particularly important provision, which was included in the both the CJS bill and the current bill, updates the law to keep pace with technology. The provision on pen register and trap and trace devices 1. Would allow judges to enter pen/trap orders with nationwide scope and 2. Would codify current caselaw that holds that pen/trap orders apply to modern communication technologies such as e-mail and the Internet, in addition to traditional phone lines.

Nationwide jurisdiction for a court order will help law enforcement to quickly identify other members of a criminal organization such as a terrorist cell. Indeed, last year Director Freeh testified before the Terrorism Subcommittee that one of the problems law enforcement faces is ''the jurisdictional limitation of pen registers and trap-and-trace orders issued by federal courts.'' [Source: Hearing before the Subcommittee on Technology, Terrorism, and Government Information of the Senate Committee on the Judiciary, 106th Cong, 2nd Sess. (March 28, 2000), at 31.]

He continued: ''Today's electronic crimes, which occur at the speed of light, cannot be effectively investigated with procedural devices forged in the last millennium during the infancy of the information technology age.'' [Source: Id. at 32.]

Currently, to track a communication that is purposely routed through Internet Service Providers located in different states, law enforcement must obtain multiple court orders. This is because, under current law, a Federal court can order only those communications carriers within its district to provide tracing information to law enforcement.

According to Director Freeh's testimony before the Terrorism Subcommittee, ''As a result of the fact that investigators typically have to apply for numerous court orders to trace a single communication, there is a needless waste of time and resources, and a number of important investigations are either hampered or derailed entirely in those instances where law enforcement gets to a communications carrier after that carrier has already discarded the necessary information.'' [Source: Id. at 31.]

Section 216 of the Senate bill solves this problem.

I would also like to address another important provision.

Section 802 is intended more clearly to criminalize the possession of biological and toxin agents by those who should not possess them. This section amends the implementing legislation for the 1972 ''Convention on the Prohibition of the Development, Production, and Stockpiling of Bactiological, Biological, and Toxin Weapons and on their Destruction'', BWC. Article I of the BWC prohibits the development, production, stockpiling, acquisition, or retention of Microbial or other biological agents, or toxins, whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective, or other peaceful purposes. It is not the intent of the BWC, nor is it the intent of Section 802, to prevent the legitimate application of biological agents or toxins for prophylactic, protective, bona fide research, or other peaceful purposes. These purposes include, inter alia, medical and national health activities, and such national security activities as may include the confiscation, securing, and/or destruction of possible illegal biological substances.

Finally, let me address briefly the concern voiced by some that we are in danger of ''trampling civil liberties.'' I reiterate that we are not rushing, that we have had thorough, deliberative hearings, and that many of the proposals have already been passed by the Senate. Nothing in the current bill impinges on civil liberties. The bill would give Federal agencies fighting terrorism the same tools we have given those fighting illicit drugs, or even postal fraud. Many of the tools in the bill are modernizations of the criminal laws, necessitated by the advent of the Internet.

While some of these tools are extremely helpful in terrorism investigations, it makes no sense to refuse to apply these common sense changes to other crimes that are committed, like kidnapping, drug dealing, and child pornography. It is unwise to limit these tools to only terrorism offenses because often, at the outset of an investigation of a particular person or crime, law enforcement does not know what you are dealing with. A credit-card fraud case or a false immigration documents case may turn out to be connected to funding or facilitating the operations of a terrorist group. We should give law enforcement the tools it needs to have the best chance of discovering and disrupting these activities.

We have a responsibility to the people of this nation to ensure that those who are charged with protecting us from future terrorist attacks are empowered to do so. This is not a zero sum game. We can both ensure our security and protect our liberties.

We cannot afford to lose this race against terror, and we cannot afford to give the enemy in this war a full lap head-start. I support this bill. I commend President Bush and General Ashcroft for submitting a sound proposal to the Senate, and for their tremendous efforts during the past month.

Mr. President, in addition to the all of the other provisions in this antiterrorism legislation that will provide our law enforcement communities with the tools to weed out and stop terrorism, I want to express my support for the immigration provisions upon which the administration, Senators HATCH, KENNEDY, LEAHY and I have reached agreement, and which are included in this bill.

Even with the passage of these provisions, however, the United States will continue to face overwhelming infrastructure and personnel needs at our consular offices abroad, along both the southern and northern border, and in our immigration offices throughout the United States. In conjunction with increasing personnel and infrastructure, the U.S. must deprive terrorists of the ability to present altered international documents, and improve the dissemination of information about suspected terrorists to all appropriate agencies. Senator FEINSTEIN and I, in a hearing of the Terrorism Subcommittee of the Judiciary Committee this Friday, will continue to assess these needs by hearing from Justice and State Department officials.

So, our actions on immigration reform as it is relates to terrorism must go beyond the scope of this anti-terrorism package. With that said, this bill will certainly provide a better legal framework for keeping foreign terrorists out of the United States, and detaining them should they enter.

First, this antiterrorism bill clarifies that the Federal Bureau of Investigation is authorized to share data from its ''most wanted list,'' and any other information contained in its national crime-information system, with the Immigration and Naturalization Service and the State Department. This will help the INS and State Department identify suspected terrorists before they come to the United States, and should they gain entry, will help track them down on our soil. It also allows the State Department, during a U.S. criminal investigation, to give foreign governments information on a case-by-case basis about the issuance or refusal to issue a U.S. visa.

The bill will also clarify U.S. law prohibiting the entry of, and requiring the removal of, individual alien terrorists. It will probably surprise the Members of this body a great deal to know that, under current law, a terrorist alien is not considered either inadmissible to, or deportable from, the United States even if he or she has ''endorsed or espoused terrorist activity that undermines the efforts of the United States to fight terrorism,'' or has provided ''material support to a terrorist organization.'' Nor is an individual deportable for being a ''representative of a terrorist organization.'' The anti-terrorism bill makes it clear to U.S. officials considering whether to allow someone to come to the country, that a person meeting any one of these criteria is not welcome here.

In addition, the anti-terrorism package that we are debating today further defines what is considered by the United States to be a terrorist organization. Under current law, a terrorist organization must be designated by the Secretary of State under Section 219 of the Immigration and Nationality Act. This process can take several months, and has been criticized by some experts as potentially politically corruptible. Under this Senate anti-terrorism package, Section 219 remains in effect. A separate designation process is added, whereby an organization can be designated by the Secretary of State or the Attorney General, in consultation with each other, with seven days' notice to the leadership of the House and Senate and the congressional committees of jurisdiction. Additionally, an organization, whether or not it is formally designated by the Secretary of State or the Attorney General, can be considered to be terrorist if it is made up of two or more individuals who commit or plan to commit terrorist activities.

The Senate's antiterrorism package also has provisions regarding temporary detention. It allows for the temporary detention of aliens who the Attorney General certifies that he has ''reasonable grounds to believe is inadmissible or deportable under the terrorism grounds.'' This compromise represents a bipartisan understanding that the Attorney General of the United States needs the flexibility to detain suspected terrorists. Under the compromise that Members have reached, the Attorney General must charge an alien with a deportable violation or he must release the alien. The underlying certification, and all collateral matters, can be reviewed by the U.S. District Court of the District of Columbia, and the Attorney General is required to report to Congress every six months on the use of this detention provision.

Finally, the Senate package, as a result of amendments added by Senator BYRD, will determine whether ''consular shopping''—i.e., someone has a visa application pending from his or her home country, but goes to another country for adjudication—is a problem. If so, the Secretary of State must recommend ways to remedy it. Another authorizes $36.8 million for quick implementation of the INS foreign student tracking system, a program that I have repeatedly urged be implemented.

As former chairman and now ranking Republican of the Judiciary Committee's Terrorism Subcommittee, I have long suggested, and strongly supported, many of the anti-terrorism and immigration initiatives now being advocated by Republicans and Democrats alike. In my sadness about the overwhelming and tragic events that took thousands of precious lives, I am resolved to push forward on all fronts to fight against terrorism. That means delivering justice to those who are responsible for the lives lost on September 11, and reorganizing the institutions of government so that the law-abiding can continue to live their lives in freedom.

Mrs. FEINSTEIN. Mr. President, I rise in strong support of the consensus terrorism bill now on the floor of the U.S. Senate.

The people of the United States awoke on September 12 to a whole new world, one in which we can no longer feel safe within our borders. We awoke to a world in which our very way of life is under attack, and we have since resolved to fight back with every tool at our disposal.

This is an unprecedented state of affairs, and it demands unprecedented action. We must seek out and defeat individuals and groups who would build upon the September 11 attacks with more of their own. We simply must give law enforcement officials the tools they need to track, to hunt down, and to capture terrorists, both in this country, and around the world as well. And that is what this bill would do.

Let me just describe some of the key provisions of this legislation, and how those provisions will make an impact, even in the current investigation into the September 11 attacks.

First, this bill makes it easier to collect foreign intelligence information under the Foreign Intelligence Surveillance Act, FISA. Under current law, authorities can proceed with surveillance under FISA only if the primary purpose of the investigation is to collect foreign intelligence.

But in today's world things are not so simple. In many cases, surveillance will have two key goals—the gathering of foreign intelligence, and the gathering of evidence for a criminal prosecution. Determining which purpose is the ''primary'' purpose of the investigation can be difficult, and will only become more so as we coordinate our intelligence and law enforcement efforts in the war against terror.

Rather than forcing law enforcement to decide which purpose is primary—law enforcement or foreign intelligence gathering, this bill strikes a new balance. It will now require that a ''significant'' purpose of the investigation must be foreign intelligence gathering to proceed with surveillance under FISA.

The effect of this provision will be to make it easier for law enforcement to obtain a FISA search or surveillance warrant for those cases where the subject of the surveillance is both a potential source of valuable intelligence and the potential target of a criminal prosecution. Many of the individuals involved in supporting the September 11 attacks may well fall into both of these categories.

This language is a negotiated compromise between those who wished the law to stay the same, and those who wished to virtually eliminate the foreign intelligence standard entirely.

The administration originally proposed changing ''primary purpose'' to ''a purpose,'' but when I questioned Attorney General Ashcroft at our Judiciary Committee hearing, he agreed that ''significant purpose'' would represent a good compromise.

Second, this legislation will provide multi-point authority, or so-called ''roving wiretap authority'' in foreign intelligence investigations. This provision is designed to defeat attempts to evade law enforcement by simply switching cell phones or moving locations.

Under current law, law enforcement must get a wiretap order for each individuals phone line. Criminals and terrorists know this, so they often manage to defeat surveillance by simply moving locations or exchanging countless disposable or even stolen cell phones.

This legislation will now allow the surveillance to follow the person, wherever or however that person is communicating. So, no longer will duplicative wiretap orders be necessary simply to listen to the same, single target of an investigation. This is a powerful change to the law that does not put innocent conversations in danger, but stops the evasion of surveillance now possible under the law.

Third, this legislation allows nationwide service of so-called ''pen register'' and ''trap and trace'' orders. Those orders allow law enforcement to track incoming and outgoing phone calls, and now Internet addressing, so that the authorities can make connections between various criminals or terrorists.

The problem with current law is that it has not kept up with technology. Modern communications travel through many jurisdictions before reaching their final destinations, and current law requires court orders from every jurisdiction through which the communication travels.

Under this new legislation, only one court order will be necessary, eliminating the time-consuming and burdensome requirements now placed on law enforcement simply because technology has changed the way communications travel from one place to the other. Law enforcement resources should be spent in the field, not filing unnecessarily burdensome motions in courtroom after courtroom.

I should also mention one important point about this provision. The standard necessary to get a court-ordered pen register or trap and trace is lower than the standard necessary to get a wiretap, so it was very important to make sure that this legislation makes it clear that these orders do not allow law enforcement to eavesdrop on or read the content of communication. Only the origin and destination of the messages will be intercepted.

This legislation also authorizes the seizure of voice-mail messages pursuant to a probable cause warrant, which is an easier standard for law enforcement to meet than the standard required for a wiretap.

Current law treats a voice-mail like an ongoing oral communication, and requires law enforcement to obtain a wiretap order to seize and listen to those saved messages. E-mails, however, receive no similar protection. In my opinion, if law enforcement can access e-mail communications with probable cause, the same should be the case with voice-mails. And so it will be once this legislation passes.

This legislation will also now allow for limited sharing of grand jury and other criminal investigation information with the intelligence community, to assist in the prevention of terrorist acts and the apprehension of the terrorists themselves.

Under current law, law enforcement officials involved in a grand jury investigation cannot share information gathered in the grand jury with the intelligence community, even if that information would prevent a future terrorist act.

Under this legislation, grand jury and other criminal investigative information can be shared if one, the information can is foreign intelligence and counterintelligence information, as defined by statute; two, the information is given to an official with a need to know in the performance of his or her official duties; and three, limitations on public or other unauthorized disclosure would remain in force.

This balance makes sense, I believe strongly that grand jury information should not be leaked to the public or disclosed haphazardly to anyone. But at the same time, it makes perfect sense to allow our own law enforcement officials to talk to each other about ongoing investigations, and to coordinate their efforts to capture terrorists wherever they may be.

This legislation also contains a heavily negotiated provision regarding the detention of aliens suspected of links to terrorism without charging them. Agreement was reached to one, limit to 7 days the length of time an alien may be held before being charged with criminal or immigration violations, two, allow the Attorney General to delegate the certification power only to the INS Commissioner, and three, specify that the merits of the certification is subject to judicial review.

This legislation also contains several key provisions from a bill I introduced last month with the chairman of the Intelligence Committee, Senator GRAHAM. For instance, the bill: Clarifies the role of the CIA director as the coordinator of strategies and priorities for how the government uses its limited surveillance resources; requires that law enforcement officers who discover foreign intelligence information in the course of a criminal investigation share that information with the intelligence community; includes ''international terrorist activities'' in the definition of ''foreign intelligence'' to clarify the authorities of the CIA; includes a sense of Congress that the CIA should make efforts to recruit informants in the fight against terrorism, even if some of those informants may, as is likely the case, not be ideal citizens; requires a report from the CIA on the feasibility of establishing a virtual translation center for use by the intelligence community, so that translators around the country can assist in investigations taking place far, far away. For instance, this center would allow a translator living in Los Angeles to assist law enforcement in New York without even leaving California; and finally, agreement was reached to require the Attorney General, in consultation with the CIA Director, to provide training to federal, state and local government officials to identify foreign intelligence information obtained in the course of their duties.

In addition, this bill also: Triples the number of Border Patrol, Customs Service, and INS inspectors at the northern border; authorizes $50 million to improve INS and Customs technology for monitoring the northern border and to add equipment on the border; lifts the statute of limitations on terrorist acts as defined by law where those crimes resulted in, or created a risk of, death or serious bodily injury. These crimes include bio-terrorism, attacks against airports or airplanes, arson or bombings of U.S. facilities, and other terrorist acts; adds this same list of terrorist crimes certain as predicates for RICO and money laundering; creates two new bio-terrorism crimes, the first prohibits certain restricted persons, including nonresident aliens from countries that support terrorism, from possessing a listed biological agent or toxin; and the second prohibits any person from possessing a biological agent, toxin, or delivery system of a type or in a quantity that, under the circumstances, is not reasonably justified by a peaceful purpose.

The Attorney General and the President of the United States have asked this Congress to give them legislation that will assist in the war against terrorism, and I am one who believes very strongly that we should do so, and we should do so quickly.

This bill is a product of intense negotiations, and I believe that a good balance has been struck here. Compromises have been reached on the most controversial provisions, roving wiretap authority; trap and trace of computer routing information; sharing of grand jury information; and mandatory detention of aliens suspected of terrorism.

Although I no longer believe it to be necessary now that these compromises have been reached, I would support a five-year sunset on the provisions I just mentioned as a valuable check on the potential abuse of the new powers granted in the bill.

But a two-year sunset, such as the one contained in the House bill, is simply too short to allow law enforcement to accomplish what it needs to do to rout terrorists from this country.

The legislation before us contains provisions that could actually help in the current investigation into Osama bin Laden and his network in the United States and abroad.

I urge this Senate to pass this legislation and get it to the President for his signature. We are in a sustained war against terror, and we have waited long enough. I

FISA AND PEN REGISTER/TRAP AND TRACE

Ms. CANTWELL. Mr. President, I would like to raise several concerns regarding the provisions of this legislation, the USA Act of 2001, that expand wiretapping authority under the Foreign Intelligence Surveillance Act of 1978, and amend Federal pen register and trap and trace authorities.

Both of these changes purport to improve communication between law enforcement and intelligence operatives. There is a difference, however, between facilitating the sharing of information between the law enforcement and intelligence communities, and blurring the line between the missions of the two communities. Where information is sought for the purpose of law enforcement, we must ensure that fourth amendment protections apply. Much of the fear about the legislation is based on legitimate concern that information gathered ostensibly for intelligence and defense purposes could be used for law enforcement purposes. The intelligence community does not prosecute and lock up its targets; it uses information to intervene against foreign nationals seeking to harm America. But

the law enforcement community has a different mission, to catch and prosecute criminals in our courts of law. Because law enforcement acts upon U.S. citizens, it must do so within the bounds of the Constitution. The differences in these missions must be acknowledged, and we must be vigilant to maintain the distinctions.

We can all agree that the events on September 11 have focused America on the fight against terrorism, and we applaud the efforts of the administration in the weeks since that tragic day. Clearly, there were failures in our investigative network, and this legislation will address some of those failures, allowing greater sharing of information that could foil terrorists before they carry out their brutal schemes against innocent civilians.

I appreciate Chairman LEAHY's tireless efforts to facilitate our intelligence gathering authorities while preserving our constitutional rights. The negotiations have been intense, but these are difficult and divisive issues. Given the time frame, Chairman LEAHY's charge has not been an easy one, but I appreciate the substantial progress he has made.

I remain concerned that some of the legislative changes fail to balance the increased powers to law enforcement against the need to protect the civil liberties of Americans. With these changes to FISA, it will be much more likely that the FBI will be able to obtain secret FISA wiretaps on American citizens. That information may not only be used for intelligence purposes, but also in a criminal prosecution, without complying with the normal requirements of a title III wiretap and the safeguards it provides to adhere to the fourth amendment. Some have warned that this language leaves room for ''fishing expeditions'' rather than properly authorized law enforcement activities. I would hope that this is not the case.

Although the language has been improved from the administration's original proposal and now would require that ''a significant,'' rather than simply ''a,'' purpose for the wiretap must be the gathering of foreign intelligence, the possibility remains that the primary purpose of the wiretap would be a criminal investigation, without the safeguards of the title III wiretap law and the protections under the fourth amendment that those fulfill.

I would like to ask the Chairman of the Judiciary Committee whether he interprets this language in this same way.

Mr. LEAHY. Yes, the Senator from Washington is correct. While improved, the USA Act would make it easier for the FBI to use a FISA wiretap to obtain information where the Government's most important motivation for the wiretap is for use in a criminal prosecution. This is a disturbing and dangerous change in the law. The Justice Department concedes that ''the few courts that have addressed the issue have followed a primary purpose test'', October 1, 2001 Letter from Daniel J. Bryant, Assistant Attorney General, p. 13.

I appreciate the administration's agreement to move off its original position of changing the law to only require the FISA surveillance to ''a'' purpose of collecting foreign intelligence information. Indeed, the Justice Department's own constitutional analysis provided to the Committee at the request of our Members does not even attempt to justify the original proposal, but instead presents argument for why a change to ''a significant″ purpose would be constitutional.

I remain disappointed with the administration's insistence on forcing any change on this important statutory requirement. FISA was enacted for the express purpose of clarifying that different legal standards apply to those gathering foreign intelligence than to those seeking criminal evidence. This new provision will blur that distinction, and it is indeed very problematic in my mind.

Federal courts have upheld FISA on the basis that what is reasonable under the fourth amendment may vary when national security is at risk. Thus, a FISA wiretap does not have to be based on probable cause to believe a crime has been or is about to be committed, and no notice is given unless the person is prosecuted. Further, while judges review warrants on the merits when targets are U.S. persons, the primary purpose for the wiretap must be the protection of our national security. Upon satisfaction of that critical condition, the statute authorized the use of evidence obtained under a FISA wiretap for criminal prosecution.

Ms. CANTWELL. Mr. President, although much effort has gone into narrowing this provision to fit within the bounds of the Constitution, it would seem to me that this legislation may not stand up to this test, and thus may fail judicial scrutiny. Regardless, we cannot await court review. I believe Congress must keep watch over the use of this provision. May I ask the Chairman, do you agree that, under these circumstances, it is incumbent upon the committee, which has jurisdiction over the Department of Justice, to maintain vigilant oversight of the Department in its use of FISA authorities after enactment of this legislation?

Mr. LEAHY. I agree with you completely, and you can rest assured that the Judiciary Committee under my chairmanship will conduct meaningful oversight, as we already have begun to do over the summer.

Although FISA requires oversight reporting to the Intelligence Committees, the law makes clear that other Committees may also have oversight jurisdiction. Section 108 of FISA, 50 U.S.C. 1808, states, ''Nothing in this title shall be deemed to limit the authority and responsibility of the appropriate committees of each House of Congress to obtain such information as they may need to carry out their respective functions and duties.'' Section 306 of FISA, 50 U.S.C. 1826, provides for semiannual reports from the Attorney General to the Intelligence and Judiciary Committees on the number of applications for physical search orders made, granted, modified, or denied, and the number of physical searches which involved the property of United States persons. The Judiciary Committee's responsibility will be greater under the amendment to FISA, because of the greater authority to use FISA for law enforcement purposes.

Ms. CANTWELL. Mr. President, similarly, I am concerned that revisions to the laws regarding pen registers and trap and trace devices may have fourth amendment implications. Although modified since we received the original language from the Administration, the new language could encourage greater use of technologies such as the FBI's ''Carnivore'' to access information that is protected by the fourth amendment.

The failure to properly define the term ''address'' in the e-mail context to exclude information protected by the Fourth Amendment will haunt us for a long time. And I regret this. Although it certainly can be said that new technologies are emerging and the definition may need be flexible, the term ''address'' presently is undefined and new in the context of our Federal criminal statutes. Because of this ambiguity, we may see law enforcement authorities take inconsistent approaches to filtering information pursuant to this new law. There is risk that some will obtain information, such as ''subject line'' information or URL codes, that may otherwise be protected by the fourth amendment. There is certain to be judicial scrutiny of this provision.

Mr. LEAHY. I agree with Senator CANTWELL and thank her for bringing these concerns to the attention of this body. I share these concerns.

Ms. CANTWELL. I would like to suggest to the chairman, and I would be happy to work closely with the Chairman on this, that the General Accounting Office provide to the Senate Judiciary Committee every six months a report on the use of the FISA wiretap authorities, and the expanded pen register and trap and trace authorities, by the Federal Bureau of Investigation or other agencies within the Department of Justice. I would certainly not suggest compromising the security of our nation with such a report, so I would be content with closed-session hearings on the findings of such reports. But only with such oversight can we reasonably

assure our constituents that the use of these new authorities is not impinging on our fourth amendment rights.

Mr. LEAHY. I agree with Senator CANTWELL and I appreciate her efforts to suggest restraint at the Department of Justice to avoid misusing the new authorities we are contemplating using to address terrorism. I share her view that the GAO should undertake this important assignment and will work with her and other Senators to see it accomplished. We all need to make certain that these new authorities are not abused.

Ms. CANTWELL. I thank the chairman for his diligence in working to preserve our fundamental rights.

Mr. ENZI. Mr. President, I am proud to be a co-sponsor of S. 1510, the ''Uniting and Strengthening America Act'' or ''USA Act.'' This bill reflects a bipartisan effort to aid law enforcement, immigration, and the intelligence community in investigating, detaining, and apprehending suspected terrorists. This legislation follows lengthy committee inquiry, debate, and revision of legislation Attorney General Ashcroft proposed a few weeks ago and which sparked national debate over whether civil rights would be violated.

During the past few weeks, Senate leaders have been working tirelessly with Attorney General Ashcroft in order to create a bill that strengthens our existing laws with respect to apprehending terrorists, but still protects the civil rights of our citizens. This is an important mission for Congress. Everyone in America understands the need for enforcement, immigration and the intelligence community to have the tools necessary to find terrorists, cut-off their financial support, and bring them to Justice.

While I am committed to routing out terrorists here and abroad, I am equally committed to making sure the rights of innocent U.S. citizens are not violated. This includes the privacy and property rights our constitution affords and that make this country so great. I believe this bipartisan bill does both. This legislation strikes a balance between protecting our civil rights and assisting Attorney General Ashcroft and others to do their jobs. While the Senate and House may later debate some of the provisions in this legislation, be assured that every member of Congress is united in this mission. We are totally committed to passing anti-terrorism legislation and apprehending the bin Ladens of this world.

Mr. WELLSTONE. Mr. President, this is one of the most important pieces of legislation we will consider during this Congress. The horrific loss of life and destruction that occurred on September 11, the crime against humanity, changed us as a country. The Uniting and Strengthening America Act is an opportunity to help ensure that such terrorist attacks do not occur again. We need to improve all aspects of our domestic security, including by enhancing our intelligence capacities so that we can identify possible future attacks in their planning stages and prevent them from happening. We must be vigilant and willing to invest the resources and time required to gather the information that we need to protect ourselves and our way of life.

I appreciate the enormous amount of time and energy that my colleague from Vermont and others have put into this legislation. They have done their best to balance the risk of further terrorist attacks with possible risks to civil liberties. The bill updates and improves a number of existing laws, it creates important new security statutes, and it authorizes new money for programs that will bring much needed relief to victims of terrorist attacks. I have reservations about certain provisions of the bill as they might affect civil liberties. I wish that it were more tightly targeted to address only actions directly related to terrorism or suspected terrorism. And I hope that by the time it passes as a conference report the bill will contain a sunset provision. But I support the bill today as a step toward conference, and as an important and needed strengthening of our security from horrific attacks such as that of September 11.

The bill expands the Regional Information Sharing Systems Program to promote information sharing among Federal, State and local law enforcement agencies in their anti-terrorism efforts. State and local law enforcement have a critical role to play in preventing and investigating terrorism, and this bill provides them benefits appropriate to such duty. The bill streamlines and expedites the Public Safety Officers' Benefits application process for family members of firefighters, police officers and other emergency personnel who are killed or suffer a disabling injury in connection with a future terrorist attack. And it raises the total amount of the Public Safety Officers' Benefit Program payments from approximately $150,000 to $250,000.

This bill will also make an immediate difference in the lives of victims of terrorism and their families. It refines the Victims of Crime Act and by doing so improves the way in which its crime fund is managed and preserved. It replenishes the emergency reserve of the Crime Victims Fund with up to $50 million and improves the mechanism to replenish the fund in future years. The USA Act also increases security on our Northern Border, including the border between Canada and my State of Minnesota. It triples the number of Border Patrol, Customs Service and INS inspectors at the Northern Border and authorizes $100 million to improve old equipment and provide new technology to INS and the Customs Service at that border.

On the criminal justice side, the bill clarifies existing ''cybercrime'' law to cover computers outside the United States that affect communications in this country and changes sentencing guidelines in some of these cases. It provides prosecutors betters tools to go after those involved in money-laundering schemes that are linked to terrorism, and it adds certain terrorism-related crimes as predicates for RICO and money-laundering. It creates a new criminal statute targeting acts of terrorism on mass transportation systems, and it strengthens our Federal laws relating to the threat of biological weapons. The bill will enhance the Government's ability to prosecute suspected terrorists in possession of biological agents. It will prohibit certain persons, particularly those from countries that support terrorism, from possessing biological agents. And it will prohibit any person from possessing a biological agent of a type or quantity that is not reasonably justified by a peaceful purpose.

The bill also broadens the authority of the President to impose sanctions on the Taliban regime. Regarding criminal penalties for those convicted of terrorist acts, it provides a fair definition of what constitutes ''terrorism'' and ensures that penalties more closely reflect the offenses committed by terrorists. Again, I'd like to thank my colleague from Vermont and others who worked on these penalty provisions. The administration's initial proposal was too broad in this area, and the current bill provides a fair alternative.

I strongly support these needed provisions. Still, I do have concerns about the possible effect on civil liberties of the bill's measures to enhance electronic surveillance and information sharing of criminal justice information, while at the same time reducing judicial review of those actions. I also hope that the bill's provisions to expand the Government's ability to conduct secret searches, as well as searches under the Foreign Intelligence Surveillance Act, will not be abused.

I believe we will need to monitor the use of new authorities provided to law enforcement agents to conduct surveillance of internet communications. The same is true of the bill's changes to laws allowing the sharing of confidential criminal justice information with various Federal agencies. I would prefer the requirement of judicial review before disclosure, which is contained in the House version of this bill. Likewise, I believe the House of Representatives' decision not to include this bill's expansion of the Government's ability to conduct secret, or so-called ''Sneak-n-Peek,'' searches, was correct. I hope the safeguards against abuse we have added in our bill—such as the prohibition against the Government seizing

any tangible property or stored electronic information unless it makes a showing of reasonable necessity, as well as the requirement that notice be given within a reasonable time of the execution of a sneak-n-peak warrant—will prove sufficient.

The bill broadens the Foreign Intelligence Surveillance Act, FISA, by extending FISA surveillance authority to criminal investigations, even when the primary purpose is not intelligence gathering. The bill limits this ability by authorizing surveillance only if a significant purpose of it is to gather intelligence information. I hope this new FISA authority will be used for the purpose of investigating and preventing terrorism or suspected terrorism, and not for other domestic purposes.

Mr. President, we have done our best in this bill to maximize our security while minimizing the impact some of these changes may have on our civil liberties. Nearly all of us have probably said since September 11 that if that day's terror is allowed to undermine our democratic principles and practices, then the terrorists will have won a victory. We should pass this bill today. And we should also commit ourselves to monitoring its impact on civil liberties in the coming months and years.

I believe a sunset provision that ensures that review is essential. The bill before us today is good, but there are provisions that are too broad. There are parts that should be more narrowly focused on combating terrorism. I hope these are the concerns that will be addressed in conference. Mr. President, our challenge is to balance our security with our liberties. While it is not perfect, I believe we are doing that in this bill.

Mr. KOHL. Mr. President, I rise today to support S. 1510, the anti-terrorism bill.

To more effectively fight terrorism and those who perpetrate it, we need to improve law enforcement's intelligence gathering capability and enhance their ability to investigate and prosecute suspected terrorists. This measure does both. But let's also be realistic about the act. It will not solve all of law enforcement's problems in combating terrorism nor will it severely compromise our civil liberties. The truth lies somewhere in between.

The strongest proponents of the legislation argue that the bill primarily consists of long overdue updates of current laws, updates necessary because technology advances have allowed criminals and terrorists to stay a step, or two, ahead of law enforcement. Updates are necessary because the inability of Federal authorities to share information on suspected terrorists hampers criminal investigations. Updates are necessary because the penalties and limitations periods governing many terrorist crimes have been woefully inadequate. All of this is true. And for these reasons, I support the bill.

But, we shouldn't be lulled into thinking that this measure will solve our problems. Indeed, I asked the Attorney General whether the new powers granted in this bill could have prevented the events of September 11. He answered me honestly, saying that he could not make that guarantee. Yet, he added that these new tools would make it less likely that terrorism could strike in the same way again.

Tougher laws and penalties are an important part of our strategy to combat terrorism. That plan must also include more and better agents dedicated to gathering intelligence, an aggressive approach to preventing attacks, and patience from all Americans. Patience is essential because we will need to understand that we might have to temper our freedoms slightly in an effort to guarantee them.

Critics of this legislation caution us to be wary of compromising our liberties in an effort to make our Nation safer. They comment that sacrificing freedom gives the terrorists a victory. Those warnings do have merit.

Some of this bill's provisions do risk our civil liberties and ask Americans to sacrifice some privacy. This bill grants our prosecutors a great deal of discretion in enforcing the law and asks Americans to have faith that this power will not be abused. Most of us would rather not have our civil liberties depend on someone else's discretion.

That's why I believe many of this bill's provisions should lapse in two years and then be reconsidered by Congress. The House version of this bill reconciles the need for tough law enforcement with the concern for our civil liberties by sunsetting some of the most objectionable portions of the bill in two years. That is a good idea. Two years from now, we can take stock of where we are, how this bill has affected us, and whether the trust we show in law enforcement is warranted. I hope that the final version of this bill will adopt such a sensible approach.

I have never doubted that our country's law enforcement is the best in the world. They are dedicated, creative, committed, and decent. From local beat officers to the Director of the FBI, every one of them has a vital role to play in combating terrorism. We believe this bill will help them prevent terrorism when possible. It will help them catch wrongdoers. It will cut wrongdoers off from their support networks. It will guarantee stiff punishment for their criminal acts. It will deter others from following in the terrorists' footsteps. It is our responsibility to give law enforcement the tools they need in an increasingly complex world. It is their responsibility to use them wisely.

Ms. SNOWE. Mr. President, I rise today in support of the antiterrorism legislation we have before us.

First, let me say I am pleased to have also worked in conjunction with Senator BOND and Senator CONRAD in supporting their legislation entitled ''The Visa Integrity and Security Act.'' This bill addresses many of the concerns I have, such as the importance of information sharing among Government law enforcement and intelligence agencies with the State Department and tightening tracking controls on those entering the United States on student visas, including those attending flight schools. These are critical issues, and I commend both Senators for their efforts.

Today, our men and women in uniform are on the frontlines in the war against terrorism. We salute their willingness to put themselves in harm's way in defense of freedom, and we pray for their safety and well-being. Here at home, we are working to secure our nation, and that is why I am pleased that we will pass this legislation in the Senate that will take strong measures to help prevent further terrorist attacks on American soil.

With this legislation, we will take reasonable, constitutional steps to enhance electronic and other forms of surveillance, without trampling on the rights of Americans. We will also institute critical measures to increase information sharing by mandating access to the FBI's National Crime Information Center, or NCIC, by the State Department and INS.

In our war against terrorism, Americans stand as one behind our President. It is equally critical that, in the all-out effort to protect our homeland, Federal agencies be united in securing American soil.

In that light, President Bush made exactly the right decision when he created the Office of Homeland Security, a national imperative in the wake of the horrific tragedies of September 11, and I commend him for appointing my former colleague, Pennsylvania Governor Tom Ridge, as its Director.

With a seat at the Cabinet table, Governor Ridge will literally be at the President's side, giving him the standing that will be required to remove jurisdictional hurdles among the 40-plus agencies he will be responsible for coordinating. Now, we will assist in that coordination by allowing INS and the State Department access to the information they need to make informed decisions about who we will grant entrance into this country.

I saw firsthand the consequences of serious inadequacies in coordination and communication during my 12 years as ranking member of the House Foreign Affairs International Operations Subcommittee and Chair of the subcommittee's Senate counterpart. In fact, I recently wrote an op-ed piece

concerning my findings during that time and I would like to submit the entire text of that piece for the RECORD.

In conducting oversight of Embassy security as well as visa and consular operations, I became extensively involved with the issue of terrorism, co-drafting antiterrorism legislation with former Representative Dan Mica in the wake of 1983 and 1984 terrorist attacks against the U.S. Embassy and Marine barracks in Lebanon—traveling to Belgrade, Warsaw, and East Berlin to press government officials into helping stem the flow of money to the terrorist Abu Nidal and his organization—and investigating entry into the United States by radical Egyptian cleric Sheikh Omar Abdel Rahman, mastermind of the 1993 World Trade Center bombing.

As far back as our hearings on the 1985 Inman Report, commissioned by then-Secretary of State George Shultz in response to the attacks in Lebanon, it was abundantly clear that improved coordination and consolidation of information from agencies such as the FBI, CIA, DEA, Customs, INS and the State Department would be an essential step toward removing a vulnerability in our national security. That point was tragically underscored by our discovery that, astoundingly, in the period since 1987 when Sheikh Rahman was placed on the State Department lookout list, the Sheikh entered and exited the United States five times totally unimpeded.

But it got even worse. Even after the State Department formally issued a certification of visa revocation, he was granted permanent residence status by the INS. When he was finally caught on July 31, 1991, reentering the United States, he was immediately released back into U.S. society to allow him to pursue a multi-year appeal process.

As unbelievable as that may sound, just as unfathomable is the fact that, even after the 1993 attack on the World Trade Center, membership in a terrorist organization in and of itself—with the exception of the PLO—was not sufficient grounds for visa denial. Rather, the Immigration Act of 1990 required the Government to prove that an individual either was personally involved in a terrorist act, or planning one.

This absurd threshold made it almost impossible to block individuals, such as Sheikh Rahman, from entering the country legally. Legislation I introduced in 1993 removed that bureaucratic and legal obstacle—yet it took nearly 3 more years to enact it as part of the Anti-Terrorism and Effective Death Penalty Act of 1996.

However, provisions from my bill were enacted in 1994 to respond to the trail of errors we uncovered requiring modernization in the State Department's antiquated microfiche ''lookout'' system to keep dangerous aliens from entering the United States.

This system required manual searches, was difficult to use, and was subject to error. The language I crafted required the State Department to replace the old systems with one of two forms of state-of-the-art computerized systems. Visa fees were even increased for non-immigrants to pay for the upgrades.

Recognizing the need to mate these new technologies with the need for the most comprehensive, current and reliable information, we also attempted to address the issue of access. This was all the more pressing because, in 1990, the Justice Department had ruled that because the State Department was not a ''law enforcement agency,'' it no longer had free access to the FBI's National Crime Information Center, NCIC.

This system, which maintains arrest and criminal information from a wide variety of Federal, State, and local sources as well as from Canada, was used by the State Department to deny visas. Tellingly, after it lost access to the NCIC, the visa denial rate for past criminal activities plunged a remarkable 45 percent—stark evidence that we can't afford to tie the hands of America's overseas line of defense against terrorism.

Incredibly, while intelligence is frequently exchanged, no law requires agencies like the FBI and CIA to share information on dangerous aliens with the State Department. To address this, my 1993 bill also designated the State Department a ''law enforcement agency'' for purposes of accessing the NCIC as well as other FBI criminal records when processing any visa application, whether immigrant or non-immigrant.

Unfortunately, a revised provision also enacted in 1994 only provided the State Department with free access to these FBI resources for purposes of processing immigrant visas—dropping my requirement for non-immigrant visas eventually used by all 19 suspected hijackers.

Also of note, we discovered later in trying to understand some of what's gone wrong that even that limited law was sunsetted in 1997 due to a provision added by the House-Senate conference on the Foreign Relations Authorization Act for FY 1994–1995—a conference of which I was not a member. Subsequently, that law was extended to 1998 in the Commerce-Justice-State Appropriations bill for fiscal year 1998, and then was allowed to expire. This happened despite my legislation enacted in 1996 repealing the requirement that visa applicants be informed of the reason for a denial—a provision that law enforcement agencies legitimately believed could impede ongoing investigations, or reveal sources and methods. Thus, today, information sharing remains optional and ad hoc.

Currently, U.S. posts check the lookout database called the ''Consular Lookout and Support System—Enhanced,'' or CLASS–E, prior to issuing any visa. CLASS–E contains approximately 5.7 million records, most of which originate with U.S. Embassies and consulates abroad through the visa application process. The INS, DEA, Department of Justice, and other Federal agencies also contribute lookouts to the system, however, this is voluntary.

To further fortify our front-line defenses against terrorism—to turn back terrorists at their point of origin—information sharing should be mandatory, not voluntary. That is why I introduced a bill that would require that law enforcement and the intelligence community share information with the State Department and INS for the purpose of issuing visas and permitting entry into the United States. And while my bill would have gone farther than the legislation before us—by including the DEA, CIA, Customs and the Department of Defense in the mandated information-sharing network—I am pleased that this bill we are considering does mandate access to the NCIC by INS and the State Department.

Clearly, the catastrophic events of September 11 have catapulted us into a different era, and everything is forever changed. We must move heaven and earth to remove the impediments that keep us from maximizing our defense against terrorism. The bottom line is, if knowledge is power, we are only as strong as the weakest link in our information network—therefore, we must ensure that the only ''turf war'' will be the one to protect American turf.

That is why we need a singular, Cabinet-level authority that can help change the prevailing system and culture, and why we need legislation to help them do it. Ironically, the most compelling reason for an Office of Homeland Security is also its greatest challenge—the need to focus on the ''three C's'' of coordination, communication and cooperation so that all our resources are brought to bear in securing our Nation.

Winston Churchill, in a 1941 radio broadcast, sent a message to President Roosevelt saying, ''Give us the tools and we will finish the job.'' I have no doubt that, given the tools, the men and women of our Embassies throughout the world will get the job done and help us build a more secure American homeland.

Finally, once a visa is issued at the point of origin, we should be ensuring that it's the same person who shows up at the point of entry. The fact is, we don't know how many—if any—of the 19 terrorists implicated in the September 11 attacks entered the United States on visas that were actually issued to someone else.

Currently, once a visa is issued by the State Department, it then falls to INS officials at a port-of-entry to determine whether to grant entry. The problem is, no automated system is

utilized to ensure that the person holding the visa is actually the person who was issued the visa. In other words, the INS official has to rely solely on the identification documents the person seeking entry is carrying—making that officials job that much more difficult.

There is a better way, and legislation I introduced would require the establishment of a fingerprint-based check system to be used by State and INS to verify that the person who received the visa is the same person at the border crossing station trying to enter the country.

Simply put, it requires the State Department and INS to jointly create an electronic database which stores fingerprints—and that other agencies may use as well. When a foreign national receives a visa, a fingerprint is taken, which then is matched against the fingerprint taken by INS upon entry to the United States. This is a common sense approach that would take us one step closer to minimizing the threat and maximizing our national security.

The fact of the matter is, fingerprint technology—one part of the larger category of biological factors that can be used for identification known as biometrics—is not new. In fact, the U.S. Government has already employed biometrics to verify identities at military and secret facilities, at ports-of-entry, and for airport security, among many others.

The INS has already announced it was beginning to implement the new biometric Mexican border crossing cards as required by 1996 Illegal Immigrations Reform and Immigrant Responsibility Act. These cards have the individual's fingerprint encoded on them and are matched to the fingerprint of the person possessing the card at a U.S. port-of-entry.

This surely does not sound all that much different than the legislation I have proposed. I am pleased the bill before us at least starts us down the road toward implementing biometric technologies by requiring a review of the feasibility of instituting such technologies, and I hope this can be achieved as soon as possible.

Despite areas where I might have wished to strengthen this bill even further, this legislation is vital to our national security, and I will be proud to support it. The war on terrorism is a war on myriad fronts. Some of the battles will be great in scale, many will be notable by what is not seen and by what doesn't happen—namely, that individuals who pose a serious threat to this Nation never see these shores and never set foot on our soil.

Many of our greatest victories will be measured by the attacks that never happen—in battles we win before they ever have a name—in conflicts we prevent before they ever claim one American life. I hope we will pass and enact legislation that will help make that possible. I thank the Chair.

Mr. KENNEDY. Mr. President, a month ago today, America was attacked by vicious terrorists bent on doing all they can to undermine our Nation, our freedoms, and our way of life. But they have failed. Our country has never been more united behind the ideals that make us strong, or more committed to protecting our security.

In recent weeks, we have sought international cooperation and received it. We have asked our men and women in uniform to protect and defend our Nation, and they are doing it superbly. We are equally committed to preserving our freedoms and our democracy.

The goal of this antiterrorism legislation is to achieve greater coordination between the law enforcement and intelligence communities, while protecting the civil liberties of American citizens. We must give the Secretary of State and the Attorney General the tools to stop terrorists from entering our country, while guaranteeing America's proud tradition of welcoming immigrants from around the world.

The terrorist attacks of September 11 make it an urgent priority to act as soon as possible. The INS and the State Department must have the technology and intelligence information they need to make quick and accurate decisions on whether to admit anyone to the United States.

We must also take urgent steps to improve security at our borders with Canada and Mexico, to keep terrorists from entering the country illegally.

These improvements in the immigration laws can make a huge and immediate difference. Immigration security is an indispensable part of our national security.

As we protect our country, we must also protect the founding principles that have made our nation great. We must respond to the current crisis in ways that protect the basic rights and liberties of our citizens and others residing legally in the United States.

Currently, the INS has broad authority to act against any foreign national who supports terrorism. With respect to visitors, foreign students, and other non-immigrants, as well as immigrants already in this country, the Federal Government has a broad range of enforcement tools. The INS may detain certain non-citizens if they pose a threat to national security or are a flight risk, and they may do so on the basis of secret evidence. The INS may also deport any alien who has engaged in terrorist activity, or supported terrorist activity in any way. If the INS has the resources to use its existing authority fully and fairly, we will be far closer to ensuring our national security.

Nonetheless, loopholes may exist in our current laws, and we should close them. In recent weeks, many of us in Congress have worked closely with the administration to strengthen the law without creating serious civil liberties concerns. Although we have made progress, more remains to be done. I continue to be concerned that the Attorney General has the authority to detain even permanent residents without adequate cause, and with very few due process protections.

We must be cautious that new measures are not enacted in haste, undermining current law in critical and constitutionally troubling respects. We must avoid enacting legislation with vague and overly broad definitions or legislation that punishes individuals exercising constitutionally protected rights.

Consistent with these basic principles, it is essential for Congress to strengthen the criminal code in response to the September 11 attacks. We must increase penalties for terrorists and those who support terrorist activity. We must punish those who possess biological weapons and commit acts of violence against mass transportation systems. We must also ensure that victim assistance and victim compensation programs are able to help all the victims of the September 11 attacks. In fact, the current bill makes several important reforms to the Victim of Crimes Act to achieve that goal.

I am concerned, however, that by authorizing foreign-intelligence searches where foreign-intelligence gathering is only ''a significant purpose''—not the sole or primary purpose—of the search, the bill may well make the Foreign Intelligence Surveillance Act unconstitutional under the fourth amendment.

We must also ensure that, in acting to expand the powers of law enforcement to obtain student educational records for the investigation and prosecution of terrorism, we adequately safeguard the interests of innocent students. We should not permit schools and colleges to transfer student records to law enforcement agencies indiscriminately. We have worked closely with the administration to develop measures that strike a balance between the legitimate interests of law enforcement and the privacy of students.

In the wake of the September 11 attacks, we have also seen a disturbing increase in hate-motivated violence directed at Arab Americans and Muslim Americans. The Department of Justice is currently investigating over 90 such incidents, including several murders.

We need to do more to combat the acts of hate that cause many Arab and Muslim Americans to live in fear. Under current law, the Department of Justice cannot prosecute such cases as hate crimes unless it can prove that the victim was engaged in one of six ''federally protected activities''—such

as voting or attending a public university—when the crime occurred. This requirement is an unwise and unnecessary constraint on effective law enforcement and may hamper the Department's ability to prosecute some of the cases it is now investigating.

The bipartisan hate crimes bill passed by the Senate last year and approved again by the Judiciary Committee in July would remove the ''federally protected activity'' requirement from the law—making it easier for the Justice Department to prosecute hate crimes—while still ensuring that the Federal Government is only involved when necessary and appropriate.

Congress and the President must send a strong and unequivocal message to the American people that hate-motivated violence in any form will not be tolerated in our nation.

There are provisions in the Uniting and Strengthening America Act that do not strike the correct balance between law enforcement authority and civil liberties protection. However, I am confident that working with the House of Representatives and the administration, we can enact a final bill that meets these important concerns.

We can send the President a tough, comprehensive, and balanced anti-terrorism bill. The important work we do in the coming days will strengthen America, and make America proud of its ideals as well.

Mr. KERRY. Mr. President, I am very pleased to have the opportunity to speak for a few minutes about the Uniting and Strengthening America, USA, Act that is before the Senate today. This legislation reflects the hard work of the Senate Banking Committee and the Senate Judiciary Committee, and I want to thank them for their commitment to ensuring that Congress address this legislation as quickly as possible and for paying great attention to the civil rights and liberties of the American people.

Right now our Nation is strongly united. We are bound together by, among other things, a desire to see justice brought to those who planned the terrorist attacks and those who aided and abetted the terrorists. And Americans are united by our desire to prevent future terrorist attacks. At this time, more so than at any time in the past 40 years, the American people are standing firmly behind the Federal Government and they trust government to do the right thing. The American people support the idea that we must provide the FBI and the Department of Justice will the tools necessary to punish the perpetrators of the terrorist attacks and to prevent future attacks.

But as much as the American people seek a just resolution to the acts of terror, they are adamant about protecting their rights and liberties. We have heard it time and again since September 11: our Nation must be secure, but must not become so at the expense of our freedoms, our rights, and our liberties. We must not let the American people down.

I want to thank Senator LEAHY for his leadership on this legislation and his concern with important Constitutional principles, such as due process and unreasonable search and seizure. At Senator LEAHY's urging, the administration's anti-terrorism proposal was carefully and closely analyzed and Senator LEAHY did not yield to the political pressures that threatened to push this legislation through the Congress without its careful consideration. I believe that the bill before the Senate is vastly improved from the proposal that the administration sent up, and I appreciate that important changes were made.

Though I am grateful that important changes have been made to the Senate bill, I am still troubled by certain provisions in the legislation which fail to strike the proper balance between the need for security and the need for civil liberties. Moving an anti-terrorism bill through the Congress in a timely fashion is critically important, particularly in light of the ongoing air strikes in Afghanistan. We all know that a real threat exists for future terrorist attacks in this country and passing legislation that helps the Federal Government prevent those attacks is crucial. I support the process, I support moving this legislation forward, and I will vote for it. But I also believe that the bill that passed the House better balances our civil liberties and the Federal Government's need for greater surveillance powers, and I am hopeful that the bill that emerges from the conference committee retains some of these provisions. I am disturbed by comments made yesterday by the administration in which swift consideration by both houses of Congress of the Senate bill was urged. This legislation deserves the full measure of our attention and should not be hastily dispensed with when the threat to our most cherished civil liberties is so great.

The wide-ranging legislation before us would enhance domestic surveillance powers, stiffen penalties for terrorism, increase the penalties for money-laundering, and make it easier for law enforcement and intelligence agencies to share information. There was broad agreement on some elements of the administration's anti-terrorism package, such as the need to update our anti-terrorism laws to take account of new technologies—such as cell phones—and to ensure that counter-terrorism investigators wield the same powers that apply to drug trafficking and organized crime. But agreement was more difficult to reach on other issues, like detaining foreign nationals, and I am pleased that we are in a position to move forward on the legislation.

I am also pleased that this package includes a bill, which I sponsored, that will provide the tools the U.S. needs to crack down on international money laundering havens and protect the integrity of the U.S. financial system from the influx of tainted money from abroad. This legislation was part of a package of anti-money laundering provisions that unanimously passed the Senate Banking Committee last week.

Today, the global volume of laundered money is estimated to be 2 to 5 percent of global Gross Domestic Product, between $600 billion and $1.5 trillion. The effects of money laundering extend far beyond the parameters of law enforcement, creating international political issues and generating domestic political crises.

It is becoming more and more apparent that Osama bin Laden's terrorist network, known as al Qaida, provided assistance to the hijackers who attacked the World Trade Center and the Pentagon with funding that was transported from the Middle East to the United States through the global financial system. Al-Qaida has, for years, developed a worldwide terrorist network by taking advantage of an open system of international financial transactions.

The United States has declared a war on terrorism. This new war is going to be unlike anything that we have ever engaged in previously. If we are to lead the world in the fight against terror, we must insure that our own laws are worthy of the difficult task ahead.

The International Counter-Money Laundering and Foreign Anti-corruption Act of 2001, which I sponsored and which has been included in this legislation, will stop the flow of assets through the international financial system that have been used by bin Laden, the al Qaeda terrorist network and other terrorist groups.

The United States has the largest and most accessible economic marketplace in the world. Foreign financial institutions and jurisdictions must have unfettered access to markets to effectively work within the international economic system. The goal of this legislation is to give the Treasury Secretary, in conjunction with our allies in the European Union and the Financial Action Task Force, the authority to leverage the power of our markets to force countries or financial institutions with lax money laundering laws or standards to reform them. If they refuse, the Secretary will have the authority to deny foreign financial institutions or jurisdictions access to the United States marketplace. This will help stop international criminals from laundering the proceeds of their crimes into the United States financial system or using the proceeds to commit terrorist acts.

Specifically, the bill will give the Secretary of the Treasury—acting in

consultation with other senior government officials—the authority to designate a specific foreign jurisdiction, foreign financial institution, or class of international transactions as being of ''primary money laundering concern.'' Then, on a case-by-case basis, the Secretary will have the option to use a series of new tools to combat the specific type of foreign money laundering threat we face. In some cases, the Secretary will have the option to require banks to pierce the veil of secrecy behind which foreign criminals hide. In other cases, the Secretary will have the option to require the identification of those using a foreign bank's correspondent or payable-through accounts. If these transparency provisions were deemed to be inadequate to address the specific problem identified, the Secretary will have the option to restrict or prohibit U.S. banks from continuing correspondent or payable-through banking relationships with money laundering havens and rogue foreign banks. Through these steps, the Secretary will help prevent laundered money from slipping undetected into the U.S. financial system and, as a result, increase the pressure on foreign money laundering havens to bring their laws and practices into line with international anti-money laundering standards.

The bill provides for actions that will be graduated, discretionary, and targeted, in order to focus actions on international transactions involving criminal proceeds, while allowing legitimate international commerce to continue to flow unimpeded.

It provides a clear warning to those who have assisted or unwittingly assisted those involved in the al Qaeda network or other terrorist organizations in laundering money. The United States will take whatever actions are necessary, including denying foreign banks and jurisdictions access to the United States economy, in order to stop terrorists and international criminal networks from continuing to launder money through the international financial system.

Passage of this legislation will make it much more difficult for new terrorist organizations to develop. During the 1980s, as Chairman of the Senate Permanent Subcommittee on Investigations, I began an investigation of the Bank of Credit and Commerce International (BCCI), and uncovered a complex money laundering scheme involving billions of dollars. Fortunately, BCCI was forced to close and we were able to bring many of those involved in to justice. However, as we have learned since the closing of BCCI, Osama bin Laden had a number of accounts at BCCI and we had dealt him a very serious economic blow. So as we consider this bill as a response to recent attacks, we must not lose sight of the potential this legislation will have to stop the development of terrorist organizations in the future.

With the support of the United States and the European Union, the Organization of Economic Cooperation and Development has begun a crackdown on tax havens by targeting 36 jurisdictions which it said participate in unfair tax competition and undermine other nations' tax bases. The OECD approach does not punish countries just for having low tax rates, instead, it looks for tax systems that have a lack of transparency, a lack of effective exchange of information and those countries that have different tax rules for foreign customers than for its own citizens. Countries with these types of tax systems assist terrorists and international criminal organizations looking to hide money that was derived from the sale of drugs, weapons and other criminal enterprises that have already been laundered in the international financial system.

Mr. President, earlier this evening my colleague Senator FEINGOLD offered an amendment to the section of the USA Act that deals with the interception of computer trespass communications. This amendment, at its core, was intended to prevent law enforcement from abusing their authority to monitor computer activity. The Senator from Wisconsin's amendment would have limited the amount of time that law enforcement could monitor suspicious activity without a court order to 96 hours, after which time investigators would have to obtain a warrant for continued surveillance. I support the intent of this amendment, and regret that I felt compelled vote to table the amendment. I voted to table the amendment for two reasons: First, I was concerned that the amendment was overly restrictive because it prevented law enforcement from investigations unrelated to the computer trespass. My concern is that law enforcement authorities would, for example, be able to monitor activity which permitted a computer hacker to establish a ''dead drop'' zone for terrorists to post messages, but would not be able to monitor the content of those messages.

I also voted to table Senator FEINGOLD's amendment because I strongly believe that we must move forward with this anti-terrorism legislation. Just today the FBI issued a statement warning of terrorist attacks and put law enforcement on the highest alert. I believe these serious threats to our security justify our this legislation swiftly. But I sincerely hope that an acceptable compromise can be reached—on this and on other issues—in the final legislation.

This legislation is a crucial step toward limiting the scourge of money laundering and to stop the development of international criminal organizations. It is my hope that the Congress will be able to develop anti-terrorism legislation that will provide needed protections of our citizens without eliminating any of our cherished individual liberties.

Ms. SNOWE. Mr. President, in the war against terrorism, Americans stand as one behind our President. Now, in the all-out effort to protect our homeland, Federal agencies must be united in securing American soil.

In that light, President Bush made exactly the right decision when he created the Office of Homeland Security—a national imperative in the wake of the horrific tragedies of September 11—and I commend him for appointing my former colleague, Pennsylvania Governor Tom Ridge, as its director. With a seat at the Cabinet table, Governor Ridge will literally be at the President's side, giving him the standing that will be required to remove jurisdictional hurdles among the forty-plus agencies he will be responsible for coordinating.

I saw firsthand the consequences of serious inadequacies in coordination and communication during my twelve years as ranking member of the House Foreign Affairs International Operations Subcommittee and Chair of the subcommittee's Senate counterpart. In conducting oversight of embassy security as well as visa and consular operations, I became extensively involved with the issue of terrorism, co-drafting anti-terrorism legislation with former Representative Dan Mica, Florida, in the wake of 1983 and 1984 terrorist attacks against the U.S. embassy and Marine barracks in Lebanon; traveling to Belgrade, Warsaw, and East Berlin to press government officials into helping stem the flow of money to the terrorist Abu Nidal and his organization; and investigating entry into the United States by radical Egyptian cleric Sheikh Omar Abdel Rahman, mastermind of the World Trade Center bombing in 1993.

As far back as our hearings on the 1985 Inman Report, commissioned in response to the attacks in Lebanon, it was abundantly clear that improved coordination and consolidation of information from agencies such as the FBI, CIA, DEA, Customs, INS and the State Department would be an essential step toward removing a vulnerability in our national security. That point was tragically underscored by our discovery that, astoundingly, in the period since 1987 when Sheikh Rahman was placed on the State Department lookout list, the Sheikh entered and exited the U.S. five times totally unimpeded. Even after the State Department formally issued a certification of visa revocation, he was granted permanent residence status by the INS. When he was finally caught on July 31, 1991, reentering the United States, he was immediately released back into U.S. society to allow him to pursue a multi-year appeal process.

Just as unbelievable is the fact that, even after the 1993 attack on the World Trade Center, membership in a terrorist organization in and of itself—with the exception of the PLO—was not sufficient grounds for visa denial. Rather, the Immigration Act of 1990 required the Government to prove that an individual either was personally involved in a terrorist act, or planning one. This absurd threshold made it almost impossible to block individuals, such as Sheikh Rahman, from entering the country legally. Legislation I introduced in 1993 removed that bureaucratic and legal obstacle—yet it took nearly 3 more years to enact it as part of the Anti-Terrorism and Effective Death Penalty Act of 1996.

Further, to respond to the trail of errors we uncovered, provisions from my bill were enacted in 1994 requiring modernization in the State Department's antiquated microfiche ''lookout'' system to keep dangerous aliens from entering the United States. This system required manual searches, was difficult to use, and was subject to error. The language I crafted required State to replace the old systems with one of two forms of state-of-the-art computerized systems. Visa fees were even increased for non-immigrants to pay for the upgrades.

Recognizing the need to mate these new technologies with the need for the most comprehensive, current and reliable information, we also attempted to address the issue of access. This was all the more pressing because, in 1990, the Justice Department had ruled that because the State Department was not a ''law enforcement agency'', it no longer had free access to the FBI's National Crime Information Center. This system, which maintains arrest and criminal information from a wide variety of federal, state, and local sources as well as from Canada, is used by the State Department to deny visas. Tellingly, after it lost access to the NCIC, the visa denial rate for past criminal activities plunged a remarkable 45 percent—stark evidence that we can't afford to tie the hands of America's overseas line of defense against terrorism.

Incredibly, while intelligence is frequently exchanged, no law requires agencies like the FBI and CIA to share information on dangerous aliens with the State Department. To address this, my 1993 bill also designated the State Department a ''law enforcement agency'' for purposes of accessing the NCIC as well as other FBI criminal records when processing any visa application, whether immigrant or non-immigrant.

Unfortunately, a revised provision also enacted in 1994 only provided the State Department with free access to these FBI resources for purposes of processing immigrant visas—dropping my requirement for non-immigrant visas eventually used by at least 16 of the 19 suspected hijackers. Even that limited law was allowed to expire, despite my legislation enacted in 1996 repealing the requirement that visa applicants be informed of the reason for a denial—a provision that law enforcement agencies legitimately believed could impede ongoing investigations, or reveal sources and methods. Thus, today, information sharing remains optional and ad hoc.

To further fortify our front-line defenses against terrorism, I also propose to assist our embassies in turning-back terrorists at their point of origin by establishing Terrorist Lookout Committees, comprised of the head of the political section of each embassy and senior representatives of all U.S. law enforcement and intelligence agencies. The committees would be required to meet on a monthly basis to review and submit names to the State Department for inclusion in the visa lookout system.

Clearly, the catastrophic events of September 11 have catapulted us into a different era, and everything is forever changed. We must move heaven and earth to remove the impediments that keep us from maximizing our defense against terrorism, and that is why we need a singular, Cabinet-level authority that can change the prevailing system and culture. Ironically, the most compelling reason for an Office of Homeland Security is also its greatest challenge: the need to focus on the ''three C's'' of coordination, communication and cooperation so that all our resources are brought to bear in securing our nation. The bottom line is, if knowledge is power, we are only as strong as the weakest link in our information network therefore, we must ensure that the only ''turf war'' will be the one to protect American turf. In our fight against terrorism, we can do no less.

Mr. BYRD. Mr. President, in the aftermath of the terrorist attacks on the World Trade Center and the Pentagon, the attention of the American people has turned to the security of our national border system and how these attackers were able to exploit that system to plot these dastardly acts.

The September 11 attacks have highlighted numerous loopholes in our immigration laws that have allowed terrorists to enter the United Stats posing as students and tourists, and, in some cases, by simply walking across an unpatrolled border. In reviewing our counter-terrorism efforts within our intelligence community, it is also appropriate that we look at the numerous immigration loopholes these terrorists were able to slip through.

There are currently between 7 million and 13 million illegal aliens living in the United States. Six out of 10 of these aliens crossed a U.S. border illegally, and therefore were not subject to background checks by the INS or the State Department to determine if they had a terrorist or criminal history. In fact, exit/entry records are so incomplete that the Immigration and Naturalization Service, INS, has no record of 6 of the 19 suspected hijackers entering the United States.

Of the roughly 10,000 INS agents guarding our borders, only 3 percent are stationed on our northern border with Canada. That's 334 agents protecting a 4,000 mile border, or one agent for every 12 miles. According to media reports, a number of the September 11 terrorists crossed this border to enter the United States.

Of those foreign nationals who have legally entered the United States, more than a half-a-million of them are registered as international students at 15,000 universities, colleges, and vocational schools across the United States. These are nuclear engineering scholars, biochemistry students, and even pilot trainees who have access to dangerous technology, training, and information.

The Congress passed legislation in 1996 requiring the INS to create a database for tracking these students. The purpose was to more efficiently monitor the immigration/visa status and whereabouts of students from abroad. After 5 years, there is still no system in place to monitor these 500,000 students. The current pilot program operating at 21 schools is not expected to be fully operational for five more years, and even that date could slip.

Without a monitoring system in place to audit schools that sponsor these foreign students, there is nothing to prevent an alien from entering the United States on a student visa and then just disappearing. Consequently, one of the September 11 hijackers was able to enter the United States on a student visa, dropped out, and remained illegally thereafter.

Abuses of the visa system can also be found in the application process overseas at our U.S. consulates. Foreign nationals must apply for a visa at a U.S. consulate abroad and go through a series of security checks before they can enter the United States. Some media reports have raised the issue of consulate shopping, that is, foreign nationals choosing to apply at a U.S. consulate that they believe is most likely to grant them a visa. The ''New York Times'' reported in September that Chinese nationals applying for visas at a U.S. consulate in Beijing compare their experiences over the Internet—and even post tips on how to act and what to say, to boost their chances of receiving a visa.

Such an article raises the question of whether a terrorist could travel from country to country in hopes of finding a U.S. consulate which would be less familiar with his background and more likely to award him a visa. One terrorist who was involved in the 1993 World Trade Center bombing was denied a visa at the U.S. consulate in

Egypt, only to be awarded a visa by the U.S. consulate in Sudan.

And these are loopholes that exist only for those terrorists who would risk a background check by seeking a visa at a U.S. consulate. The United States allows 29 countries to participate in a visa-waiver program, which effectively allows the citizens of many European countries to bypass the initial screening process at a U.S. consulate abroad by waiving the visa requirement. The Inspectors General for both the State and Justice Departments have raised the possibility that a foreign national could steal and counterfeit a visa-free passport to bypass the visa background check altogether.

The October 8 Wall Street Journal reported that some 1,067 visa-free passports have been stolen in recent months, presumably to be used for entry into the United States. In fact, one of the terrorists who plotted the bombing of the 1993 World Trade Center bombing was caught trying to slip through this loophole in 1992 when he tried to enter the United States using a visa-free Swedish passport.

These are just some of the loopholes that terrorists are trying to exploit. To its credit, the Senate Judiciary Committee recognizes this fact.

The legislation drafted by the committee would triple the number of INS agents on our northern border. This is a worthwhile investment, and one that should be made. However, the security of our borders depends on more than just INS agents. The first line of defense against terrorists are our U.S. consulates abroad.

We must address the loopholes in the visa-waiver program that would allow a potential terrorist to enter the United States on a stolen passport. We must prevent consulate shopping. And, we must fully implement a system that can monitor foreign students.

The State and Justice Departments confirm that these are real security threats that must be addressed if we are to protect our borders from terrorists.

I have offered three amendments to address these concerns, which were accepted by the Judiciary Committee chairman and ranking member into the manager's package.

My first amendment would authorize the necessary funding so that the Justice Department could immediately put into place a tracking system that would require every university, college, and vocational school to submit a name, an address, an enrollment status, and disciplinary action taken on each of the international students that these educational institutions sponsor. Such a database would be invaluable to law enforcement officials who may need to identify and locate a potential terrorist immediately.

My second amendment would tighten the visa-waiver program by requiring that any country that participates in that program issue to its citizens within 2 years machine-readable passports that U.S. officials could scan into a ''look out'' system. This moves forward the original statutory deadline Congress agreed to last year by 4 years.

This amendment would also require the State Department to regularly audit the passports of these visa-free countries to ensure that countries that participate in this program have implemented sufficient safety precautions to prevent the counterfeiting and the theft of their passports.

My third amendment would require the State Department to review how it issues its visas to determine if consulate shopping is a problem, and then require the Secretary of State to take the necessary steps to correct the problem. The State Department has the legislative authority it needs to fix this problem. It is now imperative that it use that authority.

My amendments are important steps toward closing down the loopholes in our immigration laws, and I look forward to working with my colleagues so that we may continue to tighten the security of national borders.

Mr. HATCH. Mr. President, three weeks ago, the President of the United States—with the undivided support of this Congress and the American people—announced a war on terrorism. In that address, he asked Congress to provide our law enforcement community with the tools that they need to wage that war effectively.

After several weeks of negotiations with the Chairman and the Administration, I am pleased we have come to the point where we can pass a bipartisan, measured bill that does just that.

Mr. President, each of us has, in different ways, had our lives touched by the awful events of September 11th. Each of us has, in the days since the attack, been shocked and appalled by the terrible images of destruction that have reached us, by television, by newspaper—and in many cases by our own eyes—from the sites of the attacks in Pennsylvania, at the World Trade Center, and at the Pentagon.

Paradoxically, each of us has also been uplifted by the stories of heroism and self-sacrifice that have emerged from around the country in the wake of these terrible events.

As the President made clear in his address to the nation, we did not seek this war. This war was thrust upon us—thrust upon us by an unprovoked attack upon our civilian population in the very midst of our greatest cities.

Just one month ago, we could not have contemplated that today, October 11th, 2001, we would be at war. It is true that, for years, some of us in this Congress, and around the country, have warned that there were powerful, well-financed individuals located throughout the world who were dedicated to the destruction of our way of life. But, few of us could predict the horrific methods that these men would employ in an effort to destroy us and our democratic institutions.

On September 11th, all that changed.

In the last few weeks, we have all come to acknowledge that we live in a different and more dangerous world than the world we thought we knew when we woke up on the morning of September 11th . . .

. . . A different world—not only because thousands of our countrymen are dead as a result of the September 11th attacks . . .

. . . A different world—not only because many of our neighbors now hesitate to get on an airplane, or ride in an elevator, or engage in any one of a number of activities that we took for granted before the attacks . . .

. . . But a different world, also, because we must acknowledge that there remains an ongoing and serious threat to our way of life and, in fact, to our health and well-being as a society.

As has been reported in the national media, the investigation into the September 11th attacks has revealed there are terrorist cells that continue to operate actively among us. It is a chilling thought, but it is true.

The war to which we have collectively committed is a war unlike any war in the history of this country. It is different because a substantial part of this war must be fought on our own soil. This is not a circumstance of our choosing. The enemy has brought the war to us.

But we must not flinch from acknowledging the fact that, because this is a different kind of war, it is a war that will require different kinds of weapons, and different kinds of tactics.

The Department of Justice, and its investigatory components including the FBI, the INS, and the Border Patrol, will continue to have the principal responsibility for identifying and eradicating terrorist activity within our national borders. Our intelligence community must have access to critical information available to our law enforcement community.

Over the last several weeks, the Attorney General has made clear to us, in no uncertain terms, that he does not currently have adequate weapons to fight this war. Weeks ago, the Administration sent to Congress a legislative proposal that would give the Department of Justice and others in law enforcement the tools they need to be effective in tracking down and eliminating terrorist activity in this country.

Over the last several weeks, Senator LEAHY, other members of the Judiciary Committee, and I have undertaken a painstaking review of the anti-terrorism proposal submitted by the Administration. There have been several

hearings on this legislation in the Senate, and many briefings by experts and advocates.

The legislation that we are about to vote upon is a product of intense bipartisan negotiations. It is a proposal I am proud to cosponsor with my other colleagues in the Senate and particularly the distinguished Chairman of the Judiciary Committee, Senator LEAHY.

I would like to congratulate Senator LEAHY, in particular, for his thoroughness in reviewing this legislation and his many thoughtful comments and suggestions in our joint effort to ensure that the proposals adequately protect the constitutional liberties of all Americans.

Now, after weeks of fine-tuning, we have reached a final product that accommodates the concerns of each of the Senators who has examined this bill. The bipartisan bill that we vote on today respects the constitutional liberties of the American people and, at the same time, does what people around America have been calling upon us in Congress to do—that is, give our law enforcement community the tools they need to keep us safe in our homes, in our travels, and in our places of business.

I would like to make a few comments regarding the process for this legislation. Although we have considered this in a more expedited manner than other legislation, my colleagues can be assured that this bill has received thorough consideration. First, the fact is that the bulk of these proposals have been requested by the Department of Justice for years, and have languished in Congress for years because we have been unable to muster the collective political will to enact them into law.

No one can say whether these tools could have prevented the attacks of September 11th. But, as the Attorney General has said, it is certain that without these tools, we did not stop the vicious acts of last month. I say to my colleagues, Mr. President, that if these tools could help us now to track down the perpetrators—if they will help us in our continued pursuit of terrorist activities within our national borders—then we should not hesitate any further to pass these reforms into law. As long as these reforms are consistent with our Constitution—and they are—it is difficult to see why anyone would oppose their passage.

Furthermore, I would like to clearly dispel the myth that the reforms in this legislation somehow abridge the Constitutional freedoms enjoyed by law-abiding American citizens. Some press reports have portrayed this issue as a choice between individual liberties on the one hand, and on the other hand, enhanced powers for our law enforcement institutions. This is a false dichotomy. We should all take comfort that the reforms in this bill are primarily directed at allowing law enforcement agents to work smarter and more efficiently—in no case do they curtail the precious civil liberties protected by our Constitution. I want to assure my colleagues that we worked very hard over the past several weeks to ensure that this legislation upholds all of the constitutional freedoms our citizens cherish. It does.

I would like to take a minute to explain briefly a few of the most important provisions of this critical legislation.

First, the legislation encourages information-sharing between various arms of the federal government. I believe most of our citizens would be shocked to learn that, even if certain government agents had prior knowledge of the September 11th attacks, under many circumstances they would have been prohibited by law from sharing that information with the appropriate intelligence or national security authorities.

This legislation makes sure that, in the future, such information flows freely within the Federal government, so tat it will be received by those responsible for protecting against terrorist attacks.

By making these reforms, we are rejecting the outdated Cold War paradigm that has prevented cooperation between our intelligence community and our law enforcement agents. Current law does not adequately allow for such cooperation, artificially hampering our government's ability to identify and prevent acts of terrorism against our citizens.

In this new war, Mr. President, terrorists are a hybrid between domestic criminals and international agents. We must lower the barriers that discourage our law enforcement and intelligence agencies from working together to stop these terrorists. These hybrid criminals call for new, hybrid tools.

Second, this bill updates the laws relating to electronic surveillance. Electronic surveillance, conducted under the supervision of a federal judge, is one of the most powerful tools at the disposal of our law enforcement community. It is simply a disgrace that we have not acted to modernize the laws currently on the books which govern such surveillance, laws that were enacted before the fax machine came into common usage, and well before the advent of cellular telephones, e-mail, and instant messaging. The Department of Justice has asked us for years to update these laws to reflect the new technologies, but there has always been a call to go slow, to seek more information, to order further studies.

This is no hypothetical problem. We now know that e-mail, cellular telephones, and the Internet have been principal tools used by the terrorists to coordinate their atrocious activities. We need to pursue all solid investigatory leads that exist right now that our law enforcement agents would be unable to pursue because they must continue to work within these outdated laws. It is high time that we update our laws so that our law enforcement agencies can deal with the world as it is, rather than the world as it existed 20 years ago.

A good example of the way we are handicapping our law enforcement agencies relates to devices called ''pen registers.'' Pen registers may be employed by the FBI, after obtaining a court order, to determine what telephone numbers are being dialed from a particular telephone. These devices are essential investigatory tools, which allow law enforcement agents to determine who is speaking to whom, within a criminal conspiracy.

The Supreme Court has held, in Smith v. Maryland, that the information obtained by pen register devices is not information that is subject to ANY constitutional protection. Unlike the content of your telephone conversation once your call is connected, the numbers you dial into your telephone are not private. Because you have no reasonable expectation that such numbers will be kept private, they are not protected under the Constitution. The Smith holding was cited with approval by the Supreme Court just earlier this year.

The legislation under consideration today would make clear what the federal courts have already ruled—that federal judges may grant pen register authority to the FBI to cover, not just telephones, but other more modern modes of communication such as e-mail or instant messaging. Let me make clear that the bill does not allow law enforcement to receive the content of the communication, but they can receive the addressing information to identify the computer or computers a suspect is using to further his criminal activity.

Importantly, reform of the pen register law does not allow—as has sometimes been misreported in the press—for law enforcement agents to view the content of any e-mail messages—not even the subject line of e-mails. In addition, this legislation we are about to vote upon makes it explicit that content can not be collected through such pen register orders.

This legislation also allows judges to enter pen register orders with nationwide scope. Nationwide jurisdiction for pen register orders makes common sense. It helps law enforcement agents efficiently identify communications facilities throughout the country, which greatly enhances the ability of law enforcement to identify quickly other members of a criminal organization, such as a terrorist cell.

Moreover, this legislation provides our intelligence community with the same authority to use pen register devices, under the auspices of the Foreign

Intelligence Surveillance Act, that our law enforcement agents have when investigating criminal offenses. It simply makes sense to provide law enforcement with the same tools to catch terrorists that they already possess in connection with other criminal investigations, such as drug crimes or illegal gambling.

In addition to the pen register statute, this legislation updates other aspects of our wiretapping statutes. It is amazing that law enforcement agents do not currently have authority to seek wiretapping authority from a federal judge when investigating a terrorist offense. This legislation fixes that problem.

Moving on, I note that much has been made of the complex immigration provisions of this bill. I know Senators SPECTER, KOHL and KENNEDY had questions about earlier provisions, particularly the detention provision for suspected alien terrorists.

I want to assure my colleagues that we have worked hard to address your concerns, and the concerns of the public. As with the other immigration provisions of this bill, we have made painstaking efforts to achieve this workable compromise.

Let me address some of the specific concerns. In response to the concern that the INS might detain a suspected terrorist indefinitely, Senator KENNEDY, Senator KYL, and I worked out a compromise that limits the provision. It provides that the alien must be charged with an immigration or criminal violation within seven days after the commencement of detention or be released. In addition, contrary to what has been alleged, the certification itself is subject to judicial review. The Attorney General's power to detain a suspected terrorist under this bill is, then, not unfettered.

Moreover, Senator LEAHY and I have also worked diligently to craft necessary language that provides for the deportation of those aliens who are representatives of organizations that endorse terrorist activity, those who use a position of prominence to endorse terrorist activity or persuade others to support terrorist activity, or those who provide material support to terrorist organizations. If we are to fight terrorism, we can not allow those who support terrorists to remain in our country. Also, I should note that we have worked hard to provide the State Department and the INS the tools they need to ensure that no applicant for admission who is a terrorist is able to secure entry into the United States through legal channels.

Finally, the bill gives law enforcement agencies powerful tools to attack the financial infrastructure of terrorism—giving our government the ability to choke off the financing that these dangerous terrorist organizations need to survive. It criminalizes the practice of harboring terrorists, and puts teeth in the laws against providing material support to terrorists and terrorist organizations. It gives the President expanded authority to freeze the assets of terrorists and terrorist organizations, and provides for the eventual seizure of such assets. These tools are vital to our ability to effectively wage the war against terrorism, and ultimately to win it.

Mr. President, before this debate comes to an end, I would be remiss if I did not acknowledge the hard work put in by my staff, the staff of Senator LEAHY, and the representatives of the Administration who were involved in the negotiation of this bill. These people have engaged in discussions, literally around the clock over the last 3 weeks to produce this excellent bill, that now enjoys such widespread bipartisan support.

I would like to thank my Chief Counsel, Makim Delrahim, who has been instrumental in putting this bill together. I also would like to thank my criminal counsel, Jeff Taylor, Stuart Nash, and Leah Belaire, who have brought invaluable expertise to this process. My immigration counsel, Dustin Pead and my legislative assistant Brigham Cannon have provided invaluable assistance.

I would like to thank the staff of Senator LEAHY—his chief counsel Bruce Cohen, and other members of his staff—Beryl Howell, Julie Katzman, Ed Pagano, David James, and John Eliff.

The Department of Justice has been of great assistance to us in putting this bill together. I would like to thank Attorney General Ashcroft and his Deputy Larry Thompson for their wise counsel, and for their quick response to our many questions and concerns. Michael Chertoff, the Assistant Attorney General for the Criminal Division was a frequent participant in our meetings, as well as Assistant Attorneys General Dan Bryant and Viet Dinh. Jennifer Newstead, John Yew, John Elwood and Pat O'Brien were all important participants in this process.

Finally, the White House staff provided essential contributions at all stages of this process. Judge Al Gonzales, the White House counsel provided key guidance, with the help of his wonderful staff, including Tim Flanagan, Courtney Elwood, and Porad Berensen.

In addition, members of the White House Congressional Liaison Office kept this process moving forward. I would like to thank Heather Wingate, Candy Wolff and Nancy Dorn for all the assistance they have given us.

There have been few, if any, times in our nation's great history where an event has brought home to so many of our citizens, so quickly, and in such a graphic fashion, a sense of our vulnerability to unexpected attack.

I believe we all took some comfort when President Bush promised us that our law enforcement institutions would have the tools necessary to protect us from the danger that we are only just beginning to perceive.

The Attorney General has told us what tools he needs. We have taken the time to review the problems with our current laws, and to reflect on their solutions. The time to act is now. Let us please move forward expeditiously, and give those who are in the business of protecting us the tools that they need to do the job.

Mr. President, I urge my colleagues' support for this important legislation and yield the floor.

Mr. DASCHLE. Mr. President, 4 days ago, our military began strikes against terrorist training camps and the Taliban's military installations in Afghanistan. They are intended to disrupt the network of terror that spreads across Afghanistan.

But these strikes are one part of a much larger battle. The network that we seek to disrupt and ultimately destroy often operates without borders or boundaries. Its tools are not simply the weapons it chooses to employ. And its trails are more often electronic than physical.

This is a new kind of battle. Winning it will require a new set of tools . . . And winning is the only acceptable outcome.

Just as we are committed to giving our men and women in uniform the tools and training they need to do what is asked of them, we must now make that same commitment to our justice and law enforcement officials.

After all, we are now asking them to do nothing less than protect the American people by finding, tracking, monitoring—and ultimately stopping—any terrorist elements that threaten our nation or our citizens.

I believe that by passing this measure today, we are taking a swift and significant step toward doing just that. We are also demonstrating, once again, that the Senate can work both quickly and effectively when we work cooperatively.

I want to thank Senator LOTT, Chairmen LEAHY, GRAHAM and SARBANES, as well as Senators HATCH, SHELBY, and GRAMM for their leadership on this bill.

I especially appreciate Chairman LEAHY's management and handling of this important and delicate process.

I also want to thank the many other Democratic and Republican Senators whose insights and suggestions improved this legislation.

For example, Senator KENNEDY's input on provisions regarding immigration addressed concerns a number of us had about the detention of legal permanent residents with only few due process protections.

And Senators ENZI, LEAHY and DORGAN were able to improve a provision regarding unilateral food and medical sanctions in a way that avoids needlessly hurting American farmers.

I'll be honest, this bill is not perfect, and I hope that we will be able to work with our House colleagues in the days ahead in order to improve it.

Whenever we weigh civil liberties against national security, we need to do so with the utmost care.

Among other things, I am concerned about the provisions within this bill that allow the sharing of information gathered in grand juries and through wiretaps without judicial check. And, as we give the administration new legitimate powers to wiretap under the Foreign Intelligence Surveillance Act, I believe we should do more to protect the rights of Americans who are not suspects or targets of investigations.

These flaws are not insubstantial, but ultimately the need for this bill outweighs them. When it comes to an issue as central to our democracy as the protection of our people, we must act.

This bill does several important things:

First, it will enhance the ability of law enforcement and intelligence agencies to conduct electronic surveillance and execute searches in order to gather critical information to fight terrorism.

Second, it will permit broader information sharing between traditional law enforcement and foreign intelligence officers.

Third, it will increase the Attorney General's ability to deport and detain individuals who support terrorist activity. I should note, though, that the Senate bill requires the Attorney General either to bring criminal or immigration charges within seven days after taking custody of an alien or relinquish custody.

Fourth, this bill also takes significant steps to increase law enforcement personnel on our northern border. For example, it would triple the number of Border Patrol, Customs Service, and INS inspectors at the northern border, who would work in concert with their Canadian counterparts in order to enhance security in this previously understaffed area.

Fifth, thanks in large part to Senator LEAHY's hard work, this bill makes major revisions to the Victims of Crime Act—by strengthening the Crime Victim Fund and expediting assistance to victims of domestic terrorism.

Sixth and finally, the Banking Committee was able to agree on, and add to this bill, several significant counter money laundering measures. If we are to truly fight terrorism on all fronts, we must fight it on the financial front as well.

As you can see, this is a complex piece of legislation. But its aim is simple: to give law enforcement the tools it needs to fight terrorism.

It was a month ago on this day that we suffered the worst terrorist attack in our Nation's history. In the days since, we have honored the memories of the more than 6,000 innocent men and women who lost their lives on that terrible day.

Hours ago, for example, we passed a resolution that designates September 11 as a national day of remembrance.

But I believe that to truly honor those whose lives were lost, we must match our words with action, and do all that we can in order to prevent future attacks.

This bill is a significant step towards keeping that commitment, and keeping Americans safe.

Mr. DASCHLE. It is my understanding that the managers intend now to yield back the remainder of the time on the bill and we will go straight to final passage.

First, I thank all Senators for their cooperation tonight. This was a very good day. We got a lot of work done, and I appreciate the work of all Members. There will not be rollcall votes tomorrow. In fact, we will not be in session. We will come in on Monday, midafternoon. There will be a vote on the motion to proceed to the foreign operations bill and a vote on the conference report on the Interior appropriations bill at approximately 5:30 Monday afternoon. I thank all Senators.

I yield the floor.

Mr. LEAHY. Mr. President, we are about to go to final passage. We thought there would be a managers' package. We signed off on this side, and apparently the other side has not, which is their right.

Mr. HATCH. We have a managers' package. It is done. It is just being assembled and put together and will be here.

I yield the floor.

Mr. LEAHY. I am glad there will be a managers' package. We cannot vote on final passage until the managers' package is here. I thank the majority leader for his help. As I said before, I don't think the bill could have gotten as far as it did without that help. I wish the administration had kept to the agreement they made September 30. We would have a more balanced bill. I still am not sure why the administration backed away from their agreement. I am the old style Vermonter: When you make an agreement, you stick with it. But they decided not to, and it slowed us up a bit.

The PRESIDING OFFICER. Let's have order in the Senate Chamber so the Senator can be heard.

Mr. LEAHY. I yield the floor.

Mr. DASCHLE. Mr. President, I ask unanimous consent that notwithstanding the passage of the amendment, the managers' amendment be considered subject to approval by both managers and both leaders.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. What is the request?

Mr. DASCHLE. Mr. President, I will repeat the request. There is a technical amendment having to do with some of the issues that have been worked out, that have no substantive consequence. I ask unanimous consent that this managers' amendment be approved, notwithstanding passage of the bill, subject to approval by the two managers and the two leaders.

Mr. BYRD. Mr. President, I object to that.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. 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. LEAHY. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

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

Mr. LEAHY. I yield all time. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will read the bill for the third time.

Mr. FEINGOLD. Mr. President, what is the status?

The PRESIDING OFFICER. The bill is ready for third reading.

Mr. FEINGOLD. I ask the Chair if the managers' amendment has been adopted.

The PRESIDING OFFICER. It has not.

Mr. FEINGOLD. I thank the Chair.

The PRESIDING OFFICER. There has been none submitted.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from South Carolina (Mr. THURMOND), and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 1, as follows:

[Rollcall Vote No. 302 Leg.]

YEAS—96

Akaka	Dorgan	Lugar
Allard	Durbin	McCain
Allen	Edwards	McConnell
Baucus	Ensign	Mikulski
Bayh	Enzi	Miller
Bennett	Feinstein	Murkowski
Biden	Fitzgerald	Murray
Bingaman	Frist	Nelson (FL)
Bond	Graham	Nelson (NE)
Boxer	Gramm	Nickles
Breaux	Grassley	Reed
Brownback	Gregg	Reid
Bunning	Hagel	Roberts
Burns	Harkin	Rockefeller
Byrd	Hatch	Santorum
Campbell	Hollings	Sarbanes
Cantwell	Hutchinson	Schumer
Carnahan	Hutchison	Sessions
Carper	Inhofe	Shelby
Chafee	Inouye	Smith (NH)
Cleland	Jeffords	Smith (OR)
Clinton	Johnson	Snowe
Cochran	Kennedy	Specter
Collins	Kerry	Stabenow
Conrad	Kohl	Stevens
Corzine	Kyl	Thomas
Craig	Landrieu	Thompson
Crapo	Leahy	Torricelli
Daschle	Levin	Voinovich
Dayton	Lieberman	Warner
DeWine	Lincoln	Wellstone
Dodd	Lott	Wyden

NAYS—1

Feingold

NOT VOTING —- 3

Domenici	Helms	Thurmond

The bill (S. 1510) as passed as follows:

S. 1510

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Uniting and Strengthening America Act'' or the ''USA Act of 2001''.

(b) TABLE OF CONTENTS.— The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Construction; severability.

TITLE I—ENHANCING DOMESTIC SECURITY AGAINST TERRORISM

Sec. 101. Counterterrorism fund.
Sec. 102. Sense of Congress condemning discrimination against Arab and Muslim Americans.
Sec. 103. Increased funding for the technical support center at the Federal Bureau of Investigation.
Sec. 104. Requests for military assistance to enforce prohibition in certain emergencies.
Sec. 105. Expansion of national electronic crime task force initiative.
Sec. 106. Presidential authority.

TITLE II—ENHANCED SURVEILLANCE PROCEDURES

Sec. 201. Authority to intercept wire, oral, and electronic communications relating to terrorism.
Sec. 202. Authority to intercept wire, oral, and electronic communications relating to computer fraud and abuse offenses.
Sec. 203. Authority to share criminal investigative information.
Sec. 204. Clarification of intelligence exceptions from limitations on interception and disclosure of wire, oral, and electronic communications.
Sec. 205. Employment of translators by the Federal Bureau of Investigation.
Sec. 206. Roving surveillance authority under the Foreign Intelligence Surveillance Act of 1978.
Sec. 207. Duration of FISA surveillance of non-United States persons who are agents of a foreign power.
Sec. 208. Designation of judges.
Sec. 209. Seizure of voice-mail messages pursuant to warrants.
Sec. 210. Scope of subpoenas for records of electronic communications.
Sec. 211. Clarification of scope.
Sec. 212. Emergency disclosure of electronic communications to protect life and limb.
Sec. 213. Authority for delaying notice of the execution of a warrant.
Sec. 214. Pen register and trap and trace authority under FISA.
Sec. 215. Access to records and other items under the Foreign Intelligence Surveillance Act.
Sec. 216. Modification of authorities relating to use of pen registers and trap and trace devices.
Sec. 217. Interception of computer trespasser communications.
Sec. 218. Foreign intelligence information.
Sec. 219. Single-jurisdiction search warrants for terrorism.
Sec. 220. Nationwide service of search warrants for electronic evidence.
Sec. 221. Trade sanctions.
Sec. 222. Assistance to law enforcement agencies.

TITLE III—INTERNATIONAL MONEY LAUNDERING ABATEMENT AND ANTI-TERRORIST FINANCING ACT OF 2001

Sec. 301. Short title.
Sec. 302. Findings and purposes.
Sec. 303. 4-Year congressional review-expedited consideration.

SUBTITLE A—INTERNATIONAL COUNTER MONEY LAUNDERING AND RELATED MEASURES

Sec. 311. Special measures for jurisdictions, financial institutions, or international transactions of primary money laundering concern.
Sec. 312. Special due diligence for correspondent accounts and private banking accounts.
Sec. 313. Prohibition on United States correspondent accounts with foreign shell banks.
Sec. 314. Cooperative efforts to deter money laundering.
Sec. 315. Inclusion of foreign corruption offenses as money laundering crimes.
Sec. 316. Anti-terrorist forfeiture protection.
Sec. 317. Long-arm jurisdiction over foreign money launderers.
Sec. 318. Laundering money through a foreign bank.
Sec. 319. Forfeiture of funds in United States interbank accounts.
Sec. 320. Proceeds of foreign crimes.
Sec. 321. Exclusion of aliens involved in money laundering.
Sec. 322. Corporation represented by a fugitive.
Sec. 323. Enforcement of foreign judgments.
Sec. 324. Increase in civil and criminal penalties for money laundering.
Sec. 325. Report and recommendation.
Sec. 326. Report on effectiveness.
Sec. 327. Concentration accounts at financial institutions.

SUBTITLE B—CURRENCY TRANSACTION REPORTING AMENDMENTS AND RELATED IMPROVEMENTS

Sec. 331. Amendments relating to reporting of suspicious activities.
Sec. 332. Anti-money laundering programs.
Sec. 333. Penalties for violations of geographic targeting orders and certain recordkeeping requirements, and lengthening effective period of geographic targeting orders.
Sec. 334. Anti-money laundering strategy.
Sec. 335. Authorization to include suspicions of illegal activity in written employment references.
Sec. 336. Bank Secrecy Act advisory group.
Sec. 337. Agency reports on reconciling penalty amounts.
Sec. 338. Reporting of suspicious activities by securities brokers and dealers.
Sec. 339. Special report on administration of Bank Secrecy provisions.
Sec. 340. Bank Secrecy provisions and anti-terrorist activities of United States intelligence agencies.
Sec. 341. Reporting of suspicious activities by hawala and other underground banking systems.
Sec. 342. Use of Authority of the United States Executive Directors.

SUBTITLE D—CURRENCY CRIMES

Sec. 351. Bulk cash smuggling.

SUBTITLE E—ANTICORRUPTION MEASURES

Sec. 361. Corruption of foreign governments and ruling elites.
Sec. 362. Support for the financial action task force on money laundering.
Sec. 363. Terrorist funding through money laundering.

TITLE IV—PROTECTING THE BORDER

Subtitle A—Protecting the Northern Border

Sec. 401. Ensuring adequate personnel on the northern border.
Sec. 402. Northern border personnel.
Sec. 403. Access by the Department of State and the INS to certain identifying information in the criminal history records of visa applicants and applicants for admission to the United States.
Sec. 404. Limited authority to pay overtime.
Sec. 405. Report on the integrated automated fingerprint identification system for points of entry and overseas consular posts.

Subtitle B—Enhanced Immigration Provisions

Sec. 411. Definitions relating to terrorism.
Sec. 412. Mandatory detention of suspected terrorists; habeas corpus; judicial review.
Sec. 413. Multilateral cooperation against terrorists.

TITLE V—REMOVING OBSTACLES TO INVESTIGATING TERRORISM

Sec. 501. Professional Standards for Government Attorneys Act of 2001.
Sec. 502. Attorney General's authority to pay rewards to combat terrorism.
Sec. 503. Secretary of State's authority to pay rewards.
Sec. 504. DNA identification of terrorists and other violent offenders.
Sec. 505. Coordination with law enforcement.
Sec. 506. Miscellaneous national security authorities.
Sec. 507. Extension of Secret Service jurisdiction.
Sec. 508. Disclosure of educational records.
Sec. 509. Disclosure of information from NCES surveys.

TITLE VI—PROVIDING FOR VICTIMS OF TERRORISM, PUBLIC SAFETY OFFICERS, AND THEIR FAMILIES

Subtitle A—Aid to Families of Public Safety Officers

Sec. 611. Expedited payment for public safety officers involved in the prevention, investigation, rescue, or recovery efforts related to a terrorist attack.
Sec. 612. Technical correction with respect to expedited payments for heroic public safety officers.
Sec. 613. Public Safety Officers Benefit Program payment increase.
Sec. 614. Office of justice programs.

Subtitle B—Amendments to the Victims of Crime Act of 1984

Sec. 621. Crime Victims Fund.
Sec. 622. Crime victim compensation.
Sec. 623. Crime victim assistance.
Sec. 624. Victims of terrorism.

TITLE VII—INCREASED INFORMATION SHARING FOR CRITICAL INFRASTRUCTURE PROTECTION

Sec. 711. Expansion of regional information sharing system to facilitate Federal-State-local law enforcement response related to terrorist attacks.

TITLE VIII—STRENGTHENING THE CRIMINAL LAWS AGAINST TERRORISM

Sec. 801. Terrorist attacks and other acts of violence against mass transportation systems.
Sec. 802. Expansion of the biological weapons statute.
Sec. 803. Definition of domestic terrorism.
Sec. 804. Prohibition against harboring terrorists.
Sec. 805. Jurisdiction over crimes committed at U.S. facilities abroad.
Sec. 806. Material support for terrorism.
Sec. 807. Assets of terrorist organizations.
Sec. 808. Technical clarification relating to provision of material support to terrorism.
Sec. 809. Definition of Federal crime of terrorism.
Sec. 810. No statute of limitation for certain terrorism offenses.
Sec. 811. Alternate maximum penalties for terrorism offenses.
Sec. 812. Penalties for terrorist conspiracies.
Sec. 813. Post-release supervision of terrorists.
Sec. 814. Inclusion of acts of terrorism as racketeering activity.
Sec. 815. Deterrence and prevention of cyberterrorism.
Sec. 816. Additional defense to civil actions relating to preserving records in response to government requests.
Sec. 817. Development and support of cybersecurity forensic capabilities.

TITLE IX—IMPROVED INTELLIGENCE

Sec. 901. Responsibilities of Director of Central Intelligence regarding foreign intelligence collected under Foreign Intelligence Surveillance Act of 1978.
Sec. 902. Inclusion of international terrorist activities within scope of foreign intelligence under National Security Act of 1947.
Sec. 903. Sense of Congress on the establishment and maintenance of intelligence relationships to acquire information on terrorists and terrorist organizations.
Sec. 904. Temporary authority to defer submittal to Congress of reports on intelligence and intelligence-related matters.
Sec. 905. Disclosure to director of central intelligence of foreign intelligence-related information with respect to criminal investigations.
Sec. 906. Foreign terrorist asset tracking center.
Sec. 907. National virtual translation center.
Sec. 908. Training of government officials regarding identification and use of foreign intelligence.

SEC. 2. CONSTRUCTION; SEVERABILITY.

Any provision of this Act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event such provision shall be deemed severable from this Act and shall not affect the remainder thereof or the application of such provision to other persons not similarly situated or to other, dissimilar circumstances.

TITLE I—ENHANCING DOMESTIC SECURITY AGAINST TERRORISM

SEC. 101. COUNTERTERRORISM FUND.

(a) ESTABLISHMENT; AVAILABILITY.—There is hereby established in the Treasury of the United States a separate fund to be known as the ''Counterterrorism Fund'', amounts in which shall remain available without fiscal year limitation—

(1) to reimburse any Department of Justice component for any costs incurred in connection with—

(A) reestablishing the operational capability of an office or facility that has been damaged or destroyed as the result of any domestic or international terrorism incident;

(B) providing support to counter, investigate, or prosecute domestic or international terrorism, including, without limitation, paying rewards in connection with these activities; and

(C) conducting terrorism threat assessments of Federal agencies and their facilities; and

(2) to reimburse any department or agency of the Federal Government for any costs incurred in connection with detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States.

(b) NO EFFECT ON PRIOR APPROPRIATIONS.—Subsection (a) shall not be construed to affect the amount or availability of any appropriation to the Counterterrorism Fund made before the date of enactment of this Act.

SEC. 102. SENSE OF CONGRESS CONDEMNING DISCRIMINATION AGAINST ARAB AND MUSLIM AMERICANS.

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

(1) Arab Americans, Muslim Americans, and Americans from South Asia play a vital role in our Nation and are entitled to nothing less than the full rights of every American.

(2) The acts of violence that have been taken against Arab and Muslim Americans since the September 11, 2001, attacks against the United States should be and are condemned by all Americans who value freedom.

(3) The concept of individual responsibility for wrongdoing is sacrosanct in American society, and applies equally to all religious, racial, and ethnic groups.

(4) When American citizens commit acts of violence against those who are, or are perceived to be, of Arab or Muslim descent, they should be punished to the full extent of the law.

(5) Muslim Americans have become so fearful of harassment that many Muslim women are changing the way they dress to avoid becoming targets.

(6) Many Arab Americans and Muslim Americans have acted heroically during the attacks on the United States, including Mohammed Salman Hamdani, a 23-year-old New Yorker of Pakistani descent, who is believed to have gone to the World Trade Center to offer rescue assistance and is now missing.

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

(1) the civil rights and civil liberties of all Americans, including Arab Americans, Muslim Americans, and Americans from South Asia, must be protected, and that every effort must be taken to preserve their safety;

(2) any acts of violence or discrimination against any Americans be condemned; and

(3) the Nation is called upon to recognize the patriotism of fellow citizens from all ethnic, racial, and religious backgrounds.

SEC. 103. INCREASED FUNDING FOR THE TECHNICAL SUPPORT CENTER AT THE FEDERAL BUREAU OF INVESTIGATION.

There are authorized to be appropriated for the Technical Support Center established in section 811 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132) to help meet the demands for activities to combat terrorism and support and enhance the technical support and tactical operations of the FBI, $200,000,000 for each of the fiscal years 2002, 2003, and 2004.

SEC. 104. REQUESTS FOR MILITARY ASSISTANCE TO ENFORCE PROHIBITION IN CERTAIN EMERGENCIES.

Section 2332e of title 18, United States Code, is amended—

(1) by striking ''2332c'' and inserting ''2332a''; and

(2) by striking ''chemical''.

SEC. 105. EXPANSION OF NATIONAL ELECTRONIC CRIME TASK FORCE INITIATIVE.

The Director of the United States Secret Service shall take appropriate actions to develop a national network of electronic crime task forces, based on the New York Electronic Crimes Task Force model, throughout the United States, for the purpose of preventing, detecting, and investigating various forms of electronic crimes, including potential terrorist attacks against critical infrastructure and financial payment systems.

SEC. 106. PRESIDENTIAL AUTHORITY.

Section 203 of the International Emergency Powers Act (50 U.S.C. 1702) is amended—

(1) in subsection (a)(1)—

(A) at the end of subparagraph (A) (flush to that subparagraph), by striking ''; and'' and inserting a comma and the following:
''by any person, or with respect to any property, subject to the jurisdiction of the United States;'';

(B) in subparagraph (B)—

(i) by inserting '', block during the pendency of an investigation'' after ''investigate''; and

(ii) by striking ''interest;'' and inserting ''interest by any person, or with respect to any property, subject to the jurisdiction of the United States; and''; and

(C) by inserting at the end the following:

''(C) when the United States is engaged in armed hostilities or has been attacked by a foreign country or foreign nationals, confiscate any property, subject to the jurisdiction of the United States, of any foreign person, foreign organization, or foreign country

that he determines has planned, authorized, aided, or engaged in such hostilities or attacks against the United States; and all right, title, and interest in any property so confiscated shall vest, when, as, and upon the terms directed by the President, in such agency or person as the President may designate from time to time, and upon such terms and conditions as the President may prescribe, such interest or property shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, and such designated agency or person may perform any and all acts incident to the accomplishment or furtherance of these purposes.''; and

(2) by inserting at the end the following:

''(c) CLASSIFIED INFORMATION.—In any judicial review of a determination made under this section, if the determination was based on classified information (as defined in section 1(a) of the Classified Information Procedures Act) such information may be submitted to the reviewing court ex parte and in camera. This subsection does not confer or imply any right to judicial review.''.

TITLE II—ENHANCED SURVEILLANCE PROCEDURES

SEC. 201. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO TERRORISM.

Section 2516(1) of title 18, United States Code, is amended—

(1) by redesignating paragraph (p), as so redesignated by section 434(2) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 110 Stat. 1274), as paragraph (r); and

(2) by inserting after paragraph (p), as so redesignated by section 201(3) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–565), the following new paragraph:

''(q) any criminal violation of section 229 (relating to chemical weapons); or sections 2332, 2332a, 2332b, 2332d, 2339A, or 2339B of this title (relating to terrorism); or''.

SEC. 202. AUTHORITY TO INTERCEPT WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS RELATING TO COMPUTER FRAUD AND ABUSE OFFENSES.

Section 2516(1)(c) of title 18, United States Code, is amended by striking ''and section 1341 (relating to mail fraud),'' and inserting ''section 1341 (relating to mail fraud), a felony violation of section 1030 (relating to computer fraud and abuse),''.

SEC. 203. AUTHORITY TO SHARE CRIMINAL INVESTIGATIVE INFORMATION.

(a) AUTHORITY TO SHARE GRAND JURY INFORMATION.—

(1) IN GENERAL.—Rule 6(e)(3)(C) of the Federal Rules of Criminal Procedure is amended—

(A) in clause (iii), by striking ''or'' at the end;

(B) in clause (iv), by striking the period at the end and inserting ''; or''; and

(C) by inserting at the end the following:

''(v) when the matters involve foreign intelligence or counterintelligence (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), or foreign intelligence information (as defined in Rule 6(e)(3)(C)(ii)) to any other Federal law enforcement, intelligence, protective, immigration, national defense, or national security official in order to assist the official receiving that information in the performance of his official duties. Any Federal official who receives information pursuant to clause (v) may use that information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information.''.

(2) DEFINITION.—Rule 6(e)(3)(C) of the Federal Rules of Criminal Procedure, as amended by paragraph (1), is amended by—

(A) inserting ''(i)'' after ''(C)'';

(B) redesignating clauses (i) through (v) as subclauses (I) through (IV), respectively; and

(C) inserting at the end the following:

''(ii) In this subparagraph, the term 'foreign intelligence information' means—

''(I) information, whether or not concerning a United States person, that relates to the ability of the United States to protect against—

''(aa) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

''(bb) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

''(cc) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or

''(II) information, whether or not concerning a United States person, with respect to a foreign power or foreign territory that relates to—

''(aa) the national defense or the security of the United States; or

''(bb) the conduct of the foreign affairs of the United States.''.

(b) AUTHORITY TO SHARE ELECTRONIC, WIRE, AND ORAL INTERCEPTION INFORMATION.—

(1) LAW ENFORCEMENT.—Section 2517 of title 18, United States Code, is amended by inserting at the end the following:

''(6) Any investigative or law enforcement officer, or attorney for the Government, who by any means authorized by this chapter, has obtained knowledge of the contents of any wire, oral, or electronic communication, or evidence derived therefrom, may disclose such contents to any other Federal law enforcement, intelligence, protective, immigration, national defense, or national security official to the extent that such contents include foreign intelligence or counterintelligence (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)), or foreign intelligence information (as defined in subsection (19) of section 2510 of this title), to assist the official who is to receive that information in the performance of his official duties. Any Federal official who receives information pursuant to this provision may use that information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information.''.

(2) DEFINITION.—Section 2510 of title 18, United States Code, is amended by—

(A) in paragraph (17), by striking ''and'' after the semicolon;

(B) in paragraph (18), by striking the period and inserting ''; and''; and

(C) by inserting at the end the following:

''(19) 'foreign intelligence information' means—

''(A) information, whether or not concerning a United States person, that relates to the ability of the United States to protect against—

''(i) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

''(ii) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

''(iii) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or

''(B) information, whether or not concerning a United States person, with respect to a foreign power or foreign territory that relates to—

''(i) the national defense or the security of the United States; or

''(ii) the conduct of the foreign affairs of the United States.''.

(c) PROCEDURES.—The Attorney General shall establish procedures for the disclosure of information pursuant to section 2517(6) and Rule 6(e)(3)(C)(v) of the Federal Rules of Criminal Procedure that identifies a United States person, as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)).

(d) FOREIGN INTELLIGENCE INFORMATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, it shall be lawful for foreign intelligence or counterintelligence (as defined section 3 of the National Security Act of 1947 (50 U.S.C. 401a)) or foreign intelligence information obtained as part of a criminal investigation to be disclosed to any Federal law enforcement, intelligence, protective, immigration, national defense, or national security official in order to assist the official receiving that information in the performance of his official duties. Any Federal official who receives information pursuant to this provision may use that information only as necessary in the conduct of that person's official duties subject to any limitations on the unauthorized disclosure of such information.

(2) DEFINITION.—In this subsection, the term ''foreign intelligence information'' means—

(A) information, whether or not concerning a United States person, that relates to the ability of the United States to protect against—

(i) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

(ii) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

(iii) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power; or

(B) information, whether or not concerning a United States person, with respect to a foreign power or foreign territory that relates to—

(i) the national defense or the security of the United States; or

(ii) the conduct of the foreign affairs of the United States.

SEC. 204. CLARIFICATION OF INTELLIGENCE EXCEPTIONS FROM LIMITATIONS ON INTERCEPTION AND DISCLOSURE OF WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS.

Section 2511(2)(f) of title 18, United States Code, is amended—

(1) by striking ''this chapter or chapter 121'' and inserting ''this chapter or chapter 121 or 206 of this title''; and

(2) by striking ''wire and oral'' and inserting ''wire, oral, and electronic''.

SEC. 205. EMPLOYMENT OF TRANSLATORS BY THE FEDERAL BUREAU OF INVESTIGATION.

(a) AUTHORITY.—The Director of the Federal Bureau of Investigation is authorized to expedite the employment of personnel as translators to support counterterrorism investigations and operations without regard to applicable Federal personnel requirements and limitations.

(b) SECURITY REQUIREMENTS.—The Director of the Federal Bureau of Investigation shall

establish such security requirements as are necessary for the personnel employed as translators under subsection (a).

(c) REPORT.—The Attorney General shall report to the Committees on the Judiciary of the House of Representatives and the Senate on—

(1) the number of translators employed by the FBI and other components of the Department of Justice;

(2) any legal or practical impediments to using translators employed by other Federal, State, or local agencies, on a full, part-time, or shared basis; and

(3) the needs of the FBI for specific translation services in certain languages, and recommendations for meeting those needs.

SEC. 206. ROVING SURVEILLANCE AUTHORITY UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Section 105(c)(2)(B) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)(2)(B)) is amended by inserting ", or in circumstances where the Court finds that the actions of the target of the application may have the effect of thwarting the identification of a specified person, such other persons," after "specified person".

SEC. 207. DURATION OF FISA SURVEILLANCE OF NON-UNITED STATES PERSONS WHO ARE AGENTS OF A FOREIGN POWER.

(a) DURATION .—

(1) SURVEILLANCE.—Section 105(d)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(d)(1)) is amended by—

(A) inserting "(A)" after "except that"; and

(B) inserting before the period the following: ", and (B) an order under this Act for a surveillance targeted against an agent of a foreign power, as defined in section 101(b)(A) may be for the period specified in the application or for 120 days, whichever is less".

(2) PHYSICAL SEARCH.—Section 304(d)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824(d)(1)) is amended by—

(A) striking "forty-five" and inserting "90";

(B) inserting "(A)" after "except that"; and

(C) inserting before the period the following: ", and (B) an order under this section for a physical search targeted against an agent of a foreign power as defined in section 101(b)(A) may be for the period specified in the application or for 120 days, whichever is less".

(b) EXTENSION.—

(1) IN GENERAL.—Section 105(d)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(d)(2)) is amended by—

(A) inserting "(A)" after "except that"; and

(B) inserting before the period the following: ", and (B) an extension of an order under this Act for a surveillance targeted against an agent of a foreign power as defined in section 101(b)(1)(A) may be for a period not to exceed 1 year".

(2) DEFINED TERM.—Section 304(d)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1824(d)(2) is amended by inserting after "not a United States person," the following: "or against an agent of a foreign power as defined in section 101(b)(1)(A)".

SEC. 208. DESIGNATION OF JUDGES.

Section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) is amended by—

(1) striking "seven district court judges" and inserting "11 district court judges"; and

(2) inserting "of whom no less than 3 shall reside within 20 miles of the District of Columbia" after "circuits".

SEC. 209. SEIZURE OF VOICE-MAIL MESSAGES PURSUANT TO WARRANTS.

Title 18, United States Code, is amended—

(1) in section 2510—

(A) in paragraph (1), by striking beginning with "and such" and all that follows through "communication"; and

(B) in paragraph (14), by inserting "wire or" after "transmission of"; and

(2) in subsections (a) and (b) of section 2703—

(A) by striking "CONTENTS OF ELECTRONIC" and inserting "CONTENTS OF WIRE OR ELECTRONIC" each place it appears;

(B) by striking "contents of an electronic" and inserting "contents of a wire or electronic" each place it appears; and

(C) by striking "any electronic" and inserting "any wire or electronic" each place it appears.

SEC. 210. SCOPE OF SUBPOENAS FOR RECORDS OF ELECTRONIC COMMUNICATIONS.

Section 2703(c)(2) of title 18, United States Code, as redesignated by section 212, is amended—

(1) by striking "entity the name, address, local and long distance telephone toll billing records, telephone number or other subscriber number or identity, and length of service of the subscriber" and inserting the following: "entity the—

"(A) name;

"(B) address;

"(C) local and long distance telephone connection records, or records of session times and durations;

"(D) length of service (including start date) and types of service utilized;

"(E) telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and

"(F) means and source of payment (including any credit card or bank account number),

of a subscriber"; and

(2) by striking "and the types of services the subscriber or customer utilized,".

SEC. 211. CLARIFICATION OF SCOPE.

Section 631 of the Communications Act of 1934 (47 U.S.C. 551) is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (B), by striking "or";

(B) in subparagraph (C), by striking the period at the end and inserting"; or"; and

(C) by inserting at the end the following:

"(D) authorized under chapters 119, 121, or 206 of title 18, United States Code, except that such disclosure shall not include records revealing customer cable television viewing activity."; and

(2) in subsection (h) by striking "A governmental entity" and inserting "Except as provided in subsection (c)(2)(D), a governmental entity".

SEC. 212. EMERGENCY DISCLOSURE OF ELECTRONIC COMMUNICATIONS TO PROTECT LIFE AND LIMB.

(a) DISCLOSURE OF CONTENTS.—

(1) IN GENERAL.—Section 2702 of title 18, United States Code, is amended—

(A) by striking the section heading and inserting the following:

"§ 2702. Voluntary disclosure of customer communications or records";

(B) in subsection (a)—

(i) in paragraph (2)(A), by striking "and" at the end;

(ii) in paragraph (2)(B), by striking the period and inserting "; and"; and

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

"(3) a provider of remote computing service or electronic communication service to the public shall not knowingly divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by paragraph (1) or (2)) to any governmental entity.";

(C) in subsection (b), by striking "EXCEPTIONS.—A person or entity" and inserting "EXCEPTIONS FOR DISCLOSURE OF COMMUNICATIONS.— A provider described in subsection (a)";

(D) in subsection (b)(6)—

(i) in subparagraph (A)(ii), by striking "or";

(ii) in subparagraph (B), by striking the period and inserting "; or"; and

(iii) by adding after subparagraph (B) the following:

"(C) if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure of the information without delay."; and

(E) by inserting after subsection (b) the following:

"(c) EXCEPTIONS FOR DISCLOSURE OF CUSTOMER RECORDS.—A provider described in subsection (a) may divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by subsection (a)(1) or (a)(2))—

"(1) as otherwise authorized in section 2703;

"(2) with the lawful consent of the customer or subscriber;

"(3) as may be necessarily incident to the rendition of the service or to the protection of the rights or property of the provider of that service;

"(4) to a governmental entity, if the provider reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person justifies disclosure of the information; or

"(5) to any person other than a governmental entity.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 121 of title 18, United States Code, is amended by striking the item relating to section 2702 and inserting the following:

"2702. Voluntary disclosure of customer communications or records.".

(b) REQUIREMENTS FOR GOVERNMENT ACCESS.—

(1) IN GENERAL.—Section 2703 of title 18, United States Code, is amended—

(A) by striking the section heading and inserting the following:

"§ 2703. Required disclosure of customer communications or records";

(B) in subsection (c) by redesignating paragraph (2) as paragraph (3);

(C) in subsection (c)(1)—

(i) by striking "(A) Except as provided in subparagraph (B), a provider of electronic communication service or remote computing service may" and inserting "A governmental entity may require a provider of electronic communication service or remote computing service to";

(ii) by striking "covered by subsection (a) or (b) of this section) to any person other than a governmental entity.

"(B) A provider of electronic communication service or remote computing service shall disclose a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by subsection (a) or (b) of this section) to a governmental entity" and inserting ")";

(iii) by redesignating subparagraph (C) as paragraph (2);

(iv) by redesignating clauses (i), (ii), (iii), and (iv) as subparagraphs (A), (B), (C), and (D), respectively;

(v) in subparagraph (D) (as redesignated) by striking the period and inserting ''; or''; and

(vi) by inserting after subparagraph (D) (as redesignated) the following:

''(E) seeks information under paragraph (2).''; and

(D) in paragraph (2) (as redesignated) by striking ''subparagraph (B)'' and insert ''paragraph (1)''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 121 of title 18, United States Code, is amended by striking the item relating to section 2703 and inserting the following:

''2703. Required disclosure of customer communications or records.''.

SEC. 213. AUTHORITY FOR DELAYING NOTICE OF THE EXECUTION OF A WARRANT.

Section 3103a of title 18, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''In addition''; and

(2) by adding at the end the following:

''(b) DELAY.—With respect to the issuance of any warrant or court order under this section, or any other rule of law, to search for and seize any property or material that constitutes evidence of a criminal offense in violation of the laws of the United States, any notice required, or that may be required, to be given may be delayed if—

''(1) the court finds reasonable cause to believe that providing immediate notification of the execution of the warrant may have an adverse result (as defined in section 2705);

''(2) the warrant prohibits the seizure of any tangible property, any wire or electronic communication (as defined in section 2510), or, except as expressly provided in chapter 121, any stored wire or electronic information, except where the court finds reasonable necessity for the seizure; and

''(3) the warrant provides for the giving of such notice within a reasonable period of its execution, which period may thereafter be extended by the court for good cause shown.''.

SEC. 214. PEN REGISTER AND TRAP AND TRACE AUTHORITY UNDER FISA.

(a) APPLICATIONS AND ORDERS.—Section 402 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842) is amended—

(1) in subsection (a)(1), by striking ''for any investigation to gather foreign intelligence information or information concerning international terrorism'' and inserting ''for any investigation to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution'';

(2) by amending subsection (c)(2) to read as follows:

''(2) a certification by the applicant that the information likely to be obtained is relevant to an ongoing investigation to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution.'';

(3) by striking subsection (c)(3); and

(4) by amending subsection (d)(2)(A) to read as follows:

''(A) shall specify—

''(i) the identity, if known, of the person who is the subject of the investigation;

''(ii) the identity, if known, of the person to whom is leased or in whose name is listed the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied;

''(iii) the attributes of the communications to which the order applies, such as the number or other identifier, and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied and, in the case of a trap and trace device, the geographic limits of the trap and trace order.''.

(b) AUTHORIZATION DURING EMERGENCIES.—Section 403 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1843) is amended—

(1) in subsection (a), by striking ''foreign intelligence information or information concerning international terrorism'' and inserting ''information to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution''; and

(2) in subsection (b)(1), by striking ''foreign intelligence information or information concerning international terrorism'' and inserting ''information to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution''.

SEC. 215. ACCESS TO RECORDS AND OTHER ITEMS UNDER THE FOREIGN INTELLIGENCE SURVEILLANCE ACT.

Title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is amended by striking sections 501 through 503 and inserting the following:

''SEC. 501. ACCESS TO CERTAIN BUSINESS RECORDS FOR FOREIGN INTELLIGENCE AND INTERNATIONAL TERRORISM INVESTIGATIONS.

''(a)(1) The Director of the Federal Bureau of Investigation or a designee of the Director (whose rank shall be no lower than Assistant Special Agent in Charge) may make an application for an order requiring the production of any tangible things (including books, records, papers, documents, and other items) for an investigation to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution.

''(2) An investigation conducted under this section shall—

''(A) be conducted under guidelines approved by the Attorney General under Executive Order 12333 (or a successor order); and

''(B) not be conducted of a United States person solely upon the basis of activities protected by the first amendment to the Constitution of the United States.

''(b) Each application under this section—

''(1) shall be made to—

''(A) a judge of the court established by section 103(a); or

''(B) a United States Magistrate Judge under chapter 43 of title 28, United States Code, who is publicly designated by the Chief Justice of the United States to have the power to hear applications and grant orders for the production of tangible things under this section on behalf of a judge of that court; and

''(2) shall specify that the records concerned are sought for an authorized investigation conducted in accordance with subsection (a)(2) to protect against international terrorism or clandestine intelligence activities.

''(c)(1) Upon an application made pursuant to this section, the judge shall enter an ex parte order as requested, or as modified, approving the release of records if the judge finds that the application meets the requirements of this section.

''(2) An order under this subsection shall not disclose that it is issued for purposes of an investigation described in subsection (a).

''(d) No person shall disclose to any other person (other than those persons necessary to produce the tangible things under this section) that the Federal Bureau of Investigation has sought or obtained tangible things under this section.

''(e) A person who, in good faith, produces tangible things under an order pursuant to this section shall not be liable to any other person for such production. Such production shall not be deemed to constitute a waiver of any privilege in any other proceeding or context.

''SEC. 502. CONGRESSIONAL OVERSIGHT.

''(a) On a semiannual basis, the Attorney General shall fully inform the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate concerning all requests for the production of tangible things under section 402.

''(b) On a semiannual basis, the Attorney General shall provide to the Committees on the Judiciary of the House of Representatives and the Senate a report setting forth with respect to the preceding 6-month period—

''(1) the total number of applications made for orders approving requests for the production of tangible things under section 402; and

''(2) the total number of such orders either granted, modified, or denied.''.

SEC. 216. MODIFICATION OF AUTHORITIES RELATING TO USE OF PEN REGISTERS AND TRAP AND TRACE DEVICES.

(a) GENERAL LIMITATIONS.—Section 3121(c) of title 18, United States Code, is amended—

(1) by inserting ''or trap and trace device'' after ''pen register'';

(2) by inserting '', routing, addressing,'' after ''dialing''; and

(3) by striking ''call processing'' and inserting ''the processing and transmitting of wire or electronic communications so as not to include the contents of any wire or electronic communications''.

(b) ISSUANCE OF ORDERS.—

(1) IN GENERAL.—Section 3123(a) of title 18, United States Code, is amended to read as follows:

''(a) IN GENERAL.—

''(1) ATTORNEY FOR THE GOVERNMENT.—Upon an application made under section 3122(a)(1), the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device anywhere within the United States, if the court finds that the attorney for the Government has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. The order, upon service of that order, shall apply to any person or entity providing wire or electronic communication service in the United States whose assistance may facilitate the execution of the order. Whenever such an order is served on any person or entity not specifically named in the order, upon request of such person or

entity, the attorney for the Government or law enforcement or investigative officer that is serving the order shall provide written or electronic certification that the order applies to the person or entity being served.

''(2) STATE INVESTIGATIVE OR LAW ENFORCEMENT OFFICER.—Upon an application made under section 3122(a)(2), the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device within the jurisdiction of the court, if the court finds that the State law enforcement or investigative officer has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.''.

(2) CONTENTS OF ORDER.—Section 3123(b)(1) of title 18, United States Code, is amended—

(A) in subparagraph (A)—

(i) by inserting ''or other facility'' after ''telephone line''; and

(ii) by inserting before the semicolon at the end ''or applied''; and

(B) by striking subparagraph (C) and inserting the following:

''(C) the attributes of the communications to which the order applies, including the number or other identifier and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied, and, in the case of an order authorizing installation and use of a trap and trace device under subsection (a)(2), the geographic limits of the order; and''.

(3) NONDISCLOSURE REQUIREMENTS.—Section 3123(d)(2) of title 18, United States Code, is amended—

(A) by inserting ''or other facility'' after ''the line''; and

(B) by striking '', or who has been ordered by the court'' and inserting ''or applied, or who is obligated by the order''.

(c) DEFINITIONS.—

(1) COURT OF COMPETENT JURISDICTION.—Section 3127(2) of title 18, United States Code, is amended by striking subparagraph (A) and inserting the following:

''(A) any district court of the United States (including a magistrate judge of such a court) or any United States court of appeals having jurisdiction over the offense being investigated; or''.

(2) PEN REGISTER.—Section 3127(3) of title 18, United States Code, is amended—

(A) by striking ''electronic or other impulses'' and all that follows through ''is attached'' and inserting ''dialing, routing, addressing, or signaling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted, provided, however, that such information shall not include the contents of any communication''; and

(B) by inserting ''or process'' after ''device'' each place it appears.

(3) TRAP AND TRACE DEVICE.—Section 3127(4) of title 18, United States Code, is amended—

(A) by striking ''of an instrument'' and all that follows through the semicolon and inserting ''or other dialing, routing, addressing, and signaling information reasonably likely to identify the source of a wire or electronic communication, provided, however, that such information shall not include the contents of any communication;''; and

(B) by inserting ''or process'' after ''a device''.

(4) CONFORMING AMENDMENT.—Section 3127(1) of title 18, United States Code, is amended—

(A) by striking ''and''; and

(B) by inserting '', and 'contents'' '' after ''electronic communication service''.

(5) TECHNICAL AMENDMENT.—Section 3124(d) of title 18, United States Code, is amended by striking ''the terms of''.

SEC. 217. INTERCEPTION OF COMPUTER TRESPASSER COMMUNICATIONS.

Chapter 119 of title 18, United States Code, is amended—

(1) in section 2510—

(A) in paragraph (17), by striking ''and'' at the end;

(B) in paragraph (18), by striking the period and inserting a semicolon; and

(C) by inserting after paragraph (18) the following:

''(19) 'protected computer' has the meaning set forth in section 1030; and

''(20) 'computer trespasser'—

''(A) means a person who accesses a protected computer without authorization and thus has no reasonable expectation of privacy in any communication transmitted to, through, or from the protected computer; and

''(B) does not include a person known by the owner or operator of the protected computer to have an existing contractual relationship with the owner or operator of the protected computer for access to all or part of the protected computer.''; and

(2) in section 2511(2), by inserting at the end the following:

''(i) It shall not be unlawful under this chapter for a person acting under color of law to intercept the wire or electronic communications of a computer trespasser, if—

''(i) the owner or operator of the protected computer authorizes the interception of the computer trespasser's communications on the protected computer;

''(ii) the person acting under color of law is lawfully engaged in an investigation;

''(iii) the person acting under color of law has reasonable grounds to believe that the contents of the computer trespasser's communications will be relevant to the investigation; and

''(iv) such interception does not acquire communications other than those transmitted to or from the computer trespasser.''.

SEC. 218. FOREIGN INTELLIGENCE INFORMATION.

Sections 104(a)(7)(B) and section 303(a)(7)(B) (50 U.S.C. 1804(a)(7)(B) and 1823(a)(7)(B)) of the Foreign Intelligence Surveillance Act of 1978 are each amended by striking ''the purpose'' and inserting ''a significant purpose''.

SEC. 219. SINGLE-JURISDICTION SEARCH WARRANTS FOR TERRORISM.

Rule 41(a) of the Federal Rules of Criminal Procedure is amended by inserting after ''executed'' the following: ''and (3) in an investigation of domestic terrorism or international terrorism (as defined in section 2331 of title 18, United States Code), by a Federal magistrate judge in any district in which activities related to the terrorism may have occurred, for a search of property or for a person within or outside the district''.

SEC. 220. NATIONWIDE SERVICE OF SEARCH WARRANTS FOR ELECTRONIC EVIDENCE.

Chapter 121 of title 18, United States Code, is amended—

(1) in section 2703, by striking ''under the Federal Rules of Criminal Procedure'' every place it appears and inserting ''using the procedures described in the Federal Rules of Criminal Procedure by a court with jurisdiction over the offense under investigation''; and

(2) in section 2711—

(A) in paragraph (1), by striking ''and'';

(B) in paragraph (2), by striking the period and inserting ''; and''; and

(C) by inserting at the end the following:

''(3) the term 'court of competent jurisdiction' has the meaning assigned by section 3127, and includes any Federal court within that definition, without geographic limitation.''.

SEC. 221. TRADE SANCTIONS.

(a) IN GENERAL.—The Trade Sanctions Reform and Export Enhancement Act of 2000 (Public Law 106–387; 114 Stat. 1549A–67) is amended—

(1) by amending section 904(2)(C) to read as follows:

''(C) used to facilitate the design, development, or production of chemical or biological weapons, missiles, or weapons of mass destruction.'';

(2) in section 906(a)(1)—

(A) by inserting '', the Taliban or the territory of Afghanistan controlled by the Taliban,'' after ''Cuba''; and

(B) by inserting '', or in the territory of Afghanistan controlled by the Taliban,'' after ''within such country''; and

(3) in section 906(a)(2), by inserting '', or to any other entity in Syria or North Korea'' after ''Korea''.

(b) APPLICATION OF THE TRADE SANCTIONS REFORM AND EXPORT ENHANCEMENT ACT.—Nothing in the Trade Sanctions Reform and Export Enhancement Act of 2000 shall limit the application or scope of any law establishing criminal or civil penalties, including any executive order or regulation promulgated pursuant to such laws (or similar or successor laws), for the unlawful export of any agricultural commodity, medicine, or medical device to—

(1) a foreign organization, group, or person designated pursuant to Executive Order 12947 of June 25, 1995;

(2) a Foreign Terrorist Organization pursuant to the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132);

(3) a foreign organization, group, or person designated pursuant to Executive Order 13224 (September 23, 2001);

(4) any narcotics trafficking entity designated pursuant to Executive Order 12978 (October 21, 1995) or the Foreign Narcotics Kingpin Designation Act (Public Law 106–120); or

(5) any foreign organization, group, or persons subject to any restriction for its involvement in weapons of mass destruction or missile proliferation.

SEC. 222. ASSISTANCE TO LAW ENFORCEMENT AGENCIES.

Nothing in this Act shall impose any additional technical obligation or requirement on a provider of wire or electronic communication service or other person to furnish facilities or technical assistance. A provider of a wire or electronic communication service, landlord, custodian, or other person who furnishes facilities or technical assistance pursuant to section 216 shall be reasonably compensated for such reasonable expenditures incurred in providing such facilities or assistance.

TITLE III—INTERNATIONAL MONEY LAUNDERING ABATEMENT AND ANTI-TERRORIST FINANCING ACT OF 2001.

SEC. 301. SHORT TITLE.

This title may be cited as the ''International Money Laundering Abatement and Anti-Terrorist Financing Act of 2001''.

SEC. 302. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) money laundering, estimated by the International Monetary Fund to amount to

between 2 and 5 percent of global gross domestic product, which is at least $600,000,000,000 annually, provides the financial fuel that permits transnational criminal enterprises to conduct and expand their operations to the detriment of the safety and security of American citizens;

(2) money laundering, and the defects in financial transparency on which money launderers rely, are critical to the financing of global terrorism and the provision of funds for terrorist attacks;

(3) money launderers subvert legitimate financial mechanisms and banking relationships by using them as protective covering for the movement of criminal proceeds and the financing of crime and terrorism, and, by so doing, can threaten the safety of United States citizens and undermine the integrity of United States financial institutions and of the global financial and trading systems upon which prosperity and growth depend;

(4) certain jurisdictions outside of the United States that offer ''offshore'' banking and related facilities designed to provide anonymity, coupled with special tax advantages and weak financial supervisory and enforcement regimes, provide essential tools to disguise ownership and movement of criminal funds, derived from, or used to commit, offenses ranging from narcotics trafficking, terrorism, arms smuggling, and trafficking in human beings, to financial frauds that prey on law-abiding citizens;

(5) transactions involving such offshore jurisdictions make it difficult for law enforcement officials and regulators to follow the trail of money earned by criminals, organized international criminal enterprises, and global terrorist organizations;

(6) correspondent banking facilities are one of the banking mechanisms susceptible in some circumstances to manipulation by foreign banks to permit the laundering of funds by hiding the identity of real parties in interest to financial transactions;

(7) private banking services can be susceptible to manipulation by money launderers, for example corrupt foreign government officials, particularly if those services include the creation of offshore accounts and facilities for large personal funds transfers to channel funds into accounts around the globe;

(8) United States anti-money laundering efforts are impeded by outmoded and inadequate statutory provisions that make investigations, prosecutions, and forfeitures more difficult, particularly in cases in which money laundering involves foreign persons, foreign banks, or foreign countries;

(9) the ability to mount effective countermeasures to international money launderers requires national, as well as bilateral and multilateral action, using tools specially designed for that effort; and

(10) the Basle Committee on Banking Regulation and Supervisory Practices and the Financial Action Task Force on Money Laundering, of both of which the United States is a member, have each adopted international anti-money laundering principles and recommendations.

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

(1) to increase the strength of United States measures to prevent, detect, and prosecute international money laundering and the financing of terrorism;

(2) to ensure that—

(A) banking transactions and financial relationships and the conduct of such transactions and relationships, do not contravene the purposes of subchapter II of chapter 53 of title 31, United States Code, section 21 of the Federal Deposit Insurance Act, or chapter 2 of title I of Public Law 91–508 (84 Stat. 1116), or facilitate the evasion of any such provision; and

(B) the purposes of such provisions of law continue to be fulfilled, and that such provisions of law are effectively and efficiently administered;

(3) to strengthen the provisions put into place by the Money Laundering Control Act of 1986 (18 U.S.C. 981 note), especially with respect to crimes by non-United States nationals and foreign financial institutions;

(4) to provide a clear national mandate for subjecting to special scrutiny those foreign jurisdictions, financial institutions operating outside of the United States, and classes of international transactions that pose particular, identifiable opportunities for criminal abuse;

(5) to provide the Secretary of the Treasury (in this title referred to as the ''Secretary'') with broad discretion, subject to the safeguards provided by the Administrative Procedures Act under title 5, United States Code, to take measures tailored to the particular money laundering problems presented by specific foreign jurisdictions, financial institutions operating outside of the United States, and classes of international transactions;

(6) to ensure that the employment of such measures by the Secretary permits appropriate opportunity for comment by affected financial institutions;

(7) to provide guidance to domestic financial institutions on particular foreign jurisdictions, financial institutions operating outside of the United States, and classes of international transactions that are of primary money laundering concern to the United States Government;

(8) to ensure that the forfeiture of any assets in connection with the anti-terrorist efforts of the United States permits for adequate challenge consistent with providing due process rights;

(9) to clarify the terms of the safe harbor from civil liability for filing suspicious activity reports;

(10) to strengthen the authority of the Secretary to issue and administer geographic targeting orders, and to clarify that violations of such orders or any other requirement imposed under the authority contained in chapter 2 of title I of Public Law 91–508 and subchapters II and III of chapter 53 of title 31, United States Code, may result in criminal and civil penalties;

(11) to ensure that all appropriate elements of the financial services industry are subject to appropriate requirements to report potential money laundering transactions to proper authorities, and that jurisdictional disputes do not hinder examination of compliance by financial institutions with relevant reporting requirements;

(12) to fix responsibility for high level coordination of the anti-money laundering efforts of the Department of the Treasury;

(13) to strengthen the ability of financial institutions to maintain the integrity of their employee population; and

(14) to strengthen measures to prevent the use of the United States financial system for personal gain by corrupt foreign officials and to facilitate the repatriation of any stolen assets to the citizens of countries to whom such assets belong.

SEC. 303. 4-YEAR CONGRESSIONAL REVIEW-EXPEDITED CONSIDERATION.

(a) IN GENERAL.—Effective on and after the first day of fiscal year 2005, the provisions of this title and the amendments made by this title shall terminate if the Congress enacts a joint resolution, the text after the resolving clause of which is as follows: ''That provisions of the International Money Laundering Abatement and Anti-Terrorist Financing Act of 2001, and the amendments made thereby, shall no longer have the force of law.''.

(b) EXPEDITED CONSIDERATION.—Any joint resolution submitted pursuant to this section shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Control Act of 1976. For the purpose of expediting the consideration and enactment of a joint resolution under this section, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee, shall be treated as highly privileged in the House of Representatives.

Subtitle A—International Counter Money Laundering and Related Measures

SEC. 311. SPECIAL MEASURES FOR JURISDICTIONS, FINANCIAL INSTITUTIONS, OR INTERNATIONAL TRANSACTIONS OF PRIMARY MONEY LAUNDERING CONCERN.

(a) IN GENERAL.—Subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after section 5318 the following new section:

''SEC. 5318A. SPECIAL MEASURES FOR JURISDICTIONS, FINANCIAL INSTITUTIONS, OR INTERNATIONAL TRANSACTIONS OF PRIMARY MONEY LAUNDERING CONCERN.

''(a) INTERNATIONAL COUNTER-MONEY LAUNDERING REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may require domestic financial institutions and domestic financial agencies to take 1 or more of the special measures described in subsection (b) if the Secretary finds that reasonable grounds exist for concluding that a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts is of primary money laundering concern, in accordance with subsection (c).

''(2) FORM OF REQUIREMENT.—The special measures described in—

''(A) subsection (b) may be imposed in such sequence or combination as the Secretary shall determine;

''(B) paragraphs (1) through (4) of subsection (b) may be imposed by regulation, order, or otherwise as permitted by law; and

''(C) subsection (b)(5) may be imposed only by regulation.

''(3) DURATION OF ORDERS; RULEMAKING.—Any order by which a special measure described in paragraphs (1) through (4) of subsection (b) is imposed (other than an order described in section 5326)—

''(A) shall be issued together with a notice of proposed rulemaking relating to the imposition of such special measure; and

''(B) may not remain in effect for more than 120 days, except pursuant to a rule promulgated on or before the end of the 120-day period beginning on the date of issuance of such order.

''(4) PROCESS FOR SELECTING SPECIAL MEASURES.—In selecting which special measure or measures to take under this subsection, the Secretary—

''(A) shall consult with the Chairman of the Board of Governors of the Federal Reserve System, any other appropriate Federal banking agency, as defined in section 3 of the Federal Deposit Insurance Act, the Securities and Exchange Commission, the National

Credit Union Administration Board, and in the sole discretion of the Secretary such other agencies and interested parties as the Secretary may find to be appropriate; and

''(B) shall consider—

''(i) whether similar action has been or is being taken by other nations or multilateral groups;

''(ii) whether the imposition of any particular special measure would create a significant competitive disadvantage, including any undue cost or burden associated with compliance, for financial institutions organized or licensed in the United States; and

''(iii) the extent to which the action or the timing of the action would have a significant adverse systemic impact on the international payment, clearance, and settlement system, or on legitimate business activities involving the particular jurisdiction, institution, or class of transactions.

''(5) NO LIMITATION ON OTHER AUTHORITY.—This section shall not be construed as superseding or otherwise restricting any other authority granted to the Secretary, or to any other agency, by this subchapter or otherwise.

''(b) SPECIAL MEASURES.—The special measures referred to in subsection (a), with respect to a jurisdiction outside of the United States, financial institution operating outside of the United States, class of transaction within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts are as follows:

''(1) RECORDKEEPING AND REPORTING OF CERTAIN FINANCIAL TRANSACTIONS.—

''(A) IN GENERAL.—The Secretary may require any domestic financial institution or domestic financial agency to maintain records, file reports, or both, concerning the aggregate amount of transactions, or concerning each transaction, with respect to a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts if the Secretary finds any such jurisdiction, institution, or class of transactions to be of primary money laundering concern.

''(B) FORM OF RECORDS AND REPORTS.—Such records and reports shall be made and retained at such time, in such manner, and for such period of time, as the Secretary shall determine, and shall include such information as the Secretary may determine, including—

''(i) the identity and address of the participants in a transaction or relationship, including the identity of the originator of any funds transfer;

''(ii) the legal capacity in which a participant in any transaction is acting;

''(iii) the identity of the beneficial owner of the funds involved in any transaction, in accordance with such procedures as the Secretary determines to be reasonable and practicable to obtain and retain the information; and

''(iv) a description of any transaction.

''(2) INFORMATION RELATING TO BENEFICIAL OWNERSHIP.—In addition to any other requirement under any other provision of law, the Secretary may require any domestic financial institution or domestic financial agency to take such steps as the Secretary may determine to be reasonable and practicable to obtain and retain information concerning the beneficial ownership of any account opened or maintained in the United States by a foreign person (other than a foreign entity whose shares are subject to public reporting requirements or are listed and traded on a regulated exchange or trading market), or a representative of such a foreign person, that involves a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts if the Secretary finds any such jurisdiction, institution, or transaction to be of primary money laundering concern.

''(3) INFORMATION RELATING TO CERTAIN PAYABLE-THROUGH ACCOUNTS.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States to be of primary money laundering concern, the Secretary may require any domestic financial institution or domestic financial agency that opens or maintains a payable-through account in the United States for a foreign financial institution involving any such jurisdiction or any such financial institution operating outside of the United States, or a payable through account through which any such transaction may be conducted, as a condition of opening or maintaining such account—

''(A) to identify each customer (and representative of such customer) of such financial institution who is permitted to use, or whose transactions are routed through, such payable-through account; and

''(B) to obtain, with respect to each such customer (and each such representative), information that is substantially comparable to that which the depository institution obtains in the ordinary course of business with respect to its customers residing in the United States.

''(4) INFORMATION RELATING TO CERTAIN CORRESPONDENT ACCOUNTS.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States to be of primary money laundering concern, the Secretary may require any domestic financial institution or domestic financial agency that opens or maintains a correspondent account in the United States for a foreign financial institution involving any such jurisdiction or any such financial institution operating outside of the United States, or a correspondent account through which any such transaction may be conducted, as a condition of opening or maintaining such account—

''(A) to identify each customer (and representative of such customer) of any such financial institution who is permitted to use, or whose transactions are routed through, such correspondent account; and

''(B) to obtain, with respect to each such customer (and each such representative), information that is substantially comparable to that which the depository institution obtains in the ordinary course of business with respect to its customers residing in the United States.

''(5) PROHIBITIONS OR CONDITIONS ON OPENING OR MAINTAINING CERTAIN CORRESPONDENT OR PAYABLE-THROUGH ACCOUNTS.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States to be of primary money laundering concern, the Secretary, in consultation with the Secretary of State, the Attorney General, and the Chairman of the Board of Governors of the Federal Reserve System, may prohibit, or impose conditions upon, the opening or maintaining in the United States of a correspondent account or payable-through account by any domestic financial institution or domestic financial agency for or on behalf of a foreign banking institution, if such correspondent account or payable-through account involves any such jurisdiction or institution, or if any such transaction may be conducted through such correspondent account or payable-through account.

''(c) CONSULTATIONS AND INFORMATION TO BE CONSIDERED IN FINDING JURISDICTIONS, INSTITUTIONS, TYPES OF ACCOUNTS, OR TRANSACTIONS TO BE OF PRIMARY MONEY LAUNDERING CONCERN.—

''(1) IN GENERAL.—In making a finding that reasonable grounds exist for concluding that a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, 1 or more classes of transactions within, or involving, a jurisdiction outside of the United States, or 1 or more types of accounts is of primary money laundering concern so as to authorize the Secretary to take 1 or more of the special measures described in subsection (b), the Secretary shall consult with the Secretary of State, and the Attorney General.

''(2) ADDITIONAL CONSIDERATIONS.—In making a finding described in paragraph (1), the Secretary shall consider in addition such information as the Secretary determines to be relevant, including the following potentially relevant factors:

''(A) JURISDICTIONAL FACTORS.—In the case of a particular jurisdiction—

''(i) evidence that organized criminal groups, international terrorists, or both, have transacted business in that jurisdiction;

(ii) the extent to which that jurisdiction or financial institutions operating in that jurisdiction offer bank secrecy or special tax or regulatory advantages to nonresidents or nondomiciliaries of that jurisdiction;

''(iii) the substance and quality of administration of the bank supervisory and countermoney laundering laws of that jurisdiction;

''(iv) the relationship between the volume of financial transactions occurring in that jurisdiction and the size of the economy of the jurisdiction;

''(v) the extent to which that jurisdiction is characterized as a tax haven or offshore banking or secrecy haven by credible international organizations or multilateral expert groups;

''(vi) whether the United States has a mutual legal assistance treaty with that jurisdiction, and the experience of United States law enforcement officials, regulatory officials, and tax administrators in obtaining information about transactions originating in or routed through or to such jurisdiction; and

''(vii) the extent to which that jurisdiction is characterized by high levels of official or institutional corruption.

''(B) INSTITUTIONAL FACTORS.—In the case of a decision to apply 1 or more of the special measures described in subsection (b) only to a financial institution or institutions, or to a transaction or class of transactions, or to a type of account, or to all 3, within or involving a particular jurisdiction—

''(i) the extent to which such financial institutions, transactions, or types of accounts are used to facilitate or promote money laundering in or through the jurisdiction;

''(ii) the extent to which such institutions, transactions, or types of accounts are used for legitimate business purposes in the jurisdiction; and

''(iii) the extent to which such action is sufficient to ensure, with respect to transactions involving the jurisdiction and institutions operating in the jurisdiction, that the purposes of this subchapter continue to be fulfilled, and to guard against international money laundering and other financial crimes.

''(d) NOTIFICATION OF SPECIAL MEASURES INVOKED BY THE SECRETARY.—Not later than 10 days after the date of any action taken by the Secretary under subsection (a)(1), the Secretary shall notify, in writing, the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate of any such action.

''(e) STUDY AND REPORT ON FOREIGN NATIONALS.—

''(1) STUDY.—The Secretary, in consultation with the appropriate Federal agencies, including the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), shall conduct a study to—

''(A) determine the most timely and effective way to require foreign nationals to provide domestic financial institutions and agencies with appropriate and accurate information, comparable to that which is required of United States nationals, concerning their identity, address, and other related information necessary to enable such institutions and agencies to comply with the reporting, information gathering, and other requirements of this section; and

''(B) consider the need for requiring foreign nationals to apply for and obtain an identification number, similar to what is required for United States citizens through a social security number or tax identification number, prior to opening an account with a domestic financial institution.

''(2) REPORT.—The Secretary shall report to Congress not later than 180 days after the date of enactment of this section with recommendations for implementing such action referred to in paragraph (1) in a timely and effective manner.

''(f) DEFINITIONS.—Notwithstanding any other provision of this subchapter, for purposes of this section, the following definitions shall apply:

''(1) BANK DEFINITIONS.—The following definitions shall apply with respect to a bank:

''(A) ACCOUNT.—The term 'account'—

''(i) means a formal banking or business relationship established to provide regular services, dealings, and other financial transactions; and

''(ii) includes a demand deposit, savings deposit, or other transaction or asset account and a credit account or other extension of credit.

''(B) CORRESPONDENT ACCOUNT.—The term 'correspondent account' means an account established to receive deposits from, make payments on behalf of a foreign financial institution, or handle other financial transactions related to such institution.

''(C) PAYABLE-THROUGH ACCOUNT.—The term 'payable-through account' means an account, including a transaction account (as defined in section 19(b)(1)(C) of the Federal Reserve Act), opened at a depository institution by a foreign financial institution by means of which the foreign financial institution permits its customers to engage, either directly or through a subaccount, in banking activities usual in connection with the business of banking in the United States.

''(2) DEFINITIONS APPLICABLE TO INSTITUTIONS OTHER THAN BANKS.—With respect to any financial institution other than a bank, the Secretary shall, after consultation with the Securities and Exchange Commission, define by regulation the term 'account', and shall include within the meaning of that term, to the extent, if any, that the Secretary deems appropriate, arrangements similar to payable-through and correspondent accounts.

''(3) REGULATORY DEFINITION.—The Secretary shall promulgate regulations defining beneficial ownership of an account for purposes of this section. Such regulations shall address issues related to an individual's authority to fund, direct, or manage the account (including, without limitation, the power to direct payments into or out of the account), and an individual's material interest in the income or corpus of the account, and shall ensure that the identification of individuals under this section does not extend to any individual whose beneficial interest in the income or corpus of the account is immaterial.''.

''(4) OTHER TERMS.—The Secretary may, by regulation, further define the terms in paragraphs (1) and (2) and define other terms for the purposes of this section, as the Secretary deems appropriate.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 53 of title 31, United States Code, is amended by inserting after the item relating to section 5318 the following new item:

''5318A. Special measures for jurisdictions, financial institutions, or international transactions of primary money laundering concern.''.

SEC. 312. SPECIAL DUE DILIGENCE FOR CORRESPONDENT ACCOUNTS AND PRIVATE BANKING ACCOUNTS.

(a) IN GENERAL.—Section 5318 of title 31, United States Code, is amended by adding at the end the following:

''(i) DUE DILIGENCE FOR UNITED STATES PRIVATE BANKING AND CORRESPONDENT BANK ACCOUNTS INVOLVING FOREIGN PERSONS.—

''(1) IN GENERAL.—Each financial institution that establishes, maintains, administers, or manages a private banking account or a correspondent account in the United States for a non-United States person, including a foreign individual visiting the United States, or a representative of a non-United States person shall establish appropriate, specific, and, where necessary, enhanced, due diligence policies, procedures, and controls to detect and report instances of money laundering through those accounts.

''(2) MINIMUM STANDARDS FOR CORRESPONDENT ACCOUNTS.—

''(A) IN GENERAL.—Subparagraph (B) shall apply if a correspondent account is requested or maintained by, or on behalf of, a foreign bank operating—

''(i) under an offshore banking license; or

''(ii) under a banking license issued by a foreign country that has been designated—

''(I) as noncooperative with international anti-money laundering principles or procedures by an intergovernmental group or organization of which the United States is a member; or

''(II) by the Secretary as warranting special measures due to money laundering concerns.

''(B) POLICIES, PROCEDURES, AND CONTROLS.—The enhanced due diligence policies, procedures, and controls required under paragraph (1) shall, at a minimum, ensure that the financial institution in the United States takes reasonable steps—

''(i) to ascertain for any such foreign bank, the shares of which are not publicly traded, the identity of each of the owners of the foreign bank, and the nature and extent of the ownership interest of each such owner;

''(ii) to conduct enhanced scrutiny of such account to guard against money laundering and report any suspicious transactions under section 5318(g); and

''(iii) to ascertain whether such foreign bank provides correspondent accounts to other foreign banks and, if so, the identity of those foreign banks and related due diligence information, as appropriate under paragraph (1).

''(3) MINIMUM STANDARDS FOR PRIVATE BANKING ACCOUNTS.—If a private banking account is requested or maintained by, or on behalf of, a non-United States person, then the due diligence policies, procedures, and controls required under paragraph (1) shall, at a minimum, ensure that the financial institution takes reasonable steps—

''(A) to ascertain the identity of the nominal and beneficial owners of, and the source of funds deposited into, such account as needed to guard against money laundering and report any suspicious transactions under section 5318(g); and

''(B) to conduct enhanced scrutiny of any such account that is requested or maintained by, or on behalf of, a senior foreign political figure, or any immediate family member or close associate of a senior foreign political figure, to prevent, detect, and report transactions that may involve the proceeds of foreign corruption.

''(4) DEFINITIONS AND REGULATORY AUTHORITY.—

''(A) OFFSHORE BANKING LICENSE.—For purposes of this subsection, the term 'offshore banking license' means a license to conduct banking activities which, as a condition of the license, prohibits the licensed entity from conducting banking activities with the citizens of, or with the local currency of, the country which issued the license.

''(B) REGULATORY AUTHORITY.—The Secretary, in consultation with the appropriate functional regulators of the affected financial institutions, may further delineate, by regulation the due diligence policies, procedures, and controls required under paragraph (1).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect beginning 180 days after the date of enactment of this Act with respect to accounts covered by section 5318(i) of title 31, United States Code, as added by this section, that are opened before, on, or after the date of enactment of this Act.

SEC. 313. PROHIBITION ON UNITED STATES CORRESPONDENT ACCOUNTS WITH FOREIGN SHELL BANKS.

(a) IN GENERAL.—Section 5318 of title 31, United States Code, is amended by inserting after section 5318(i), as added by section 312 of this title, the following:

''(j) PROHIBITION ON UNITED STATES CORRESPONDENT ACCOUNTS WITH FOREIGN SHELL BANKS.—

''(1) IN GENERAL.—A financial institution described in subparagraphs (A) through (F) of section 5312(a)(2) (in this subsection referred to as a 'covered financial institution') shall not establish, maintain, administer, or manage a correspondent account in the United States for, or on behalf of, a foreign bank that does not have a physical presence in any country.

''(2) PREVENTION OF INDIRECT SERVICE TO FOREIGN SHELL BANKS.—A covered financial

institution shall take reasonable steps to ensure that any correspondent account established, maintained, administered, or managed by that covered financial institution in the United States for a foreign bank is not being used by that foreign bank to indirectly provide banking services to another foreign bank that does not have a physical presence in any country. The Secretary shall, by regulation, delineate the reasonable steps necessary to comply with this paragraph.

''(3) EXCEPTION.—Paragraphs (1) and (2) do not prohibit a covered financial institution from providing a correspondent account to a foreign bank, if the foreign bank—

''(A) is an affiliate of a depository institution, credit union, or foreign bank that maintains a physical presence in the United States or a foreign country, as applicable; and

''(B) is subject to supervision by a banking authority in the country regulating the affiliated depository institution, credit union, or foreign bank described in subparagraph (A), as applicable.

''(4) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'affiliate' means a foreign bank that is controlled by or is under common control with a depository institution, credit union, or foreign bank; and

''(B) the term 'physical presence' means a place of business that—

''(i) is maintained by a foreign bank;

''(ii) is located at a fixed address (other than solely an electronic address) in a country in which the foreign bank is authorized to conduct banking activities, at which location the foreign bank—

''(I) employs 1 or more individuals on a full-time basis; and

''(II) maintains operating records related to its banking activities; and

''(iii) is subject to inspection by the banking authority which licensed the foreign bank to conduct banking activities.''.

SEC. 314. COOPERATIVE EFFORTS TO DETER MONEY LAUNDERING.

(a) COOPERATION AMONG FINANCIAL INSTITUTIONS, REGULATORY AUTHORITIES, AND LAW ENFORCEMENT AUTHORITIES.—

(1) REGULATIONS.—The Secretary shall, within 120 days after the date of enactment of this Act, adopt regulations to encourage further cooperation among financial institutions, their regulatory authorities, and law enforcement authorities, with the specific purpose of encouraging regulatory authorities and law enforcement authorities to share with financial institutions information regarding individuals, entities, and organizations engaged in or reasonably suspected based on credible evidence of engaging in terrorist acts or money laundering activities.

(2) CONTENTS.—The regulations promulgated pursuant to paragraph (1) may—

(A) require that each financial institution designate 1 or more persons to receive information concerning, and to monitor accounts of individuals, entities, and organizations identified, pursuant to paragraph (1); and

(B) further establish procedures for the protection of the shared information, consistent with the capacity, size, and nature of the institution to which the particular procedures apply.

(3) RULE OF CONSTRUCTION.—The receipt of information by a financial institution pursuant to this section shall not relieve or otherwise modify the obligations of the financial institution with respect to any other person or account.

(4) USE OF INFORMATION.—Information received by a financial institution pursuant to this section shall not be used for any purpose other than identifying and reporting on activities that may involve terrorist acts or money laundering activities.

(b) COOPERATION AMONG FINANCIAL INSTITUTIONS.—Upon notice provided to the Secretary, 2 or more financial institutions and any association of financial institutions may share information with one another regarding individuals, entities, organizations, and countries suspected of possible terrorist or money laundering activities. A financial institution or association that transmits, receives, or shares such information for the purposes of identifying and reporting activities that may involve terrorist acts or money laundering activities shall not be liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision thereof, or under any contract or other legally enforceable agreement (including any arbitration agreement), for such disclosure or for any failure to provide notice of such disclosure to the person who is the subject of such disclosure, or any other person identified in the disclosure, except where such transmission, receipt, or sharing violates this section or regulations promulgated pursuant to this section.

(c) RULE OF CONSTRUCTION.—Compliance with the provisions of this title requiring or allowing financial institutions and any association of financial institutions to disclose or share information regarding individuals, entities, and organizations engaged in or suspected of engaging in terrorist acts or money laundering activities shall not constitute a violation of the provisions of title V of the Gramm-Leach-Bliley Act (Public Law 106–102).

SEC. 315. INCLUSION OF FOREIGN CORRUPTION OFFENSES AS MONEY LAUNDERING CRIMES.

Section 1956(c)(7)(B) of title 18, United States Code, is amended—

(1) in clause (ii), by striking ''or destruction of property by means of explosive or fire'' and inserting ''destruction of property by means of explosive or fire, or a crime of violence (as defined in section 16)'';

(2) in clause (iii), by striking ''1978'' and inserting ''1978)''; and

(3) by adding at the end the following:

''(iv) bribery of a public official, or the misappropriation, theft, or embezzlement of public funds by or for the benefit of a public official;

''(v) smuggling or export control violations involving—

''(I) an item controlled on the United States Munitions List established under section 38 of the Arms Export Control Act (22 U.S.C. 2778); or

''(II) an item controlled under regulations under the Export Administration Act of 1977 (15 C.F.R. Parts 730–774);

''(vi) an offense with respect to which the United States would be obligated by a multilateral treaty, either to extradite the alleged offender or to submit the case for prosecution, if the offender were found within the territory of the United States; or

''(vii) the misuse of funds of, or provided by, the International Monetary Fund in contravention of the Articles of Agreement of the Fund or the misuse of funds of, or provided by, any other international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)) in contravention of any treaty or other international agreement to which the United States is a party, including any articles of agreement of the members of the international financial institution;''.

SEC. 316. ANTI-TERRORIST FORFEITURE PROTECTION.

(a) RIGHT TO CONTEST.—An owner of property that is confiscated under any provision of law relating to the confiscation of assets of suspected international terrorists, may contest that confiscation by filing a claim in the manner set forth in the Federal Rules of Civil Procedure (Supplemental Rules for Certain Admiralty and Maritime Claims), and asserting as an affirmative defense that—

(1) the property is not subject to confiscation under such provision of law; or

(2) the innocent owner provisions of section 983(d) of title 18, United States Code, apply to the case.

(b) EVIDENCE.—In considering a claim filed under this section, the Government may rely on evidence that is otherwise inadmissible under the Federal Rules of Evidence, if a court determines that such reliance is necessary to protect the national security interests of the United States.

(c) OTHER REMEDIES.—Nothing in this section shall limit or otherwise affect any other remedies that may be available to an owner of property under section 983 of title 18, United States Code, or any other provision of law.

SEC. 317. LONG-ARM JURISDICTION OVER FOREIGN MONEY LAUNDERERS.

Section 1956(b) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and moving the margins 2 ems to the right;

(2) by inserting after ''(b)'' the following: ''PENALTIES.—

''(1) IN GENERAL.—'';

(3) by inserting '', or section 1957'' after ''or (a)(3)''; and

(4) by adding at the end the following:

''(2) JURISDICTION OVER FOREIGN PERSONS.—For purposes of adjudicating an action filed or enforcing a penalty ordered under this section, the district courts shall have jurisdiction over any foreign person, including any financial institution authorized under the laws of a foreign country, against whom the action is brought, if service of process upon the foreign person is made under the Federal Rules of Civil Procedure or the laws of the country in which the foreign person is found, and—

''(A) the foreign person commits an offense under subsection (a) involving a financial transaction that occurs in whole or in part in the United States;

''(B) the foreign person converts, to his or her own use, property in which the United States has an ownership interest by virtue of the entry of an order of forfeiture by a court of the United States; or

''(C) the foreign person is a financial institution that maintains a bank account at a financial institution in the United States.

''(3) COURT AUTHORITY OVER ASSETS.—A court described in paragraph (2) may issue a pretrial restraining order or take any other action necessary to ensure that any bank account or other property held by the defendant in the United States is available to satisfy a judgment under this section.

''(4) FEDERAL RECEIVER.—

''(A) IN GENERAL.—A court described in paragraph (2) may appoint a Federal Receiver, in accordance with subparagraph (B) of this paragraph, to collect, marshal, and take custody, control, and possession of all assets of the defendant, wherever located, to satisfy a judgment under this section or section 981, 982, or 1957, including an order of restitution to any victim of a specified unlawful activity.

''(B) APPOINTMENT AND AUTHORITY.—A Federal Receiver described in subparagraph (A)—

''(i) may be appointed upon application of a Federal prosecutor or a Federal or State regulator, by the court having jurisdiction over the defendant in the case;

''(ii) shall be an officer of the court, and the powers of the Federal Receiver shall include the powers set out in section 754 of title 28, United States Code; and

''(iii) shall have standing equivalent to that of a Federal prosecutor for the purpose of submitting requests to obtain information regarding the assets of the defendant—

''(I) from the Financial Crimes Enforcement Network of the Department of the Treasury; or

''(II) from a foreign country pursuant to a mutual legal assistance treaty, multilateral agreement, or other arrangement for international law enforcement assistance, provided that such requests are in accordance with the policies and procedures of the Attorney General.''.

SEC. 318. LAUNDERING MONEY THROUGH A FOREIGN BANK.

Section 1956(c) of title 18, United States Code, is amended by striking paragraph (6) and inserting the following:

''(6) the term 'financial institution' includes—

''(A) any financial institution, as defined in section 5312(a)(2) of title 31, United States Code, or the regulations promulgated thereunder; and

''(B) any foreign bank, as defined in section 1 of the International Banking Act of 1978 (12 U.S.C. 3101).''.

SEC. 319. FORFEITURE OF FUNDS IN UNITED STATES INTERBANK ACCOUNTS.

(a) FORFEITURE FROM UNITED STATES INTERBANK ACCOUNT.—Section 981 of title 18, United States Code, is amended by adding at the end the following:

''(k) INTERBANK ACCOUNTS.—

''(1) IN GENERAL.—

''(A) IN GENERAL.—For the purpose of a forfeiture under this section or under the Controlled Substances Act (21 U.S.C. 801 et seq.), if funds are deposited into an account at a foreign bank, and that foreign bank has an interbank account in the United States with a covered financial institution (as defined in section 5318A of title 31), the funds shall be deemed to have been deposited into the interbank account in the United States, and any restraining order, seizure warrant, or arrest warrant in rem regarding the funds may be served on the covered financial institution, and funds in the interbank account, up to the value of the funds deposited into the account at the foreign bank, may be restrained, seized, or arrested.

''(B) AUTHORITY TO SUSPEND.—The Attorney General, in consultation with the Secretary, may suspend or terminate a forfeiture under this section if the Attorney General determines that a conflict of law exists between the laws of the jurisdiction in which the foreign bank is located and the laws of the United States with respect to liabilities arising from the restraint, seizure, or arrest of such funds, and that such suspension or termination would be in the interest of justice and would not harm the national interests of the United States.

''(2) NO REQUIREMENT FOR GOVERNMENT TO TRACE FUNDS.—If a forfeiture action is brought against funds that are restrained, seized, or arrested under paragraph (1), it shall not be necessary for the Government to establish that the funds are directly traceable to the funds that were deposited into the foreign bank, nor shall it be necessary for the Government to rely on the application of section 984.

''(3) CLAIMS BROUGHT BY OWNER OF THE FUNDS.—If a forfeiture action is instituted against funds restrained, seized, or arrested under paragraph (1), the owner of the funds deposited into the account at the foreign bank may contest the forfeiture by filing a claim under section 983.

''(4) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) INTERBANK ACCOUNT.—The term 'interbank account' has the same meaning as in section 984(c)(2)(B).

''(B) OWNER.—

''(i) IN GENERAL.—Except as provided in clause (ii), the term 'owner'—

''(I) means the person who was the owner, as that term is defined in section 983(d)(6), of the funds that were deposited into the foreign bank at the time such funds were deposited; and

''(II) does not include either the foreign bank or any financial institution acting as an intermediary in the transfer of the funds into the interbank account.

''(ii) EXCEPTION.—The foreign bank may be considered the 'owner' of the funds (and no other person shall qualify as the owner of such funds) only if—

''(I) the basis for the forfeiture action is wrongdoing committed by the foreign bank; or

''(II) the foreign bank establishes, by a preponderance of the evidence, that prior to the restraint, seizure, or arrest of the funds, the foreign bank had discharged all or part of its obligation to the prior owner of the funds, in which case the foreign bank shall be deemed the owner of the funds to the extent of such discharged obligation.''.

(b) BANK RECORDS.—Section 5318 of title 31, United States Code, is amended by adding at the end the following:

''(k) BANK RECORDS RELATED TO ANTI-MONEY LAUNDERING PROGRAMS.—

''(1) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) APPROPRIATE FEDERAL BANKING AGENCY.—The term 'appropriate Federal banking agency' has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

''(B) INCORPORATED TERMS.—The terms 'correspondent account', 'covered financial institution', and 'foreign bank' have the same meanings as in section 5318A.

''(2) 120-HOUR RULE.—Not later than 120 hours after receiving a request by an appropriate Federal banking agency for information related to anti-money laundering compliance by a covered financial institution or a customer of such institution, a covered financial institution shall provide to the appropriate Federal banking agency, or make available at a location specified by the representative of the appropriate Federal banking agency, information and account documentation for any account opened, maintained, administered or managed in the United States by the covered financial institution.

''(3) FOREIGN BANK RECORDS.—

''(A) SUMMONS OR SUBPOENA OF RECORDS.—

''(i) IN GENERAL.—The Secretary or the Attorney General may issue a summons or subpoena to any foreign bank that maintains a correspondent account in the United States and request records related to such correspondent account, including records maintained outside of the United States relating to the deposit of funds into the foreign bank.

''(ii) SERVICE OF SUMMONS OR SUBPOENA.—A summons or subpoena referred to in clause (i) may be served on the foreign bank in the United States if the foreign bank has a representative in the United States, or in a foreign country pursuant to any mutual legal assistance treaty, multilateral agreement, or other request for international law enforcement assistance.

''(B) ACCEPTANCE OF SERVICE.—

''(i) MAINTAINING RECORDS IN THE UNITED STATES.—Any covered financial institution which maintains a correspondent account in the United States for a foreign bank shall maintain records in the United States identifying the owners of such foreign bank and the name and address of a person who resides in the United States and is authorized to accept service of legal process for records regarding the correspondent account.

''(ii) LAW ENFORCEMENT REQUEST.—Upon receipt of a written request from a Federal law enforcement officer for information required to be maintained under this paragraph, the covered financial institution shall provide the information to the requesting officer not later than 7 days after receipt of the request.

''(C) TERMINATION OF CORRESPONDENT RELATIONSHIP.—

''(i) TERMINATION UPON RECEIPT OF NOTICE.—A covered financial institution shall terminate any correspondent relationship with a foreign bank not later than 10 business days after receipt of written notice from the Secretary or the Attorney General that the foreign bank has failed—

''(I) to comply with a summons or subpoena issued under subparagraph (A); or

''(II) to initiate proceedings in a United States court contesting such summons or subpoena.

''(ii) LIMITATION ON LIABILITY.—A covered financial institution shall not be liable to any person in any court or arbitration proceeding for terminating a correspondent relationship in accordance with this subsection.

''(iii) FAILURE TO TERMINATE RELATIONSHIP.—Failure to terminate a correspondent relationship in accordance with this subsection shall render the covered financial institution liable for a civil penalty of up to $10,000 per day until the correspondent relationship is so terminated.''.

(c) GRACE PERIOD.—Financial institutions affected by section 5333 of title 31 United States Code, as amended by this title, shall have 60 days from the date of enactment of this Act to comply with the provisions of that section.

(d) REQUESTS FOR RECORDS.—Section 3486(a)(1) of title 18, United States Code, is amended by striking '', or (II) a Federal offense involving the sexual exploitation or abuse of children'' and inserting '', (II) a Federal offense involving the sexual exploitation or abuse of children, or (III) money laundering, in violation of section 1956, 1957, or 1960 of this title''.

(e) AUTHORITY TO ORDER CONVICTED CRIMINAL TO RETURN PROPERTY LOCATED ABROAD.—

(1) FORFEITURE OF SUBSTITUTE PROPERTY.—Section 413(p) of the Controlled Substances Act (21 U.S.C. 853) is amended to read as follows:

''(p) FORFEITURE OF SUBSTITUTE PROPERTY.—

''(1) IN GENERAL.—Paragraph (2) of this subsection shall apply, if any property described in subsection (a), as a result of any act or omission of the defendant—

''(A) cannot be located upon the exercise of due diligence;

''(B) has been transferred or sold to, or deposited with, a third party;

''(C) has been placed beyond the jurisdiction of the court;

''(D) has been substantially diminished in value; or

''(E) has been commingled with other property which cannot be divided without difficulty.

''(2) SUBSTITUTE PROPERTY.—In any case described in any of subparagraphs (A) through (E) of paragraph (1), the court shall order the forfeiture of any other property of the defendant, up to the value of any property described in subparagraphs (A) through (E) of paragraph (1), as applicable.

''(3) RETURN OF PROPERTY TO JURISDICTION.—In the case of property described in paragraph (1)(C), the court may, in addition to any other action authorized by this subsection, order the defendant to return the property to the jurisdiction of the court so that the property may be seized and forfeited.''.

(2) PROTECTIVE ORDERS.—Section 413(e) of the Controlled Substances Act (21 U.S.C. 853(e)) is amended by adding at the end the following:

''(4) ORDER TO REPATRIATE AND DEPOSIT.—

''(A) IN GENERAL.—Pursuant to its authority to enter a pretrial restraining order under this section, including its authority to restrain any property forfeitable as substitute assets, the court may order a defendant to repatriate any property that may be seized and forfeited, and to deposit that property pending trial in the registry of the court, or with the United States Marshals Service or the Secretary of the Treasury, in an interest-bearing account, if appropriate.

''(B) FAILURE TO COMPLY.—Failure to comply with an order under this subsection, or an order to repatriate property under subsection (p), shall be punishable as a civil or criminal contempt of court, and may also result in an enhancement of the sentence of the defendant under the obstruction of justice provision of the Federal Sentencing Guidelines.''.

SEC. 320. PROCEEDS OF FOREIGN CRIMES.

Section 981(a)(1)(B) of title 18, United States Code, is amended to read as follows:

''(B) Any property, real or personal, within the jurisdiction of the United States, constituting, derived from, or traceable to, any proceeds obtained directly or indirectly from an offense against a foreign nation, or any property used to facilitate such an offense, if the offense—

''(i) involves the manufacture, importation, sale, or distribution of a controlled substance (as that term is defined for purposes of the Controlled Substances Act), or any other conduct described in section 1956(c)(7)(B);

''(ii) would be punishable within the jurisdiction of the foreign nation by death or imprisonment for a term exceeding 1 year; and

''(iii) would be punishable under the laws of the United States by imprisonment for a term exceeding 1 year, if the act or activity constituting the offense had occurred within the jurisdiction of the United States.''.

SEC. 321. EXCLUSION OF ALIENS INVOLVED IN MONEY LAUNDERING.

Section 212(a)(2) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

''(I) MONEY LAUNDERING ACTIVITIES.—Any alien who the consular officer or the Attorney General knows or has reason to believe is or has been engaged in activities which, if engaged in within the United States would constitute a violation of section 1956 or 1957 of title 18, United States Code, or has been a knowing assister, abettor, conspirator, or colluder with others in any such illicit activity is inadmissible.''.

SEC. 322. CORPORATION REPRESENTED BY A FUGITIVE.

Section 2466 of title 18, United States Code, is amended by designating the present matter as subsection (a), and adding at the end the following:

''(b) Subsection (a) may be applied to a claim filed by a corporation if any majority shareholder, or individual filing the claim on behalf of the corporation is a person to whom subsection (a) applies.''.

SEC. 323. ENFORCEMENT OF FOREIGN JUDGMENTS.

Section 2467 of title 28, United States Code, is amended—

(1) in subsection (d), by adding the following after paragraph (2):

''(3) PRESERVATION OF PROPERTY.—To preserve the availability of property subject to a foreign forfeiture or confiscation judgment, the Government may apply for, and the court may issue, a restraining order pursuant to section 983(j) of title 18, United States Code, at any time before or after an application is filed pursuant to subsection (c)(1). The court, in issuing the restraining order—

''(A) may rely on information set forth in an affidavit describing the nature of the proceeding investigation underway in the foreign country, and setting forth a reasonable basis to believe that the property to be restrained will be named in a judgment of forfeiture at the conclusion of such proceeding; or

''(B) may register and enforce a restraining order has been issued by a court of competent jurisdiction in the foreign country and certified by the Attorney General pursuant to subsection (b)(2).

No person may object to the restraining order on any ground that is the subject to parallel litigation involving the same property that is pending in a foreign court.'';

(2) in subsection (b)(1)(C), by striking ''establishing that the defendant received notice of the proceedings in sufficient time to enable the defendant'' and inserting ''establishing that the foreign nation took steps, in accordance with the principles of due process, to give notice of the proceedings to all persons with an interest in the property in sufficient time to enable such persons'';

(3) in subsection (d)(1)(D), by striking ''the defendant in the proceedings in the foreign court did not receive notice'' and inserting ''the foreign nation did not take steps, in accordance with the principles of due process, to give notice of the proceedings to a person with an interest in the property''; and

(4) in subsection (a)(2)(A), by inserting '', any violation of foreign law that would constitute a violation of an offense for which property could be forfeited under Federal law if the offense were committed in the United States'' after ''United Nations Convention''.

SEC. 324. INCREASE IN CIVIL AND CRIMINAL PENALTIES FOR MONEY LAUNDERING.

(a) CIVIL PENALTIES.—Section 5321(a) of title 31, United States Code, is amended by adding at the end the following:

''(7) PENALTIES FOR INTERNATIONAL COUNTER MONEY LAUNDERING VIOLATIONS.—The Secretary may impose a civil money penalty in an amount equal to not less than 2 times the amount of the transaction, but not more than $1,000,000, on any financial institution or agency that violates any provision of subsection (i) or (j) of section 5318 or any special measures imposed under section 5318A.''.

(b) CRIMINAL PENALTIES.—Section 5322 of title 31, United States Code, is amended by adding at the end the following:

''(d) A financial institution or agency that violates any provision of subsection (i) or (j) of section 5318, or any special measures imposed under section 5318A, or any regulation prescribed under subsection (i) or (j) of section 5318 or section 5318A, shall be fined in an amount equal to not less than 2 times the amount of the transaction, but not more than $1,000,000.''.

SEC. 325. REPORT AND RECOMMENDATION.

Not later than 30 months after the date of enactment of this Act, the Secretary, in consultation with the Attorney General, the Federal banking agencies (as defined at section 3 of the Federal Deposit Insurance Act), the Securities and Exchange Commission, and such other agencies as the Secretary may determine, at the discretion of the Secretary, shall evaluate the operations of the provisions of this subtitle and make recommendations to Congress as to any legislative action with respect to this subtitle as the Secretary may determine to be necessary or advisable.

SEC. 326. REPORT ON EFFECTIVENESS.

The Secretary shall report annually on measures taken pursuant to this subtitle, and shall submit the report to the Committee on Banking, Housing, and Urban Affairs of the Senate and to the Committee on Financial Services of the House of Representatives.

SEC. 327. CONCENTRATION ACCOUNTS AT FINANCIAL INSTITUTIONS.

Section 5318(h) of title 31, United States Code, as amended by section 202 of this title, is amended by adding at the end the following:

''(3) CONCENTRATION ACCOUNTS.—The Secretary may issue regulations under this subsection that govern maintenance of concentration accounts by financial institutions, in order to ensure that such accounts are not used to prevent association of the identity of an individual customer with the movement of funds of which the customer is the direct or beneficial owner, which regulations shall, at a minimum—

''(A) prohibit financial institutions from allowing clients to direct transactions that move their funds into, out of, or through the concentration accounts of the financial institution;

''(B) prohibit financial institutions and their employees from informing customers of the existence of, or the means of identifying, the concentration accounts of the institution; and

''(C) require each financial institution to establish written procedures governing the documentation of all transactions involving a concentration account, which procedures shall ensure that, any time a transaction involving a concentration account commingles funds belonging to 1 or more customers, the identity of, and specific amount belonging to, each customer is documented.''.

Subtitle B—Currency Transaction Reporting Amendments and Related Improvements

SEC. 331. AMENDMENTS RELATING TO REPORTING OF SUSPICIOUS ACTIVITIES.

(a) AMENDMENT RELATING TO CIVIL LIABILITY IMMUNITY FOR DISCLOSURES.—Section 5318(g)(3) of title 31, United States Code, is amended to read as follows:

''(3) LIABILITY FOR DISCLOSURES.—

''(A) IN GENERAL.—Any financial institution that makes a voluntary disclosure of any possible violation of law or regulation to a government agency or makes a disclosure

pursuant to this subsection or any other authority, and any director, officer, employee, or agent of such institution who makes, or requires another to make any such disclosure, shall not be liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, or under any contract or other legally enforceable agreement (including any arbitration agreement), for such disclosure or for any failure to provide notice of such disclosure to the person who is the subject of such disclosure or any other person identified in the disclosure.

''(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as creating—

''(i) any inference that the term 'person', as used in such subparagraph, may be construed more broadly than its ordinary usage so as to include any government or agency of government; or

''(ii) any immunity against, or otherwise affecting, any civil or criminal action brought by any government or agency of government to enforce any constitution, law, or regulation of such government or agency.''.

(b) PROHIBITION ON NOTIFICATION OF DISCLOSURES.—Section 5318(g)(2) of title 31, United States Code, is amended to read as follows:

''(2) NOTIFICATION PROHIBITED.—

''(A) IN GENERAL.—If a financial institution or any director, officer, employee, or agent of any financial institution, voluntarily or pursuant to this section or any other authority, reports a suspicious transaction to a government agency—

''(i) the financial institution, director, officer, employee, or agent may not notify any person involved in the transaction that the transaction has been reported; and

''(ii) no officer or employee of the Federal Government or of any State, local, tribal, or territorial government within the United States, who has any knowledge that such report was made may disclose to any person involved in the transaction that the transaction has been reported, other than as necessary to fulfill the official duties of such officer or employee.

''(B) DISCLOSURES IN CERTAIN EMPLOYMENT REFERENCES.—

''(i) RULE OF CONSTRUCTION.—Notwithstanding the application of subparagraph (A) in any other context, subparagraph (A) shall not be construed as prohibiting any financial institution, or any director, officer, employee, or agent of such institution, from including information that was included in a report to which subparagraph (A) applies—

''(I) in a written employment reference that is provided in accordance with section 18(v) of the Federal Deposit Insurance Act in response to a request from another financial institution, except that such written reference may not disclose that such information was also included in any such report or that such report was made; or

''(II) in a written termination notice or employment reference that is provided in accordance with the rules of the self-regulatory organizations registered with the Securities and Exchange Commission, except that such written notice or reference may not disclose that such information was also included in any such report or that such report was made.

''(ii) INFORMATION NOT REQUIRED.—Clause (i) shall not be construed, by itself, to create any affirmative duty to include any information described in clause (i) in any employment reference or termination notice referred to in clause (i).''.

SEC. 332. ANTI-MONEY LAUNDERING PROGRAMS.

Section 5318(h) of title 31, United States Code, is amended to read as follows:

''(h) ANTI-MONEY LAUNDERING PROGRAMS.—

''(1) IN GENERAL.—In order to guard against money laundering through financial institutions, each financial institution shall establish anti-money laundering programs, including, at a minimum—

''(A) the development of internal policies, procedures, and controls;

''(B) the designation of a compliance officer;

''(C) an ongoing employee training program; and

''(D) an independent audit function to test programs.

''(2) REGULATIONS.—The Secretary may prescribe minimum standards for programs established under paragraph (1), and may exempt from the application of those standards any financial institution that is not subject to the provisions of the rules contained in part 103 of title 31, of the Code of Federal Regulations, or any successor rule thereto, for so long as such financial institution is not subject to the provisions of such rules.''.

SEC. 333. PENALTIES FOR VIOLATIONS OF GEOGRAPHIC TARGETING ORDERS AND CERTAIN RECORDKEEPING REQUIREMENTS, AND LENGTHENING EFFECTIVE PERIOD OF GEOGRAPHIC TARGETING ORDERS.

(a) CIVIL PENALTY FOR VIOLATION OF TARGETING ORDER.—Section 5321(a)(1) of title 31, United States Code, is amended—

(1) by inserting ''or order issued'' after ''subchapter or a regulation prescribed''; and

(2) by inserting '', or willfully violating a regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508,'' after ''sections 5314 and 5315)''.

(b) CRIMINAL PENALTIES FOR VIOLATION OF TARGETING ORDER.—Section 5322 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting ''or order issued'' after ''willfully violating this subchapter or a regulation prescribed''; and

(B) by inserting '', or willfully violating a regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508,'' after ''under section 5315 or 5324)''; and

(2) in subsection (b)—

(A) by inserting ''or order issued'' after ''willfully violating this subchapter or a regulation prescribed''; and

(B) by inserting ''or willfully violating a regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508,'' after ''under section 5315 or 5324),''.

(c) STRUCTURING TRANSACTIONS TO EVADE TARGETING ORDER OR CERTAIN RECORDKEEPING REQUIREMENTS.—Section 5324(a) of title 31, United States Code, is amended—

(1) by inserting a comma after ''shall'';

(2) by striking ''section—'' and inserting ''section, the reporting or recordkeeping requirements imposed by any order issued under section 5326, or the recordkeeping requirements imposed by any regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508—'';

(3) in paragraph (1), by inserting '', to file a report or to maintain a record required by an order issued under section 5326, or to maintain a record required pursuant to any regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508'' after ''regulation prescribed under any such section''; and

(4) in paragraph (2), by inserting '', to file a report or to maintain a record required by any order issued under section 5326, or to maintain a record required pursuant to any regulation prescribed under section 5326, or to maintain a record required pursuant to any regulation prescribed under section 21 of the Federal Deposit Insurance Act or section 123 of Public Law 91–508,'' after ''regulation prescribed under any such section''.

(d) LENGTHENING EFFECTIVE PERIOD OF GEOGRAPHIC TARGETING ORDERS.—Section 5326(d) of title 31, United States Code, is amended by striking ''more than 60'' and inserting ''more than 180''.

SEC. 334. ANTI-MONEY LAUNDERING STRATEGY.

(b) STRATEGY.—Section 5341(b) of title 31, United States Code, is amended by adding at the end the following:

''(12) DATA REGARDING FUNDING OF TERRORISM.—Data concerning money laundering efforts related to the funding of acts of international terrorism, and efforts directed at the prevention, detection, and prosecution of such funding.''.

SEC. 335. AUTHORIZATION TO INCLUDE SUSPICIONS OF ILLEGAL ACTIVITY IN WRITTEN EMPLOYMENT REFERENCES.

Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end the following:

''(v) WRITTEN EMPLOYMENT REFERENCES MAY CONTAIN SUSPICIONS OF INVOLVEMENT IN ILLEGAL ACTIVITY.—

''(1) AUTHORITY TO DISCLOSE INFORMATION.—Notwithstanding any other provision of law, any insured depository institution, and any director, officer, employee, or agent of such institution, may disclose in any written employment reference relating to a current or former institution-affiliated party of such institution which is provided to another insured depository institution in response to a request from such other institution, information concerning the possible involvement of such institution-affiliated party in potentially unlawful activity.

''(2) INFORMATION NOT REQUIRED.—Nothing in paragraph (1) shall be construed, by itself, to create any affirmative duty to include any information described in paragraph (1) in any employment reference referred to in paragraph (1).

''(3) MALICIOUS INTENT.—Notwithstanding any other provision of this subsection, voluntary disclosure made by an insured depository institution, and any director, officer, employee, or agent of such institution under this subsection concerning potentially unlawful activity that is made with malicious intent, shall not be shielded from liability from the person identified in the disclosure.

''(4) DEFINITION.—For purposes of this subsection, the term 'insured depository institution' includes any uninsured branch or agency of a foreign bank.''.

SEC. 336. BANK SECRECY ACT ADVISORY GROUP.

Section 1564 of the Annunzio-Wylie Anti-Money Laundering Act (31 U.S.C. 5311 note) is amended—

(1) in subsection (a), by inserting '', of nongovernmental organizations advocating financial privacy,'' after ''Drug Control Policy''; and

(2) in subsection (c), by inserting '', other than subsections (a) and (d) of such Act which shall apply'' before the period at the end.

SEC. 337. AGENCY REPORTS ON RECONCILING PENALTY AMOUNTS.

Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury and the Federal banking agencies

(as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) shall each submit their respective reports to the Congress containing recommendations on possible legislation to conform the penalties imposed on depository institutions (as defined in section 3 of the Federal Deposit Insurance Act) for violations of subchapter II of chapter 53 of title 31, United States Code, to the penalties imposed on such institutions under section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818).

SEC. 338. REPORTING OF SUSPICIOUS ACTIVITIES BY SECURITIES BROKERS AND DEALERS; INVESTMENT COMPANY STUDY.

(a) 270-DAY REGULATION DEADLINE.—Not later than 270 days after the date of enactment of this Act, the Secretary of the Treasury, after consultation with the Securities and Exchange Commission and the Board of Governors of the Federal Reserve System, shall issue final regulations requiring registered brokers and dealers to file reports of suspicious financial transactions, consistent with the requirements applicable to financial institutions, and directors, officers, employees, and agents of financial institutions under section 5318(g) of title 31, United States Code.

(b) REPORT ON INVESTMENT COMPANIES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, Secretary of the Treasury, the Board of Governors of the Federal Reserve System, and the Securities and Exchange Commission shall jointly submit a report to Congress on recommendations for effective regulations to apply the requirements of subchapter II of chapter 53 of title 31, United States Code, to investment companies, pursuant to section 5312(a)(2)(I) of title 31, United States Code.

(2) DEFINITION.—For purposes of this section, the term ''investment company''—

(A) has the same meaning as in section 3 of the Investment Company Act of 1940 (15 U.S.C. 80a–3); and

(B) any person that, but for the exceptions provided for in paragraph (1) or (7) of section 3(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(c)), would be an investment company.

(3) ADDITIONAL RECOMMENDATIONS.—In its report, the Securities and Exchange Commission may make different recommendations for different types of entities covered by this section.

(4) BENEFICIAL OWNERSHIP OF PERSONAL HOLDING COMPANIES.—The report described in paragraph (1) shall also include recommendations as to whether the Secretary should promulgate regulations to treat any corporation or business or other grantor trust whose assets are predominantly securities, bank certificates of deposit, or other securities or investment instruments (other than such as relate to operating subsidiaries of such corporation or trust) and that has 5 or fewer common shareholders or holders of beneficial or other equity interest, as a financial institution within the meaning of that phrase in section 5312(a)(2)(I) and whether to require such corporations or trusts to disclose their beneficial owners when opening accounts or initiating funds transfers at any domestic financial institution.

SEC. 339. SPECIAL REPORT ON ADMINISTRATION OF BANK SECRECY PROVISIONS.

(a) REPORT REQUIRED.—Not later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to the Congress relating to the role of the Internal Revenue Service in the administration of subchapter II of chapter 53 of title 31, United States Code (commonly known as the ''Bank Secrecy Act'').

(b) CONTENTS.—The report required by subsection (a)—

(1) shall specifically address, and contain recommendations concerning—

(A) whether it is advisable to shift the processing of information reporting to the Department of the Treasury under the Bank Secrecy Act provisions to facilities other than those managed by the Internal Revenue Service; and

(B) whether it remains reasonable and efficient, in light of the objective of both anti-money-laundering programs and Federal tax administration, for the Internal Revenue Service to retain authority and responsibility for audit and examination of the compliance of money services businesses and gaming institutions with those Bank Secrecy Act provisions; and

(2) shall, if the Secretary determines that the information processing responsibility or the audit and examination responsibility of the Internal Revenue Service, or both, with respect to those Bank Secrecy Act provisions should be transferred to other agencies, include the specific recommendations of the Secretary regarding the agency or agencies to which any such function should be transferred, complete with a budgetary and resources plan for expeditiously accomplishing the transfer.

SEC. 340. BANK SECRECY PROVISIONS AND ANTI-TERRORIST ACTIVITIES OF UNITED STATES INTELLIGENCE AGENCIES.

(a) AMENDMENT RELATING TO THE PURPOSES OF THE BANK SECRECY ACT.—Section 5311 of title 31, United States Code, is amended by inserting before the period at the end the following: '', or in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism''.

(b) AMENDMENT RELATING TO REPORTING OF SUSPICIOUS ACTIVITIES.—Section 5318(g)(4)(B) of title 31, United States Code, is amended by striking ''or supervisory agency'' and inserting '', supervisory agency, or United States intelligence agency for use in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism''.

(c) AMENDMENT RELATING TO AVAILABILITY OF REPORTS.—Section 5319 of title 31, United States Code, is amended to read as follows:

''§ 5319. Availability of reports

''The Secretary of the Treasury shall make information in a report filed under this subchapter available to an agency, including any State financial institutions supervisory agency or United States intelligence agency, upon request of the head of the agency. The report shall be available for a purpose that is consistent with this subchapter. The Secretary may only require reports on the use of such information by any State financial institutions supervisory agency for other than supervisory purposes or by United States intelligence agencies. However, a report and records of reports are exempt from disclosure under section 552 of title 5.''.

(d) AMENDMENT RELATING TO THE PURPOSES OF THE BANK SECRECY ACT PROVISIONS.—Section 21(a) of the Federal Deposit Insurance Act (12 U.S.C. 1829b(a)) is amended to read as follows:

''(a) CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.—

''(1) FINDINGS.—Congress finds that—

''(A) adequate records maintained by insured depository institutions have a high degree of usefulness in criminal, tax, and regulatory investigations or proceedings, and that, given the threat posed to the security of the Nation on and after the terrorist attacks against the United States on September 11, 2001, such records may also have a high degree of usefulness in the conduct of intelligence or counterintelligence activities, including analysis, to protect against domestic and international terrorism; and

''(B) microfilm or other reproductions and other records made by insured depository institutions of checks, as well as records kept by such institutions, of the identity of persons maintaining or authorized to act with respect to accounts therein, have been of particular value in proceedings described in subparagraph (A).

''(2) PURPOSE.—It is the purpose of this section to require the maintenance of appropriate types of records by insured depository institutions in the United States where such records have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings, recognizes that, given the threat posed to the security of the Nation on and after the terrorist attacks against the United States on September 11, 2001, such records may also have a high degree of usefulness in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism.''.

(e) AMENDMENT RELATING TO THE PURPOSES OF THE BANK SECRECY ACT.—Section 123(a) of Public Law 91–508 (12 U.S.C. 1953(a)) is amended to read as follows:

''(a) REGULATIONS.—If the Secretary determines that the maintenance of appropriate records and procedures by any uninsured bank or uninsured institution, or any person engaging in the business of carrying on in the United States any of the functions referred to in subsection (b), has a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings, and that, given the threat posed to the security of the Nation on and after the terrorist attacks against the United States on September 11, 2001, such records may also have a high degree of usefulness in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism, he may by regulation require such bank, institution, or person.''.

(f) AMENDMENTS TO THE RIGHT TO FINANCIAL PRIVACY ACT.—The Right to Financial Privacy Act of 1978 is amended—

(1) in section 1112(a) (12 U.S.C. 3412(a)), by inserting '', or intelligence or counterintelligence activity, investigation or analysis related to international terrorism'' after ''legitimate law enforcement inquiry''; and

(2) in section 1114(a)(1) (12 U.S.C. 3414(a)(1))—

(A) in subparagraph (A), by striking ''or'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(C) a Government authority authorized to conduct investigations of, or intelligence or counterintelligence analyses related to, international terrorism for the purpose of conducting such investigations or analyses.''.

(g) AMENDMENT TO THE FAIR CREDIT REPORTING ACT.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by adding at the end the following new section:

"SEC. 626. DISCLOSURES TO GOVERNMENTAL AGENCIES FOR COUNTERTERRORISM PURPOSES.

''(a) DISCLOSURE.—Notwithstanding section 604 or any other provision of this title, a consumer reporting agency shall furnish a consumer report of a consumer and all other information in a consumer's file to a government agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism when presented with a written certification by such government agency that such information is necessary for the agency's conduct or such investigation, activity or analysis.

''(b) FORM OF CERTIFICATION.—The certification described in subsection (a) shall be signed by the Secretary of the Treasury.

''(c) CONFIDENTIALITY.—No consumer reporting agency, or officer, employee, or agent of such consumer reporting agency, shall disclose to any person, or specify in any consumer report, that a government agency has sought or obtained access to information under subsection (a).

''(d) RULE OF CONSTRUCTION.—Nothing in section 625 shall be construed to limit the authority of the Director of the Federal Bureau of Investigation under this section.

''(e) SAFE HARBOR.—Notwithstanding any other provision of this subchapter, any consumer reporting agency or agent or employee thereof making disclosure of consumer reports or other information pursuant to this section in good-faith reliance upon a certification of a governmental agency pursuant to the provisions of this section shall not be liable to any person for such disclosure under this subchapter, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.''.

SEC. 341. REPORTING OF SUSPICIOUS ACTIVITIES BY HAWALA AND OTHER UNDERGROUND BANKING SYSTEMS.

(a) DEFINITION FOR SUBCHAPTER.—Section 5312(a)(2)(R) of title 31, United States Code, is amended to read as follows:

''(R) a licensed sender of money or any other person who engages as a business in the transmission of funds, including through an informal value transfer banking system or network of people facilitating the transfer of value domestically or internationally outside of the conventional financial institutions system;''.

(b) MONEY TRANSMITTING BUSINESS.—Section 5330(d)(1)(A) of title 31, United States Code, is amended by inserting before the semicolon the following: ''or any other person who engages as a business in the transmission of funds, including through an informal value transfer banking system or network of people facilitating the transfer of value domestically or internationally outside of the conventional financial institutions system;''.

(d) APPLICABILITY OF RULES.—Section 5318 of title 31, United States Code, as amended by this title, is amended by adding at the end the following:

''(l) APPLICABILITY OF RULES.—Any rules promulgated pursuant to the authority contained in section 21 of the Federal Deposit Insurance Act (12 U.S.C. 1829b) shall apply, in addition to any other financial institution to which such rules apply, to any person that engages as a business in the transmission of funds, including through an informal value transfer banking system or network of people facilitating the transfer of value domestically or internationally outside of the conventional financial institutions system.''.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Treasury shall report to Congress on the need for any additional legislation relating to informal value transfer banking systems or networks of people facilitating the transfer of value domestically or internationally outside of the conventional financial institutions system, counter money laundering and regulatory controls relating to underground money movement and banking systems, such as the system referred to as 'hawala', including whether the threshold for the filing of suspicious activity reports under section 5318(g) of title 31, United States Code should be lowered in the case of such systems.

SEC. 342. USE OF AUTHORITY OF UNITED STATES EXECUTIVE DIRECTORS.

(a) ACTION BY THE PRESIDENT.—If the President determines that a particular foreign country has taken or has committed to take actions that contribute to efforts of the United States to respond to, deter, or prevent acts of international terrorism, the Secretary of the Treasury may, consistent with other applicable provisions of law, instruct the United States Executive Director of each international financial institution to use the voice and vote of the Executive Director to support any loan or other utilization of the funds of respective institutions for such country, or any public or private entity within such country.

(b) USE OF VOICE AND VOTE.—The Secretary of the Treasury may instruct the United States Executive Director of each international financial institution to aggressively use the voice and vote of the Executive Director to require an auditing of disbursements at such institutions to ensure that no funds are paid to persons who commit, threaten to commit, or support terrorism.

(c) DEFINITION.—For purposes of this section, the term ''international financial institution'' means an institution described in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2)).

Subtitle C—Currency Crimes

SEC. 351. BULK CASH SMUGGLING.

(a) FINDINGS.—Congress finds that—

(1) effective enforcement of the currency reporting requirements of chapter 53 of title 31, United States Code (commonly referred to as the Bank Secrecy Act), and the regulations promulgated thereunder, has forced drug dealers and other criminals engaged in cash-based businesses to avoid using traditional financial institutions;

(2) in their effort to avoid using traditional financial institutions, drug dealers, and other criminals are forced to move large quantities of currency in bulk form to and through the airports, border crossings, and other ports of entry where it can be smuggled out of the United States and placed in a foreign financial institution or sold on the black market;

(3) the transportation and smuggling of cash in bulk form may, at the time of enactment of this Act, be the most common form of money laundering, and the movement of large sums of cash is one of the most reliable warning signs of drug trafficking, terrorism, money laundering, racketeering, tax evasion, and similar crimes;

(4) the intentional transportation into or out of the United States of large amounts of currency or monetary instruments, in a manner designed to circumvent the mandatory reporting provisions of chapter 53 of title 31, United States Code, is the equivalent of, and creates the same harm as, the smuggling of goods;

(5) the arrest and prosecution of bulk cash smugglers is an important part of law enforcement's effort to stop the laundering of criminal proceeds, but the couriers who attempt to smuggle the cash out of the United States are typically low-level employees of large criminal organizations, and are easily replaced, and therefore only the confiscation of the smuggled bulk cash can effectively break the cycle of criminal activity of which the laundering of bulk cash is a critical part;

(6) the penalties for violations of the currency reporting requirements of the chapter 53 of title 31, United States Code, are insufficient to provide a deterrent to the laundering of criminal proceeds;

(7) because the only criminal violation under Federal law before the date of enactment of this Act was a reporting offense, the law does not adequately provide for the confiscation of smuggled currency; and

(8) if the smuggling of bulk cash were itself an offense, the cash could be confiscated as the corpus delicti of the smuggling offense.

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

(1) to make the act of smuggling bulk cash itself a criminal offense;

(2) to authorize forfeiture of any cash or instruments of the smuggling offense;

(3) to emphasize the seriousness of the act of bulk cash smuggling; and

(4) to prescribe guidelines for determining the amount of property subject to such forfeiture in various situations.

(c) BULK CASH SMUGGLING OFFENSE.—

(1) IN GENERAL.—Subchapter II of chapter 53 of title 31, United States Code, is amended by adding at the end the following:

"§ 5331. Bulk cash smuggling

''(a) CRIMINAL OFFENSE.—

''(1) IN GENERAL.—Whoever, with the intent to evade a currency reporting requirement under section 5316, knowingly conceals more than $10,000 in currency or other monetary instruments on his or her person or in any conveyance, article of luggage, merchandise, or other container, and transports or transfers or attempts to transport or transfer the currency or monetary instruments from a place within the United States to a place outside of the United States, or from a place outside of the United States to a place within the United States, shall be guilty of a currency smuggling offense and subject to punishment under subsection (b).

''(b) PENALTIES.—

''(1) PRISON TERM.—A person convicted of a currency smuggling offense under subsection (a), or a conspiracy to commit such an offense, shall be imprisoned for not more than 5 years.

''(2) FORFEITURE.—

''(A) IN GENERAL.—In addition to a prison term under paragraph (1), the court, in imposing sentence, shall order that the defendant forfeit to the United States any property, real or personal, involved in the offense, and any property traceable to such property, subject to subsection (d).

''(B) APPLICABILITY OF OTHER LAWS.—The seizure, restraint, and forfeiture of property under this section shall be governed by section 413 of the Controlled Substances Act (21 U.S.C. 853). If the property subject to forfeiture is unavailable, and the defendant has no substitute property that may be forfeited pursuant to section 413(p) of that Act, the court shall enter a personal money judgment against the defendant in an amount equal to the value of the unavailable property.

''(c) SEIZURE OF SMUGGLING CASH.—

''(1) IN GENERAL.—Any property involved in a violation of subsection (a), or a conspiracy to commit such violation, and any property traceable thereto, may be seized and, subject

to subsection (d), forfeited to the United States.

''(2) APPLICABLE PROCEDURES.—A seizure and forfeiture under this subsection shall be governed by the procedures governing civil forfeitures under section 981(a)(1)(A) of title 18, United States Code.

''(d) PROPORTIONALITY OF FORFEITURE.—

''(1) MITIGATION.—Upon a showing by the property owner by a preponderance of the evidence that the currency or monetary instruments involved in the offense giving rise to the forfeiture were derived from a legitimate source and were intended for a lawful purpose, the court shall reduce the forfeiture to the maximum amount that is not grossly disproportional to the gravity of the offense.

''(2) CONSIDERATIONS.—In determining the amount of the forfeiture under paragraph (1), the court shall consider all aggravating and mitigating facts and circumstances that have a bearing on the gravity of the offense, including—

''(A) the value of the currency or other monetary instruments involved in the offense;

''(B) efforts by the person committing the offense to structure currency transactions, conceal property, or otherwise obstruct justice; and

''(C) whether the offense is part of a pattern of repeated violations of Federal law.

''(e) RULE OF CONSTRUCTION.—For purposes of subsections (b) and (c), any currency or other monetary instrument that is concealed or intended to be concealed in violation of subsection (a) or a conspiracy to commit such violation, any article, container, or conveyance used or intended to be used to conceal or transport the currency or other monetary instrument, and any other property used or intended to be used to facilitate the offense, shall be considered property involved in the offense.''.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 53 of title 31, United States Code, is amended by inserting after the item relating to section 5330 the following new item:

''5331. Bulk cash smuggling.''.

(d) CURRENCY REPORTING VIOLATIONS.—Section 5317(c) of title 31, United States Code, is amended to read as follows:

''(c) FORFEITURE OF PROPERTY.—

''(1) IN GENERAL.—

''(A) CRIMINAL FORFEITURE.—The court, in imposing sentence for any violation of section 5313, 5316, or 5324, or any conspiracy to commit such violation, shall order the defendant to forfeit all property, real or personal, involved in the offense and any property traceable thereto.

''(B) APPLICABLE PROCEDURES.—Forfeitures under this paragraph shall be governed by the procedures set forth in section 413 of the Controlled Substances Act (21 U.S.C. 853), and the guidelines set forth in paragraph (3) of this subsection.

''(2) CIVIL FORFEITURE.—Any property involved in a violation of section 5313, 5316, or 5324, or any conspiracy to commit such violation, and any property traceable thereto, may be seized and, subject to paragraph (3), forfeited to the United States in accordance with the procedures governing civil forfeitures in money laundering cases pursuant to section 981(a)(1)(A) of title 18, United States Code.

''(3) MITIGATION.—In a forfeiture case under this subsection, upon a showing by the property owner by a preponderance of the evidence that any currency or monetary instruments involved in the offense giving rise to the forfeiture were derived from a legitimate source, and were intended for a lawful purpose, the court shall reduce the forfeiture to the maximum amount that is not grossly disproportional to the gravity of the offense. In determining the amount of the forfeiture, the court shall consider all aggravating and mitigating facts and circumstances that have a bearing on the gravity of the offense. Such circumstances include, but are not limited to, the following: the value of the currency or other monetary instruments involved in the offense; efforts by the person committing the offense to structure currency transactions, conceal property, or otherwise obstruct justice; and whether the offense is part of a pattern of repeated violations.

(e) CONFORMING AMENDMENTS.—Title 18, United States Code, is amended—

(1) in section 981(a)(1)(A) by striking ''of section 5313(a) or 5324(a) of title 31, or''; and

(2) in section 982(a)(1), striking ''of section 5313(a), 5316, or 5324 of title 31, or''.

Subtitle E—Anticorruption Measures

SEC. 361. CORRUPTION OF FOREIGN GOVERNMENTS AND RULING ELITES.

It is the sense of Congress that, in deliberations between the United States Government and any other country on money laundering and corruption issues, the United States Government should—

(1) emphasize an approach that addresses not only the laundering of the proceeds of traditional criminal activity but also the increasingly endemic problem of governmental corruption and the corruption of ruling elites;

(2) encourage the enactment and enforcement of laws in such country to prevent money laundering and systemic corruption;

(3) make clear that the United States will take all steps necessary to identify the proceeds of foreign government corruption which have been deposited in United States financial institutions and return such proceeds to the citizens of the country to whom such assets belong; and

(4) advance policies and measures to promote good government and to prevent and reduce corruption and money laundering, including through instructions to the United States Executive Director of each international financial institution (as defined in section 1701(c) of the International Financial Institutions Act) to advocate such policies as a systematic element of economic reform programs and advice to member governments.

SEC. 362. SUPPORT FOR THE FINANCIAL ACTION TASK FORCE ON MONEY LAUNDERING.

It is the sense of Congress that—

(1) the United States should continue to actively and publicly support the objectives of the Financial Action Task Force on Money Laundering (hereafter in this section referred to as the ''FATF'') with regard to combating international money laundering;

(2) the FATF should identify noncooperative jurisdictions in as expeditious a manner as possible and publicly release a list directly naming those jurisdictions identified;

(3) the United States should support the public release of the list naming noncooperative jurisdictions identified by the FATF;

(4) the United States should encourage the adoption of the necessary international action to encourage compliance by the identified noncooperative jurisdictions; and

(5) the United States should take the necessary countermeasures to protect the United States economy against money of unlawful origin and encourage other nations to do the same.

SEC. 363. TERRORIST FUNDING THROUGH MONEY LAUNDERING.

It is the sense of the Congress that, in deliberations and negotiations between the United States Government and any other country regarding financial, economic, assistance, or defense issues, the United States should encourage such other country—

(1) to take actions which would identify and prevent the transmittal of funds to and from terrorists and terrorist organizations; and

(2) to engage in bilateral and multilateral cooperation with the United States and other countries to identify suspected terrorists, terrorist organizations, and persons supplying funds to and receiving funds from terrorists and terrorist organizations.

TITLE IV—PROTECTING THE BORDER

Subtitle A—Protecting the Northern Border

SEC. 401. ENSURING ADEQUATE PERSONNEL ON THE NORTHERN BORDER.

The Attorney General is authorized to waive any FTE cap on personnel assigned to the Immigration and Naturalization Service to address the national security needs of the United States on the Northern border.

SEC. 402. NORTHERN BORDER PERSONNEL.

There are authorized to be appropriated—

(1) such sums as may be necessary to triple the number of Border Patrol personnel (from the number authorized under current law), and the necessary personnel and facilities to support such personnel, in each State along the Northern Border;

(2) such sums as may be necessary to triple the number of Customs Service personnel (from the number authorized under current law), and the necessary personnel and facilities to support such personnel, at ports of entry in each State along the Northern Border;

(3) such sums as may be necessary to triple the number of INS inspectors (from the number authorized on the date of enactment of this Act), and the necessary personnel and facilities to support such personnel, at ports of entry in each State along the Northern Border; and

(4) an additional $50,000,000 each to the Immigration and Naturalization Service and the United States Customs Service for purposes of making improvements in technology for monitoring the Northern Border and acquiring additional equipment at the Northern Border.

SEC. 403. ACCESS BY THE DEPARTMENT OF STATE AND THE INS TO CERTAIN IDENTIFYING INFORMATION IN THE CRIMINAL HISTORY RECORDS OF VISA APPLICANTS AND APPLICANTS FOR ADMISSION TO THE UNITED STATES.

(a) AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.—Section 105 of the Immigration and Nationality Act (8 U.S.C. 1105) is amended—

(1) in the section heading, by inserting ''; DATA EXCHANGE'' after ''SECURITY OFFICERS'';

(2) by inserting ''(a)'' after ''SEC. 105.'';

(3) in subsection (a), by inserting ''and border'' after ''internal'' the second place it appears; and

(4) by adding at the end the following:

''(b)(1) The Attorney General and the Director of the Federal Bureau of Investigation shall provide the Department of State and the Service access to the criminal history record information contained in the National Crime Information Center's Interstate Identification Index (NCIC-III), Wanted Persons File, and to any other files maintained by the National Crime Information Center that

may be mutually agreed upon by the Attorney General and the agency receiving the access, for the purpose of determining whether or not a visa applicant or applicant for admission has a criminal history record indexed in any such file.

''(2) Such access shall be provided by means of extracts of the records for placement in the automated visa lookout or other appropriate database, and shall be provided without any fee or charge.

''(3) The Federal Bureau of Investigation shall provide periodic updates of the extracts at intervals mutually agreed upon with the agency receiving the access. Upon receipt of such updated extracts, the receiving agency shall make corresponding updates to its database and destroy previously provided extracts.

''(4) Access to an extract does not entitle the Department of State to obtain the full content of the corresponding automated criminal history record. To obtain the full content of a criminal history record, the Department of State shall submit the applicant's fingerprints and any appropriate fingerprint processing fee authorized by law to the Criminal Justice Information Services Division of the Federal Bureau of Investigation.

''(c) The provision of the extracts described in subsection (b) may be reconsidered by the Attorney General and the receiving agency upon the development and deployment of a more cost-effective and efficient means of sharing the information.

''(d) For purposes of administering this section, the Department of State shall, prior to receiving access to NCIC data but not later than 4 months after the date of enactment of this subsection, promulgate final regulations—

''(1) to implement procedures for the taking of fingerprints; and

''(2) to establish the conditions for the use of the information received from the Federal Bureau of Investigation, in order—

''(A) to limit the redissemination of such information;

''(B) to ensure that such information is used solely to determine whether or not to issue a visa to an alien or to admit an alien to the United States;

''(C) to ensure the security, confidentiality, and destruction of such information; and

''(D) to protect any privacy rights of individuals who are subjects of such information.''.

(b) REPORTING REQUIREMENT.—Not later than 2 years after the date of enactment of this Act, the Attorney General and the Secretary of State jointly shall report to Congress on the implementation of the amendments made by this section.

(c) TECHNOLOGY STANDARD TO CONFIRM IDENTITY.—

(1) IN GENERAL.—The Attorney General and the Secretary of State jointly, through the National Institute of Standards and Technology (NIST), and in consultation with the Secretary of the Treasury and other Federal law enforcement and intelligence agencies the Attorney General or Secretary of State deems appropriate, shall within 2 years after the date of enactment of this section, develop and certify a technology standard that can confirm the identity of a person applying for a United States visa or such person seeking to enter the United States pursuant to a visa.

(2) INTEGRATED.—The technology standard developed pursuant to paragraph (1), shall be the technological basis for a cross-agency, cross-platform electronic system that is a cost-effective, efficient, fully integrated means to share law enforcement and intelligence information necessary to confirm the identity of such persons applying for a United States visa or such person seeking to enter the United States pursuant to a visa.

(3) ACCESSIBLE.—The electronic system described in paragraph (2), once implemented, shall be readily and easily accessible to—

(A) all consular officers responsible for the issuance of visas;

(B) all Federal inspection agents at all United States border inspection points; and

(C) all law enforcement and intelligence officers as determined by regulation to be responsible for investigation or identification of aliens admitted to the United States pursuant to a visa.

(4) REPORT.—Not later than 18 months after the date of enactment of this Act, and every 2 years thereafter, the Attorney General and the Secretary of State shall jointly, in consultation with the Secretary of Treasury, report to Congress describing the development, implementation and efficacy of the technology standard and electronic database system described in this subsection.

(d) STATUTORY CONSTRUCTION.—Nothing in this section, or in any other law, shall be construed to limit the authority of the Attorney General or the Director of the Federal Bureau of Investigation to provide access to the criminal history record information contained in the National Crime Information Center's (NCIC) Interstate Identification Index (NCIC-III), or to any other information maintained by the NCIC, to any Federal agency or officer authorized to enforce or administer the immigration laws of the United States, for the purpose of such enforcement or administration, upon terms that are consistent with the National Crime Prevention and Privacy Compact Act of 1998 (subtitle A of title II of Public Law 105–251; 42 U.S.C. 14611–16) and section 552a of title 5, United States Code.

SEC. 404. LIMITED AUTHORITY TO PAY OVERTIME.

The matter under the headings ''Immigration And Naturalization Service: Salaries and Expenses, Enforcement And Border Affairs'' and ''Immigration And Naturalization Service: Salaries and Expenses, Citizenship And Benefits, Immigration And Program Direction'' in the Department of Justice Appropriations Act, 2001 (as enacted into law by Appendix B (H.R. 5548) of Public Law 106–553 (114 Stat. 2762A–58 to 2762A–59)) is amended by striking the following each place it occurs: ''*Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available to pay any employee overtime pay in an amount in excess of $30,000 during the calendar year beginning January 1, 2001:''.

SEC. 405. REPORT ON THE INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM FOR POINTS OF ENTRY AND OVERSEAS CONSULAR POSTS.

(a) IN GENERAL.—The Attorney General, in consultation with the appropriate heads of other Federal agencies, including the Secretary of State, Secretary of the Treasury, and the Secretary of Transportation, shall report to Congress on the feasibility of enhancing the Integrated Automated Fingerprint Identification System (IAFIS) of the Federal Bureau of Investigation and other identification systems in order to better identify a person who holds a foreign passport or a visa and may be wanted in connection with a criminal investigation in the United States or abroad, before the issuance of a visa to that person or the entry or exit by that person from the United States.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not less than $2,000,000 to carry out this section.

Subtitle B—Enhanced Immigration Provisions

SEC. 411. DEFINITIONS RELATING TO TERRORISM.

(a) GROUNDS OF INADMISSIBILITY.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended—

(1) in subparagraph (B)—

(A) in clause (i)—

(i) by amending subclause (IV) to read as follows:

''(IV) is a representative (as defined in clause (v)) of—

''(aa) a foreign terrorist organization, as designated by the Secretary of State under section 219, or

''(bb) a political, social or other similar group whose public endorsement of acts of terrorist activity the Secretary of State has determined undermines United States efforts to reduce or eliminate terrorist activities,'';

(ii) in subclause (V), by inserting ''or'' after ''section 219,''; and

(iii) by adding at the end the following new subclauses:

''(VI) has used the alien's position of prominence within any country to endorse or espouse terrorist activity, or to persuade others to support terrorist activity or a terrorist organization, in a way that the Secretary of State has determined undermines United States efforts to reduce or eliminate terrorist activities, or

''(VII) is the spouse or child of an alien who is inadmissible under this section, if the activity causing the alien to be found inadmissible occurred within the last 5 years,'';

(B) by redesignating clauses (ii), (iii), and (iv) as clauses (iii), (iv), and (v), respectively;

(C) in clause (i)(II), by striking ''clause (iii)'' and inserting ''clause (iv)'';

(D) by inserting after clause (i) the following:

''(ii) EXCEPTION.—Subclause (VII) of clause (i) does not apply to a spouse or child—

''(I) who did not know or should not reasonably have known of the activity causing the alien to be found inadmissible under this section; or

''(II) whom the consular officer or Attorney General has reasonable grounds to believe has renounced the activity causing the alien to be found inadmissible under this section.'';

(E) in clause (iii) (as redesignated by subparagraph (B))—

(i) by inserting ''it had been'' before ''committed in the United States''; and

(ii) in subclause (V)(b), by striking ''or firearm'' and inserting '', firearm, or other weapon or dangerous device'';

(F) by amending clause (iv) (as redesignated by subparagraph (B)) to read as follows:

''(iv) ENGAGE IN TERRORIST ACTIVITY DEFINED.—As used in this chapter, the term 'engage in terrorist activity' means, in an individual capacity or as a member of an organization—

''(I) to commit or to incite to commit, under circumstances indicating an intention to cause death or serious bodily injury, a terrorist activity;

''(II) to prepare or plan a terrorist activity;

''(III) to gather information on potential targets for terrorist activity;

''(IV) to solicit funds or other things of value for—

''(aa) a terrorist activity;

''(bb) a terrorist organization described in clauses (vi)(I) or (vi)(II); or

''(cc) a terrorist organization described in clause (vi)(III), unless the solicitor can demonstrate that he did not know, and should not reasonably have known, that the solicitation would further the organization's terrorist activity;

''(V) to solicit any individual—

''(aa) to engage in conduct otherwise described in this clause;

''(bb) for membership in a terrorist organization described in clauses (vi)(I) or (vi)(II); or

''(cc) for membership in a terrorist organization described in clause (vi)(III), unless the solicitor can demonstrate that he did not know, and should not reasonably have known, that the solicitation would further the organization's terrorist activity; or

''(VI) to commit an act that the actor knows, or reasonably should know, affords material support, including a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false documentation or identification, weapons (including chemical, biological, or radiological weapons), explosives, or training—

''(aa) for the commission of a terrorist activity;

''(bb) to any individual who the actor knows, or reasonably should know, has committed or plans to commit a terrorist activity;

''(cc) to a terrorist organization described in clauses (vi)(I) or (vi)(II); or

''(dd) to a terrorist organization described in clause (vi)(III), unless the actor can demonstrate that he did not know, and should not reasonably have known, that the act would further the organization's terrorist activity.

This clause shall not apply to any material support the alien afforded to an organization or individual that has committed terrorist activity, if the Secretary of State, after consultation with the Attorney General, or the Attorney General, after consultation with the Secretary of State, concludes in his sole unreviewable discretion, that this clause should not apply.''; and

(D) by adding at the end the following new clause:

''(vi) TERRORIST ORGANIZATION DEFINED.—As used in clause (i)(VI) and clause (iv), the term 'terrorist organization' means an organization—

''(I) designated under section 219;

''(II) otherwise designated, upon publication in the Federal Register, by the Secretary of State in consultation with or upon the request of the Attorney General, as a terrorist organization, after finding that it engages in the activities described in subclause (I), (II), or (III) of clause (iv), or that it provides material support to further terrorist activity; or

''(III) that is a group of two or more individuals, whether organized or not, which engages in the activities described in subclause (I), (II), or (III) of clause (iv).''; and

(2) by adding at the end the following new subparagraph:

''(F) ASSOCIATION WITH TERRORIST ORGANIZATIONS.—Any alien who the Secretary of State, after consultation with the Attorney General, or the Attorney General, after consultation with the Secretary of State, determines has been associated with a terrorist organization and intends while in the United States to engage solely, principally, or incidentally in activities that could endanger the welfare, safety, or security of the United States is inadmissible.''.

(b) CONFORMING AMENDMENT.—Section 237(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(B)) is amended by striking ''section 212(a)(3)(B)(iii)'' and inserting ''section 212(a)(3)(B)(iv)''.

(c) RETROACTIVE APPLICATION OF AMENDMENTS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on the date of enactment of this Act and shall apply to—

(A) actions taken by an alien before, on, or after such date; and

(B) all aliens, without regard to the date of entry or attempted entry into the United States—

(i) in removal proceedings on or after such date (except for proceedings in which there has been a final administrative decision before such date); or

(ii) seeking admission to the United States on or after such date.

(2) SPECIAL RULE FOR ALIENS IN EXCLUSION OR DEPORTATION PROCEEDINGS.—Notwithstanding any other provision of law, the amendments made by this section shall apply to all aliens in exclusion or deportation proceedings on or after the date of enactment of this Act (except for proceedings in which there has been a final administrative decision before such date) as if such proceedings were removal proceedings.

(3) SPECIAL RULE FOR SECTION 219 ORGANIZATIONS AND ORGANIZATIONS DESIGNATED UNDER SECTION 212(a)(3)(B)(vi)(II).—

(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), no alien shall be considered inadmissible under section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)), or deportable under section 237(a)(4)(B) of such Act (8 U.S.C. 1227(a)(4)(B)), by reason of the amendments made by subsection (a), on the ground that the alien engaged in a terrorist activity described in subclause (IV)(bb), (V)(bb), or (VI)(cc) of section 212(a)(3)(B)(iv) of such Act (as so amended) with respect to a group at any time when the group was not a terrorist organization designated by the Secretary of State under section 219 of such Act (8 U.S.C. 1189) or otherwise designated under section 212(a)(3)(B)(vi)(II).

(B) STATUTORY CONSTRUCTION.—Subparagraph (A) shall not be construed to prevent an alien from being considered inadmissible or deportable for having engaged in a terrorist activity—

(i) described in subclause (IV)(bb), (V)(bb), or (VI)(cc) of section 212(a)(3)(B)(iv) of such Act (as so amended) with respect to a terrorist organization at any time when such organization was designated by the Secretary of State under section 219 of such Act or otherwise designated under section 212(a)(3)(B)(vi)(II); or

(ii) described in subclause (IV)(cc), (V)(cc), or (VI)(dd) of section 212(a)(3)(B)(iv) of such Act (as so amended) with respect to a terrorist organization described in section 212(a)(3)(B)(vi)(III).

(4) EXCEPTION.—The Secretary of State, in consultation with the Attorney General, may determine that the amendments made by this section shall not apply with respect to actions by an alien taken outside the United States before the date of enactment of this Act upon the recommendation of a consular officer who has concluded that there is not reasonable ground to believe that the alien knew or reasonably should have known that the actions would further a terrorist activity.

(c) DESIGNATION OF FOREIGN TERRORIST ORGANIZATIONS.—Section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)) is amended—

(1) in paragraph (1)(B), by inserting ''or terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(d)(2)) or retains the capability and intent to engage in terrorist activity or terrorism)'' after ''212(a)(3)(B))'';

(2) in paragraph (1)(C), by inserting ''or terrorism'' after ''terrorist activity'';

(3) by amending paragraph (2)(A) to read as follows:

''(A) NOTICE.—

''(i) TO CONGRESSIONAL LEADERS.—Seven days before making a designation under this subsection, the Secretary shall, by classified communication, notify the Speaker and Minority Leader of the House of Representatives, the President pro tempore, Majority Leader, and Minority Leader of the Senate, and the members of the relevant committees, in writing, of the intent to designate an organization under this subsection, together with the findings made under paragraph (1) with respect to that organization, and the factual basis therefor.

''(ii) PUBLICATION IN FEDERAL REGISTER.—The Secretary shall publish the designation in the Federal Register seven days after providing the notification under clause (i).'';

(4) in paragraph (2)(B)(i), by striking ''subparagraph (A)'' and inserting ''subparagraph (A)(ii)'';

(5) in paragraph (2)(C), by striking ''paragraph (2)'' and inserting ''paragraph (2)(A)(i)'';

(6) in paragraph (3)(B), by striking ''subsection (c)'' and inserting ''subsection (b)'';

(7) in paragraph (4)(B), by inserting after the first sentence the following: ''The Secretary also may redesignate such organization at the end of any 2-year redesignation period (but not sooner than 60 days prior to the termination of such period) for an additional 2-year period upon a finding that the relevant circumstances described in paragraph (1) still exist. Any redesignation shall be effective immediately following the end of the prior 2-year designation or redesignation period unless a different effective date is provided in such redesignation.'';

(8) in paragraph (6)(A)—

(A) by inserting ''or a redesignation made under paragraph (4)(B)'' after ''paragraph (1)'';

(B) in clause (i)—

(i) by inserting ''or redesignation'' after ''designation'' the first place it appears; and

(ii) by striking ''of the designation''; and

(C) in clause (ii), by striking ''of the designation'';

(9) in paragraph (6)(B)—

(A) by striking ''through (4)'' and inserting ''and (3)''; and

(B) by inserting at the end the following new sentence: ''Any revocation shall take effect on the date specified in the revocation or upon publication in the Federal Register if no effective date is specified.'';

(10) in paragraph (7), by inserting '', or the revocation of a redesignation under paragraph (6),'' after ''paragraph (5) or (6)''; and

(11) in paragraph (8)—

(A) by striking ''paragraph (1)(B)'' and inserting ''paragraph (2)(B), or if a redesignation under this subsection has become effective under paragraph (4)(B)'';

(B) by inserting ''or an alien in a removal proceeding'' after ''criminal action''; and

(C) by inserting ''or redesignation'' before ''as a defense''.

SEC. 412. MANDATORY DETENTION OF SUSPECTED TERRORISTS; HABEAS CORPUS; JUDICIAL REVIEW.

(a) IN GENERAL.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after section 236 the following:

''MANDATORY DETENTION OF SUSPECTED TERRORISTS; HABEAS CORPUS; JUDICIAL REVIEW

''SEC. 236A. (a) DETENTION OF TERRORIST ALIENS.—

''(1) CUSTODY.—The Attorney General shall take into custody any alien who is certified under paragraph (3).

''(2) RELEASE.—Except as provided in paragraph (5), the Attorney General shall maintain custody of such an alien until the alien is removed from the United States. Such custody shall be maintained irrespective of any relief from removal for which the alien may be eligible, or any relief from removal granted the alien, until the Attorney General determines that the alien is no longer an alien who may be certified under paragraph (3).

''(3) CERTIFICATION.—The Attorney General may certify an alien under this paragraph if the Attorney General has reasonable grounds to believe that the alien—

''(A) is described in section 212(a)(3)(A)(i), 212(a)(3)(A)(iii), 212(a)(3)(B), 237(a)(4)(A)(i), 237(a)(4)(A)(iii), or 237(a)(4)(B); or

''(B) is engaged in any other activity that endangers the national security of the United States.

''(4) NONDELEGATION.—The Attorney General may delegate the authority provided under paragraph (3) only to the Commissioner. The Commissioner may not delegate such authority.

''(5) COMMENCEMENT OF PROCEEDINGS.—The Attorney General shall place an alien detained under paragraph (1) in removal proceedings, or shall charge the alien with a criminal offense, not later than 7 days after the commencement of such detention. If the requirement of the preceding sentence is not satisfied, the Attorney General shall release the alien.

''(b) HABEAS CORPUS AND JUDICIAL REVIEW.—Judicial review of any action or decision relating to this section (including judicial review of the merits of a determination made under subsection (a)(3)) is available exclusively in habeas corpus proceedings in the United States District Court for the District of Columbia. Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, except as provided in the preceding sentence, no court shall have jurisdiction to review, by habeas corpus petition or otherwise, any such action or decision.

''(c) STATUTORY CONSTRUCTION.—The provisions of this section shall not be applicable to any other provisions of the Immigration and Nationality Act.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 236 the following:

''Sec. 236A. Mandatory detention of suspected terrorist; habeas corpus; judicial review.''.

(c) REPORTS.—Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter, the Attorney General shall submit a report to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate, with respect to the reporting period, on—

(1) the number of aliens certified under section 236A(a)(3) of the Immigration and Nationality Act, as added by subsection (a);

(2) the grounds for such certifications;

(3) the nationalities of the aliens so certified;

(4) the length of the detention for each alien so certified; and

(5) the number of aliens so certified who—

(A) were granted any form of relief from removal;

(B) were removed;

(C) the Attorney General has determined are no longer aliens who may be so certified; or

(D) were released from detention.

SEC. 413. MULTILATERAL COOPERATION AGAINST TERRORISTS.

Section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) is amended—

(1) by striking ''except that in the discretion of'' and inserting the following: ''except that—

''(1) in the discretion of''; and

(2) by adding at the end the following:

''(2) the Secretary of State, in the Secretary's discretion and on the basis of reciprocity, may provide to a foreign government information in the Department of State's computerized visa lookout database and, when necessary and appropriate, other records covered by this section related to information in the database—

''(A) with regard to individual aliens, at any time on a case-by-case basis for the purpose of preventing, investigating, or punishing acts that would constitute a crime in the United States, including, but not limited to, terrorism or trafficking in controlled substances, persons, or illicit weapons; or

''(B) with regard to any or all aliens in the database, pursuant to such conditions as the Secretary of State shall establish in an agreement with the foreign government in which that government agrees to use such information and records for the purposes described in subparagraph (A) or to deny visas to persons who would be inadmissible to the United States.''.

TITLE V—REMOVING OBSTACLES TO INVESTIGATING TERRORISM

SEC. 501. PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS ACT OF 2001.

(a) SHORT TITLE.—This title may be cited as the ''Professional Standards for Government Attorneys Act of 2001''.

(b) PROFESSIONAL STANDARDS FOR GOVERNMENT ATTORNEYS.—Section 530B of title 28, United States Code, is amended to read as follows:

''§ 530B. Professional Standards for Government Attorneys

''(a) DEFINITIONS.—In this section:

''(1) GOVERNMENT ATTORNEY.—The term 'Government attorney'—

''(A) means 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, board, bureau, component, or agency of the Department of Justice; any United States Attorney; any Assistant United States Attorney; any Special Assistant to the Attorney General or Special 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

''(B) does not include any attorney employed as an investigator or other law enforcement agent by the Department of Justice who is not authorized to represent the United States in criminal or civil law enforcement litigation or to supervise such proceedings.

''(2) STATE.—The term 'State' includes a Territory and the District of Columbia.

''(b) CHOICE OF LAW.—Subject to any uniform national rule prescribed by the Supreme Court under chapter 131, the standards of professional responsibility that apply to a Government attorney with respect to the attorney's work for the Government shall be—

''(1) for conduct in connection with a proceeding in or before a court, or conduct reasonably intended to lead to a proceeding in or before a court, the standards of professional responsibility established by the rules and decisions of the court in or before which the proceeding is brought or is intended to be brought;

''(2) for conduct in connection with a grand jury proceeding, or conduct reasonably intended to lead to a grand jury proceeding, the standards of professional responsibility established by the rules and decisions of the court under whose authority the grand jury was or will be impaneled; and

''(3) for all other conduct, the standards of professional responsibility established by the rules and decisions of the Federal district court for the judicial district in which the attorney principally performs his or her official duties.

''(c) LICENSURE.—A Government attorney (except foreign counsel employed in special cases)—

''(1) shall be duly licensed and authorized to practice as an attorney under the laws of a State; and

''(2) shall not be required to be a member of the bar of any particular State.

''(d) UNDERCOVER ACTIVITIES.—Notwithstanding any provision of State law, including disciplinary rules, statutes, regulations, constitutional provisions, or case law, a Government attorney may, for the purpose of enforcing Federal law, provide legal advice, authorization, concurrence, direction, or supervision on conducting undercover activities, and any attorney employed as an investigator or other law enforcement agent by the Department of Justice who is not authorized to represent the United States in criminal or civil law enforcement litigation or to supervise such proceedings may participate in such activities, even though such activities may require the use of deceit or misrepresentation, where such activities are consistent with Federal law.

''(e) ADMISSIBILITY OF EVIDENCE.—No violation of any disciplinary, ethical, or professional conduct rule shall be construed to permit the exclusion of otherwise admissible evidence in any Federal criminal proceedings.

''(f) RULEMAKING AUTHORITY.—The Attorney General shall make and amend rules of the Department of Justice to ensure compliance with this section.''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—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 attorneys for the Government'' and inserting ''Professional standards for Government attorneys''.

(d) REPORTS.—

(1) UNIFORM RULE.—In order to encourage the Supreme Court to prescribe, under chapter 131 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 1 year after the date of 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 date of enactment of this Act, the Judicial Conference of the United States shall submit to the Chairmen and Ranking Members 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 Government attorneys (as that term is defined in section 530B of title 28, United States Code, as amended by this Act) by existing standards of professional responsibility; and

(B) recommendations with respect to amending the Federal Rules of Practice and Procedure to provide for additional rules governing attorney conduct to address any areas of actual or potential conflict identified pursuant to the review under subparagraph (A).

(3) REPORT CONSIDERATIONS.—In carrying out paragraphs (1) and (2), the Judicial Conference of the United States shall take into consideration—

(A) the needs and circumstances of multiforum and multijurisdictional litigation;

(B) the special needs and interests of the United States in investigating and prosecuting violations of Federal criminal and civil law; and

(C) practices that are approved under Federal statutory or case law or that are otherwise consistent with traditional Federal law enforcement techniques.

SEC. 502. ATTORNEY GENERAL'S AUTHORITY TO PAY REWARDS TO COMBAT TERRORISM.

(a) PAYMENT OF REWARDS TO COMBAT TERRORISM.—Funds available to the Attorney General may be used for the payment of rewards pursuant to public advertisements for assistance to the Department of Justice to combat terrorism and defend the Nation against terrorist acts, in accordance with procedures and regulations established or issued by the Attorney General.

(b) CONDITIONS.—In making rewards under this section—

(1) no such reward of $250,000 or more may be made or offered without the personal approval of either the Attorney General or the President;

(2) the Attorney General shall give written notice to the Chairmen and ranking minority members of the Committees on Appropriations and the Judiciary of the Senate and of the House of Representatives not later than 30 days after the approval of a reward under paragraph (1);

(3) any executive agency or military department (as defined, respectively, in sections 105 and 102 of title 5, United States Code) may provide the Attorney General with funds for the payment of rewards;

(4) neither the failure of the Attorney General to authorize a payment nor the amount authorized shall be subject to judicial review; and

(5) no such reward shall be subject to any per- or aggregate reward spending limitation established by law, unless that law expressly refers to this section, and no reward paid pursuant to any such offer shall count toward any such aggregate reward spending limitation.

SEC. 503. SECRETARY OF STATE'S AUTHORITY TO PAY REWARDS.

Section 36 of the State Department Basic Authorities Act of 1956 (Public Law 885, August 1, 1956; 22 U.S.C. 2708) is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking ''or'' at the end;

(B) in paragraph (5), by striking the period at the end and inserting '', including by dismantling an organization in whole or significant part; or''; and

(C) by adding at the end the following:

''(6) the identification or location of an individual who holds a key leadership position in a terrorist organization.'';

(2) in subsection (d), by striking paragraphs (2) and (3) and redesignating paragraph (4) as paragraph (2); and

(3) in subsection (e)(1), by inserting '', except as personally authorized by the Secretary of State if he determines that offer or payment of an award of a larger amount is necessary to combat terrorism or defend the Nation against terrorist acts.'' after ''$5,000,000''.

SEC. 504. DNA IDENTIFICATION OF TERRORISTS AND OTHER VIOLENT OFFENDERS.

Section 3(d)(2) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(d)(2)) is amended to read as follows:

''(2) In additional to the offenses described in paragraph (1), the following offenses shall be treated for purposes of this section as qualifying Federal offenses, as determined by the Attorney General:

''(A) Any offense listed in section 2332b(g)(5)(B) of title 18, United States Code.

''(B) Any crime of violence (as defined in section 16 of title 18, United States Code).

''(C) Any attempt or conspiracy to commit any of the above offenses.''.

SEC. 505. COORDINATION WITH LAW ENFORCEMENT.

(a) INFORMATION ACQUIRED FROM AN ELECTRONIC SURVEILLANCE.—Section 106 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1806), is amended by adding at the end the following:

''(k)(1) Federal officers who conduct electronic surveillance to acquire foreign intelligence information under this title may consult with Federal law enforcement officers to coordinate efforts to investigate or protect against—

''(A) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

''(B) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

''(C) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power.

''(2) Coordination authorized under paragraph (1) shall not preclude the certification required by section 104(a)(7)(B) or the entry of an order under section 105.''.

(b) INFORMATION ACQUIRED FROM A PHYSICAL SEARCH.—Section 305 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1825) is amended by adding at the end the following:

''(k)(1) Federal officers who conduct physical searches to acquire foreign intelligence information under this title may consult with Federal law enforcement officers to coordinate efforts to investigate or protect against—

''(A) actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power;

''(B) sabotage or international terrorism by a foreign power or an agent of a foreign power; or

''(C) clandestine intelligence activities by an intelligence service or network of a foreign power or by an agent of a foreign power.

''(2) Coordination authorized under paragraph (1) shall not preclude the certification required by section 303(a)(7) or the entry of an order under section 304.''.

SEC. 506. MISCELLANEOUS NATIONAL SECURITY AUTHORITIES.

(a) TELEPHONE TOLL AND TRANSACTIONAL RECORDS.—Section 2709(b) of title 18, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting ''at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director'' after ''Assistant Director'';

(2) in paragraph (1)—

(A) by striking ''in a position not lower than Deputy Assistant Director''; and

(B) by striking ''made that'' and all that follows and inserting the following: ''made that the name, address, length of service, and toll billing records sought are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely on the basis of activities protected by the first amendment to the Constitution of the United States; and''; and

(3) in paragraph (2)—

(A) by striking ''in a position not lower than Deputy Assistant Director''; and

(B) by striking ''made that'' and all that follows and inserting the following: ''made that the information sought is relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.''.

(b) FINANCIAL RECORDS.—Section 1114(a)(5)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)) is amended—

(1) by inserting ''in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director'' after ''designee''; and

(2) by striking ''sought'' and all that follows and inserting ''sought for foreign counter intelligence purposes to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.''.

(c) CONSUMER REPORTS.—Section 624 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended—

(1) in subsection (a)—

(A) by inserting ''in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office designated by the Director'' after ''designee'' the first place it appears; and

(B) by striking ''in writing that'' and all that follows through the end and inserting the following: ''in writing, that such information is sought for the conduct of an authorized investigation to protect against

international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.'';

(2) in subsection (b)—

(A) by inserting ''in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office designated by the Director'' after ''designee'' the first place it appears; and

(B) by striking ''in writing that'' and all that follows through the end and inserting the following: ''in writing that such information is sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.''; and

(3) in subsection (c)—

(A) by inserting ''in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director'' after ''designee of the Director''; and

(B) by striking ''in camera that'' and all that follows through ''States.'' and inserting the following: ''in camera that the consumer report is sought for the conduct of an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such an investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment to the Constitution of the United States.''.

SEC. 507. EXTENSION OF SECRET SERVICE JURISDICTION.

(a) CONCURRENT JURISDICTION UNDER 18 U.S.C. 1030.—Section 1030(d) of title 18, United States Code, is amended to read as follows:

''(d)(1) The United States Secret Service shall, in addition to any other agency having such authority, have the authority to investigate offenses under this section.

''(2) The Federal Bureau of Investigation shall have primary authority to investigate offenses under subsection (a)(1) for any cases involving espionage, foreign counterintelligence, information protected against unauthorized disclosure for reasons of national defense or foreign relations, or Restricted Data (as that term is defined in section 11y of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)), except for offenses affecting the duties of the United States Secret Service pursuant to section 3056(a) of this title.

''(3) Such authority shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury and the Attorney General.''.

(b) REAUTHORIZATION OF JURISDICTION UNDER 18 U.S.C. 1344.—Section 3056(b)(3) of title 18, United States Code, is amended by striking ''credit and debit card frauds, and false identification documents or devices'' and inserting ''access device frauds, false identification documents or devices, and any fraud or other criminal or unlawful activity in or against any federally insured financial institution''.

SEC. 508. DISCLOSURE OF EDUCATIONAL RECORDS.

Section 444 of the General Education Provisions Act (20 U.S.C. 1232g), is amended by adding after subsection (i) a new subsection (j) to read as follows:

''(j) INVESTIGATION AND PROSECUTION OF TERRORISM.—

''(1) IN GENERAL.—Notwithstanding subsections (a) through (i) or any provision of State law, the Attorney General (or any Federal officer or employee, in a position not lower than an Assistant Attorney General, designated by the Attorney General) may submit a written application to a court of competent jurisdiction for an ex parte order requiring an educational agency or institution to permit the Attorney General (or his designee) to—

''(A) collect education records in the possession of the educational agency or institution that are relevant to an authorized investigation or prosecution of an offense listed in section 2332b(g)(5)(B) of title 18 United States Code, or an act of domestic or international terrorism as defined in section 2331 of that title; and

''(B) for official purposes related to the investigation or prosecution of an offense described in paragraph (1)(A), retain, disseminate, and use (including as evidence at trial or in other administrative or judicial proceedings) such records, consistent with such guidelines as the Attorney General, after consultation with the Secretary, shall issue to protect confidentiality.

''(2) APPLICATION AND APPROVAL.—

''(A) IN GENERAL.—An application under paragraph (1) shall certify that there are specific and articulable facts giving reason to believe that the education records are likely to contain information described in paragraph (1)(A).

''(B) The court shall issue an order described in paragraph (1) if the court finds that the application for the order includes the certification described in subparagraph (A).

''(3) PROTECTION OF EDUCATIONAL AGENCY OR INSTITUTION.—An educational agency or institution that, in good faith, produces education records in accordance with an order issued under this subsection shall not be liable to any person for that production.

''(4) RECORD-KEEPING.—Subsection (b)(4) does not apply to education records subject to a court order under this subsection.''.

SEC. 509. DISCLOSURE OF INFORMATION FROM NCES SURVEYS.

Section 408 of the National Education Statistics Act of 1994 (20 U.S.C. 9007), is amended by adding after subsection (b) a new subsection (c) to read as follows:

''(c) INVESTIGATION AND PROSECUTION OF TERRORISM.—

''(1) IN GENERAL.—Notwithstanding subsections (a) and (b), the Attorney General (or any Federal officer or employee, in a position not lower than an Assistant Attorney General, designated by the Attorney General) may submit a written application to a court of competent jurisdiction for an ex parte order requiring the Secretary to permit the Attorney General (or his designee) to—

''(A) collect reports, records, and information (including individually identifiable information) in the possession of the center that are relevant to an authorized investigation or prosecution of an offense listed in section 2332b(g)(5)(B) of title 18, United States Code, or an act of domestic or international terrorism as defined in section 2331 of that title; and

''(B) for official purposes related to the investigation or prosecution of an offense described in paragraph (1)(A), retain, disseminate, and use (including as evidence at trial or in other administrative or judicial proceedings) such information, consistent with such guidelines as the Attorney General, after consultation with the Secretary, shall issue to protect confidentiality.

''(2) APPLICATION AND APPROVAL.—

''(A) IN GENERAL.—An application under paragraph (1) shall certify that there are specific and articulable facts giving reason to believe that the information sought is described in paragraph (1)(A).

''(B) The court shall issue an order described in paragraph (1) if the court finds that the application for the order includes the certification described in subparagraph (A).

''(3) PROTECTION.—An officer or employee of the Department who, in good faith, produces information in accordance with an order issued under this subsection does not violate subsection (b)(2) and shall not be liable to any person for that production.''.

TITLE VI—PROVIDING FOR VICTIMS OF TERRORISM, PUBLIC SAFETY OFFICERS, AND THEIR FAMILIES

Subtitle A—Aid to Families of Public Safety Officers

SEC. 611. EXPEDITED PAYMENT FOR PUBLIC SAFETY OFFICERS INVOLVED IN THE PREVENTION, INVESTIGATION, RESCUE, OR RECOVERY EFFORTS RELATED TO A TERRORIST ATTACK.

(a) IN GENERAL.—Notwithstanding the limitations of subsection (b) of section 1201 or the provisions of subsections (c), (d), and (e) of such section or section 1202 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796, 3796a), upon certification (containing identification of all eligible payees of benefits pursuant to section 1201 of such Act) by a public agency that a public safety officer employed by such agency was killed or suffered a catastrophic injury producing permanent and total disability as a direct and proximate result of a personal injury sustained in the line of duty as described in section 1201 of such Act in connection with prevention, investigation, rescue, or recovery efforts related to a terrorist attack, the Director of the Bureau of Justice Assistance shall authorize payment to qualified beneficiaries, said payment to be made not later than 30 days after receipt of such certification, benefits described under subpart 1 of part L of such Act (42 U.S.C. 3796 et seq.).

(b) DEFINITIONS.—For purposes of this section, the terms ''catastrophic injury'', ''public agency'', and ''public safety officer'' have the same meanings given such terms in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b).

SEC. 612. TECHNICAL CORRECTION WITH RESPECT TO EXPEDITED PAYMENTS FOR HEROIC PUBLIC SAFETY OFFICERS.

Section 1 of Public Law 107-37 (an Act to provide for the expedited payment of certain benefits for a public safety officer who was killed or suffered a catastrophic injury as a direct and proximate result of a personal injury sustained in the line of duty in connection with the terrorist attacks of September 11, 2001) is amended by—

(1) inserting before ''by a'' the following: ''(containing identification of all eligible payees of benefits pursuant to section 1201)'';

(2) inserting ''producing permanent and total disability'' after ''suffered a catastrophic injury''; and

(2) striking ''1201(a)'' and inserting ''1201''.

SEC. 613. PUBLIC SAFETY OFFICERS BENEFIT PROGRAM PAYMENT INCREASE.

(a) PAYMENTS.—Section 1201(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) is amended by striking ''$100,000'' and inserting ''$250,000''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to any death or

disability occurring on or after January 1, 2001.

SEC. 614. OFFICE OF JUSTICE PROGRAMS.

Section 112 of title I of section 101(b) of division A of Public Law 105–277 and section 108(a) of appendix A of Public Law 106–113 (113 Stat. 1501A–20) are amended—

(1) after ''that Office'', each place it occurs, by inserting ''(including, notwithstanding any contrary provision of law (unless the same should expressly refer to this section), any organization that administers any program established in title 1 of Public Law 90–351)''; and

(2) by inserting ''functions, including any'' after ''all''.

Subtitle B—Amendments to the Victims of Crime Act of 1984

SEC. 621. CRIME VICTIMS FUND.

(a) DEPOSIT OF GIFTS IN THE FUND.—Section 1402(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(b)) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(5) any gifts, bequests, or donations to the Fund from private entities or individuals.''.

(b) FORMULA FOR FUND DISTRIBUTIONS.—Section 1402(c) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(c)) is amended to read as follows:

''(c) FUND DISTRIBUTION; RETENTION OF SUMS IN FUND; AVAILABILITY FOR EXPENDITURE WITHOUT FISCAL YEAR LIMITATION.—

''(1) Subject to the availability of money in the Fund, in each fiscal year, beginning with fiscal year 2003, the Director shall distribute not less than 90 percent nor more than 110 percent of the amount distributed from the Fund in the previous fiscal year, except the Director may distribute up to 120 percent of the amount distributed in the previous fiscal year in any fiscal year that the total amount available in the Fund is more than 2 times the amount distributed in the previous fiscal year.

''(2) In each fiscal year, the Director shall distribute amounts from the Fund in accordance with subsection (d). All sums not distributed during a fiscal year shall remain in reserve in the Fund to be distributed during a subsequent fiscal year. Notwithstanding any other provision of law, all sums deposited in the Fund that are not distributed shall remain in reserve in the Fund for obligation in future fiscal years, without fiscal year limitation.''.

(c) ALLOCATION OF FUNDS FOR COSTS AND GRANTS.—Section 1402(d)(4) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(4)) is amended—

(1) by striking ''deposited in'' and inserting ''to be distributed from'';

(2) in subparagraph (A), by striking ''48.5'' and inserting ''47.5'';

(3) in subparagraph (B), by striking ''48.5'' and inserting ''47.5''; and

(4) in subparagraph (C), by striking ''3'' and inserting ''5''.

(d) ANTITERRORISM EMERGENCY RESERVE.—Section 1402(d)(5) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(5)) is amended to read as follows:

''(5)(A) In addition to the amounts distributed under paragraphs (2), (3), and (4), the Director may set aside up to $50,000,000 from the amounts transferred to the Fund for use in responding to the airplane hijackings and terrorist acts that occurred on September 11, 2001, as an antiterrorism emergency reserve. The Director may replenish any amounts expended from such reserve in subsequent fiscal years by setting aside up to 5 percent of the amounts remaining in the Fund in any fiscal year after distributing amounts under paragraphs (2), (3) and (4). Such reserve shall not exceed $50,000,000.

''(B) The antiterrorism emergency reserve referred to in subparagraph (A) may be used for supplemental grants under section 1404B and to provide compensation to victims of international terrorism under section 1404C.

''(C) Amounts in the antiterrorism emergency reserve established pursuant to subparagraph (A) may be carried over from fiscal year to fiscal year. Notwithstanding subsection (c) and section 619 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001 (and any similar limitation on Fund obligations in any future Act, unless the same should expressly refer to this section), any such amounts carried over shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund.''.

(e) VICTIMS OF SEPTEMBER 11, 2001.—Amounts transferred to the Crime Victims Fund for use in responding to the airplane hijackings and terrorist acts (including any related search, rescue, relief, assistance, or other similar activities) that occurred on September 11, 2001, shall not be subject to any limitation on obligations from amounts deposited to or available in the Fund, notwithstanding—

(1) section 619 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, and any similar limitation on Fund obligations in such Act for Fiscal Year 2002; and

(2) subsections (c) and (d) of section 1402 of the Victims of Crime Act of 1984 (42 U.S.C. 10601).

SEC. 622. CRIME VICTIM COMPENSATION.

(a) ALLOCATION OF FUNDS FOR COMPENSATION AND ASSISTANCE.—Paragraphs (1) and (2) of section 1403(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(a)) are amended by inserting ''in fiscal year 2002 and of 60 percent in subsequent fiscal years'' after ''40 percent''.

(b) LOCATION OF COMPENSABLE CRIME.—Section 1403(b)(6)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(b)(6)(B)) is amended by striking ''are outside the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18), or''.

(c) RELATIONSHIP OF CRIME VICTIM COMPENSATION TO MEANS-TESTED FEDERAL BENEFIT PROGRAMS.—Section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) is amended by striking subsection (c) and inserting the following:

''(c) EXCLUSION FROM INCOME, RESOURCES, AND ASSETS FOR PURPOSES OF MEANS TESTS.—Notwithstanding any other law (other than title IV of Public Law 107–42), for the purpose of any maximum allowed income, resource, or asset eligibility requirement in any Federal, State, or local government program using Federal funds that provides medical or other assistance (or payment or reimbursement of the cost of such assistance), any amount of crime victim compensation that the applicant receives through a crime victim compensation program under this section shall not be included in the income, resources, or assets of the applicant, nor shall that amount reduce the amount of the assistance available to the applicant from Federal, State, or local government programs using Federal funds, unless the total amount of assistance that the applicant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime.''.

(d) DEFINITIONS OF ''COMPENSABLE CRIME'' AND ''STATE''.—Section 1403(d) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(d)) is amended—

(1) in paragraph (3), by striking ''crimes involving terrorism,''; and

(2) in paragraph (4), by inserting ''the United States Virgin Islands,'' after ''the Commonwealth of Puerto Rico,''.

(e) RELATIONSHIP OF ELIGIBLE CRIME VICTIM COMPENSATION PROGRAMS TO THE SEPTEMBER 11TH VICTIM COMPENSATION FUND.—

(1) IN GENERAL.—Section 1403(e) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(e)) is amended by inserting ''including the program established under title IV of Public Law 107–42,'' after ''Federal program,''.

(2) COMPENSATION.—With respect to any compensation payable under title IV of Public Law 107–42, the failure of a crime victim compensation program, after the effective date of final regulations issued pursuant to section 407 of Public Law 107–42, to provide compensation otherwise required pursuant to section 1403 of the Victims of Crime Act of 1984 (42 U.S.C. 10602) shall not render that program ineligible for future grants under the Victims of Crime Act of 1984.

SEC. 623. CRIME VICTIM ASSISTANCE.

(a) ASSISTANCE FOR VICTIMS IN THE DISTRICT OF COLUMBIA, PUERTO RICO, AND OTHER TERRITORIES AND POSSESSIONS.—Section 1404(a) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(a)) is amended by adding at the end the following:

''(6) An agency of the Federal Government performing local law enforcement functions in and on behalf of the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, or any other territory or possession of the United States may qualify as an eligible crime victim assistance program for the purpose of grants under this subsection, or for the purpose of grants under subsection (c)(1).''.

(b) PROHIBITION ON DISCRIMINATION AGAINST CERTAIN VICTIMS.—Section 1404(b)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(1)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(F) does not discriminate against victims because they disagree with the way the State is prosecuting the criminal case.''.

(c) GRANTS FOR PROGRAM EVALUATION AND COMPLIANCE EFFORTS.—Section 1404(c)(1)(A) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(1)(A)) is amended by inserting '', program evaluation, compliance efforts,'' after ''demonstration projects''.

(d) ALLOCATION OF DISCRETIONARY GRANTS.—Section 1404(c)(2) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(2)) is amended—

(1) in subparagraph (A), by striking ''not more than'' and inserting ''not less than''; and

(2) in subparagraph (B), by striking ''not less than'' and inserting ''not more than''.

(e) FELLOWSHIPS AND CLINICAL INTERNSHIPS.—Section 1404(c)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(c)(3)) is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(E) use funds made available to the Director under this subsection—

''(i) for fellowships and clinical internships; and

''(ii) to carry out programs of training and special workshops for the presentation and dissemination of information resulting from demonstrations, surveys, and special projects.''.

SEC. 624. VICTIMS OF TERRORISM.

(a) COMPENSATION AND ASSISTANCE TO VICTIMS OF DOMESTIC TERRORISM.—Section 1404B(b) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(b)) is amended to read as follows:

''(b) VICTIMS OF TERRORISM WITHIN THE UNITED STATES.—The Director may make supplemental grants as provided in section 1402(d)(5) to States for eligible crime victim compensation and assistance programs, and to victim service organizations, public agencies (including Federal, State, or local governments) and nongovernmental organizations that provide assistance to victims of crime, which shall be used to provide emergency relief, including crisis response efforts, assistance, compensation, training and technical assistance, and ongoing assistance, including during any investigation or prosecution, to victims of terrorist acts or mass violence occurring within the United States.''.

(b) ASSISTANCE TO VICTIMS OF INTERNATIONAL TERRORISM.—Section 1404B(a)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10603b(a)(1)) is amended by striking ''who are not persons eligible for compensation under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986''.

(c) COMPENSATION TO VICTIMS OF INTERNATIONAL TERRORISM.—Section 1404C(b) of the Victims of Crime of 1984 (42 U.S.C. 10603c(b)) is amended by adding at the end the following: ''The amount of compensation awarded to a victim under this subsection shall be reduced by any amount that the victim received in connection with the same act of international terrorism under title VIII of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.''.

TITLE VII—INCREASED INFORMATION SHARING FOR CRITICAL INFRASTRUCTURE PROTECTION

SEC. 711. EXPANSION OF REGIONAL INFORMATION SHARING SYSTEM TO FACILITATE FEDERAL-STATE-LOCAL LAW ENFORCEMENT RESPONSE RELATED TO TERRORIST ATTACKS.

Section 1301 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796h) is amended—

(1) in subsection (a), by inserting ''and terrorist conspiracies and activities'' after ''activities'';

(2) in subsection (b)—

(A) in paragraph (3), by striking ''and'' after the semicolon;

(B) by redesignating paragraph (4) as paragraph (5);

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

''(4) establishing and operating secure information sharing systems to enhance the investigation and prosecution abilities of participating enforcement agencies in addressing multi-jurisdictional terrorist conspiracies and activities; and (5)''; and

(3) by inserting at the end the following:

''(d) AUTHORIZATION OF APPROPRIATION TO THE BUREAU OF JUSTICE ASSISTANCE.—There are authorized to be appropriated to the Bureau of Justice Assistance to carry out this section $50,000,000 for fiscal year 2002 and $100,000,000 for fiscal year 2003.''.

TITLE VIII—STRENGTHENING THE CRIMINAL LAWS AGAINST TERRORISM

SEC. 801. TERRORIST ATTACKS AND OTHER ACTS OF VIOLENCE AGAINST MASS TRANSPORTATION SYSTEMS.

Chapter 97 of title 18, United States Code, is amended by adding at the end the following:

''§ 1993. Terrorist attacks and other acts of violence against mass transportation systems

''(a) GENERAL PROHIBITIONS.—Whoever willfully—

''(1) wrecks, derails, sets fire to, or disables a mass transportation vehicle or ferry;

''(2) places or causes to be placed any biological agent or toxin for use as a weapon, destructive substance, or destructive device in, upon, or near a mass transportation vehicle or ferry, without previously obtaining the permission of the mass transportation provider, and with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

''(3) sets fire to, or places any biological agent or toxin for use as a weapon, destructive substance, or destructive device in, upon, or near any garage, terminal, structure, supply, or facility used in the operation of, or in support of the operation of, a mass transportation vehicle or ferry, without previously obtaining the permission of the mass transportation provider, and knowing or having reason to know such activity would likely derail, disable, or wreck a mass transportation vehicle or ferry used, operated, or employed by the mass transportation provider;

''(4) removes appurtenances from, damages, or otherwise impairs the operation of a mass transportation signal system, including a train control system, centralized dispatching system, or rail grade crossing warning signal;

''(5) interferes with, disables, or incapacitates any dispatcher, driver, captain, or person while they are employed in dispatching, operating, or maintaining a mass transportation vehicle or ferry, with intent to endanger the safety of any passenger or employee of the mass transportation provider, or with a reckless disregard for the safety of human life;

''(6) commits an act, including the use of a dangerous weapon, with the intent to cause death or serious bodily injury to an employee or passenger of a mass transportation provider or any other person while any of the foregoing are on the property of a mass transportation provider;

''(7) conveys or causes to be conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this subsection; or

''(8) attempts, threatens, or conspires to do any of the aforesaid acts,

shall be fined under this title or imprisoned not more than twenty years, or both, if such act is committed, or in the case of a threat or conspiracy such act would be committed, on, against, or affecting a mass transportation provider engaged in or affecting interstate or foreign commerce, or if in the course of committing such act, that person travels or communicates across a State line in order to commit such act, or transports materials across a State line in aid of the commission of such act.

''(b) AGGRAVATED OFFENSE.—Whoever commits an offense under subsection (a) in a circumstance in which—

''(1) the mass transportation vehicle or ferry was carrying a passenger at the time of the offense; or

''(2) the offense has resulted in the death of any person,

shall be guilty of an aggravated form of the offense and shall be fined under this title or imprisoned for a term of years or for life, or both.

''(c) DEFINITIONS.—In this section—

''(1) the term 'biological agent' has the meaning given to that term in section 178(1) of this title;

''(2) the term 'dangerous weapon' has the meaning given to that term in section 930 of this title;

''(3) the term 'destructive device' has the meaning given to that term in section 921(a)(4) of this title;

''(4) the term 'destructive substance' has the meaning given to that term in section 31 of this title;

''(5) the term 'mass transportation' has the meaning given to that term in section 5302(a)(7) of title 49, United States Code, except that the term shall include schoolbus, charter, and sightseeing transportation;

''(6) the term 'serious bodily injury' has the meaning given to that term in section 1365 of this title;

''(7) the term 'State' has the meaning given to that term in section 2266 of this title; and

''(8) the term 'toxin' has the meaning given to that term in section 178(2) of this title.''.

(f) CONFORMING AMENDMENT.—The analysis of chapter 97 of title 18, United States Code, is amended by adding at the end:

''1993. Terrorist attacks and other acts of violence against mass transportation systems.''.

SEC. 802. EXPANSION OF THE BIOLOGICAL WEAPONS STATUTE.

Chapter 10 of title 18, United States Code, is amended—

(1) in section 175—

(A) in subsection (b)—

(i) by striking ''does not include'' and inserting ''includes'';

(ii) by inserting ''other than'' after ''system for''; and

(iii) by inserting ''bona fide research'' after ''protective'';

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

''(b) ADDITIONAL OFFENSE.—Whoever knowingly possesses any biological agent, toxin, or delivery system of a type or in a quantity that, under the circumstances, is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose, shall be fined under this title, imprisoned not more than 10 years, or both. In this subsection, the terms 'biological agent' and 'toxin' do not encompass any biological agent or toxin that is in its naturally occurring environment, if the biological agent or toxin has not been cultivated, collected, or otherwise extracted from its natural source.'';

(2) by inserting after section 175a the following:

''SEC. 175b. POSSESSION BY RESTRICTED PERSONS.

''(a) No restricted person described in subsection (b) shall ship or transport interstate or foreign commerce, or possess in or affecting commerce, any biological agent or toxin, or receive any biological agent or toxin that has been shipped or transported in interstate or foreign commerce, if the biological agent or toxin is listed as a select agent in subsection (j) of section 72.6 of title 42, Code of

Federal Regulations, pursuant to section 511(d)(1) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), and is not exempted under subsection (h) of such section 72.6, or appendix A of part 72 of the Code of Regulations.

''(b) In this section:

''(1) The term 'select agent' does not include any such biological agent or toxin that is in its naturally-occurring environment, if the biological agent or toxin has not been cultivated, collected, or otherwise extracted from its natural source.

''(2) The term 'restricted person' means an individual who—

''(A) is under indictment for a crime punishable by imprisonment for a term exceeding 1 year;

''(B) has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year;

''(C) is a fugitive from justice;

''(D) is an unlawful user of any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(E) is an alien illegally or unlawfully in the United States;

''(F) has been adjudicated as a mental defective or has been committed to any mental institution;

''(G) is an alien (other than an alien lawfully admitted for permanent residence) who is a national of a country as to which the Secretary of State, pursuant to section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), section 620A of chapter 1 of part M of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or section 40(d) of chapter 3 of the Arms Export Control Act (22 U.S.C. 2780(d)), has made a determination (that remains in effect) that such country has repeatedly provided support for acts of international terrorism; or

''(H) has been discharged from the Armed Services of the United States under dishonorable conditions.

''(3) The term 'alien' has the same meaning as in section 1010(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).

''(4) The term 'lawfully admitted for permanent residence' has the same meaning as in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).

''(c) Whoever knowingly violates this section shall be fined as provided in this title, imprisoned not more than 10 years, or both, but the prohibition contained in this section shall not apply with respect to any duly authorized United States governmental activity.''; and

(3) in the chapter analysis, by inserting after the item relating to section 175a the following:

''175b. Possession by restricted persons.''.

SEC. 803. DEFINITION OF DOMESTIC TERRORISM.

(a) DOMESTIC TERRORISM DEFINED.—Section 2331 of title 18, United States Code, is amended—

(1) in paragraph (1)(B)(iii), by striking ''by assassination or kidnapping'' and inserting ''by mass destruction, assassination, or kidnapping'';

(2) in paragraph (3), by striking ''and'';

(3) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(5) the term 'domestic terrorism' means activities that—

''(A) involve acts dangerous to human life that are a violation of the criminal laws of the United States or of any State;

''(B) appear to be intended—

''(i) to intimidate or coerce a civilian population;

''(ii) to influence the policy of a government by intimidation or coercion; or

''(iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and

''(C) occur primarily within the territorial jurisdiction of the United States.''.

(b) CONFORMING AMENDMENT.—Section 3077(1) of title 18, United States Code, is amended to read as follows:

''(1) 'act of terrorism' means an act of domestic or international terrorism as defined in section 2331;''.

SEC. 804. PROHIBITION AGAINST HARBORING TERRORISTS.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding after section 2338 the following new section:

''§ 2339. Harboring or concealing terrorists

''(a) Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe, has committed, or is about to commit, an offense under section 32 (relating to destruction of aircraft or aircraft facilities), section 175 (relating to biological weapons), section 229 (relating to chemical weapons), section 831 (relating to nuclear materials), paragraph (2) or (3) of section 844(f) (relating to arson and bombing of government property risking or causing injury or death), section 1366(a) (relating to the destruction of an energy facility), section 2280 (relating to violence against maritime navigation), section 2332a (relating to weapons of mass destruction), or section 2332b (relating to acts of terrorism transcending national boundaries) of this title, section 236(a) (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2284(a)), or section 46502 (relating to aircraft piracy) of title 49, shall be fined under this title or imprisoned not more than ten years, or both.''.

''(b) A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.''.

(b) TECHNICAL AMENDMENT.—The chapter analysis for chapter 113B of title 18, United States Code, is amended by inserting after the item for section 2338 the following:

''2339. Harboring or concealing terrorists.''.

SEC. 805. JURISDICTION OVER CRIMES COMMITTED AT U.S. FACILITIES ABROAD.

Section 7 of title 18, United States Code, is amended by adding at the end the following:

''(9) With respect to offenses committed by or against a United States national, as defined in section 1203(c) of this title—

''(A) the premises of United States diplomatic, consular, military or other United States Government missions or entities in foreign States, including the buildings, parts of buildings, and land appurtenant or ancillary thereto or used for purposes of those missions or entities, irrespective of ownership; and

''(B) residences in foreign States and the land appurtenant or ancillary thereto, irrespective of ownership, used for purposes of those missions or entities or used by United States personnel assigned to those missions or entities.

Nothing in this paragraph shall be deemed to supersede any treaty or international agreement in force on the date of enactment of this paragraph with which this paragraph conflicts. This paragraph does not apply with respect to an offense committed by a person described in section 3261(a) of this title.''.

SEC. 806. MATERIAL SUPPORT FOR TERRORISM.

(a) IN GENERAL.—Section 2339A of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking '', within the United States,'';

(B) by inserting ''229,'' after ''175,'';

(C) by inserting ''1993,'' after ''1992,'';

(D) by inserting '', section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284),'' after ''of this title'';

(E) by inserting ''or 60123(b)'' after ''46502''; and

(F) by inserting at the end the following: ''A violation of this section may be prosecuted in any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law.''; and

(2) in subsection (b)—

(A) by striking ''or other financial securities'' and inserting ''or monetary instruments or financial securities''; and

(B) by inserting ''expert advice or assistance,'' after ''training,''.

(b) TECHNICAL AMENDMENT.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''or 2339B'' after ''2339A''.

SEC. 807. ASSETS OF TERRORIST ORGANIZATIONS.

Section 981(a)(1) of title 18, United States Code, is amended by inserting at the end the following:

''(G) All assets, foreign or domestic—

''(i) of any person, entity, or organization engaged in planning or perpetrating any act of domestic or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property, and all assets, foreign or domestic, affording any person a source of influence over any such entity or organization;

''(ii) acquired or maintained by any person for the purpose of supporting, planning, conducting, or concealing an act of domestic or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property; or

''(iii) derived from, involved in, or used or intended to be used to commit any act of domestic or international terrorism (as defined in section 2331) against the United States, citizens or residents of the United States, or their property.''.

SEC. 808. TECHNICAL CLARIFICATION RELATING TO PROVISION OF MATERIAL SUPPORT TO TERRORISM.

No provision of the Trade Sanctions Reform and Export Enhancement Act of 2000 (title IX of Public Law 106–387) shall be construed to limit or otherwise affect section 2339A or 2339B of title 18, United States Code.

SEC. 809. DEFINITION OF FEDERAL CRIME OF TERRORISM.

Section 2332b of title 18, United States Code, is amended—

(1) in subsection (f), by inserting after ''terrorism'' the following: ''and any violation of section 351(e), 844(e), 844(f)(1), 956(b), 1361, 1366(b), 1366(c), 1751(e), 2152, or 2156 of this title,'' before ''and the Secretary''; and

(2) in subsection (g)(5)(B), by striking clauses (i) through (iii) and inserting the following:

''(i) section 32 (relating to destruction of aircraft or aircraft facilities), 37 (relating to violence at international airports), 81 (relating to arson within special maritime and territorial jurisdiction), 175 or 175b (relating to biological weapons), 229 (relating to chemical weapons), 351 (a) through (d) (relating to congressional, cabinet, and Supreme Court assassination and kidnaping), 831 (relating to nuclear materials), 842(m) or (n) (relating to

plastic explosives), 844(f) (2) through (3) (relating to arson and bombing of Government property risking or causing death), 844(i) (relating to arson and bombing of property used in interstate commerce), 930(c) (relating to killing or attempted killing during an attack on a Federal facility with a dangerous weapon), 956(a)(1) (relating to conspiracy to murder, kidnap, or maim within special maritime and territorial jurisdiction of the United States), 1030(a)(1) (relating to protection of computers), 1030(a)(5)(A)(i) resulting in damage as defined in 1030(a)(5)(B)(ii) through (v) (relating to protection of computers), 1114 (relating to killing or attempted killing of officers and employees of the United States), 1116 (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1362 (relating to destruction of communication lines, stations, or systems), 1363 (relating to injury to buildings or property within special maritime and territorial jurisdiction of the United States), 1366(a) (relating to destruction of an energy facility), 1751 (a) through (d) (relating to Presidential and Presidential staff assassination and kidnaping), 1992 (relating to wrecking trains), 1993 (relating to terrorist attacks and other acts of violence against mass transportation systems), 2155 (relating to destruction of national defense materials, premises, or utilities), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332 (relating to certain homicides and other violence against United States nationals occurring outside of the United States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), 2339 (relating to harboring terrorists), 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture) of this title;

''(ii) section 236 (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954 (42 U.S.C. 2284); or

''(iii) section 46502 (relating to aircraft piracy), the second sentence of section 46504 (relating to assault on a flight crew with a dangerous weapon), section 46505(b)(3) or (c) (relating to explosive or incendiary devices, or endangerment of human life by means of weapons, on aircraft), section 46506 if homicide or attempted homicide is involved (relating to application of certain criminal laws to acts on aircraft), or section 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) of title 49.''.

SEC. 810. NO STATUTE OF LIMITATION FOR CERTAIN TERRORISM OFFENSES.

(a) IN GENERAL.—Section 3286 of title 18, United States Code, is amended to read as follows:

''§ 3286. Extension of statute of limitation for certain terrorism offenses.

''(a) EIGHT-YEAR LIMITATION.—Notwithstanding section 3282, no person shall be prosecuted, tried, or punished for any noncapital offense involving a violation of any provision listed in section 2332b(g)(5)(B) other than a provision listed in section 3295, or a violation of section 112, 351(e), 1361, or 1751(e) of this title, or section 46504, 46505, or 46506 of title 49, unless the indictment is found or the information is instituted within 8 years after the offense was committed.

''(b) NO LIMITATION.—Notwithstanding any other law, an indictment may be found or an information instituted at any time without limitation for any offense listed in section 2332b(g)(5)(B), if the commission of such offense resulted in, or created a forseeable risk of, death or serious bodily injury to another person.''.

(b) APPLICATION.—The amendments made by this section shall apply to the prosecution of any offense committed before, on, or after the date of enactment of this section.

SEC. 811. ALTERNATE MAXIMUM PENALTIES FOR TERRORISM OFFENSES.

(a) ARSON.—Section 81 of title 18, United States Code, is amended in the second undesignated paragraph by striking ''not more than twenty years'' and inserting ''for any term of years or for life''.

(b) DESTRUCTION OF AN ENERGY FACILITY.—Section 1366 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''ten'' and inserting ''20''; and

(2) by adding at the end the following:

''(d) Whoever is convicted of a violation of subsection (a) or (b) that has resulted in the death of any person shall be subject to imprisonment for any term of years or life.''.

(c) MATERIAL SUPPORT TO TERRORISTS.—Section 2339A(a) of title 18, United States Code, is amended—

(1) by striking ''10'' and inserting ''15''; and

(2) by striking the period and inserting ''and, if the death of any person results, shall be imprisoned for any term of years or for life.''.

(d) MATERIAL SUPPORT TO DESIGNATED FOREIGN TERRORIST ORGANIZATIONS.—Section 2339B(a)(1) of title 18, United States Code, is amended—

(1) by striking ''10'' and inserting ''15''; and

(2) by striking the period after ''or both'' and inserting ''and, if the death of any person results, shall be imprisoned for any term of years or for life.''.

(e) DESTRUCTION OF NATIONAL-DEFENSE MATERIALS.—Section 2155(a) of title 18, United States Code, is amended—

(1) by striking ''ten'' and inserting ''20''; and

(2) by striking the period at the end and inserting '', and, if death results to any person, shall be imprisoned for any term of years or for life.''.

(f) SABOTAGE OF NUCLEAR FACILITIES OR FUEL.—Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), is amended—

(1) by striking ''ten'' each place it appears and inserting ''20'';

(2) in subsection (a), by striking the period at the end and inserting '', and, if death results to any person, shall be imprisoned for any term of years or for life.''; and

(3) in subsection (b), by striking the period at the end and inserting '', and, if death results to any person, shall be imprisoned for any term of years or for life.''.

(g) SPECIAL AIRCRAFT JURISDICTION OF THE UNITED STATES.—Section 46505(c) of title 49, United States Code, is amended—

(1) by striking ''15'' and inserting ''20''; and

(2) by striking the period at the end and inserting '', and, if death results to any person, shall be imprisoned for any term of years or for life.''.

(h) DAMAGING OR DESTROYING AN INTERSTATE GAS OR HAZARDOUS LIQUID PIPELINE FACILITY.—Section 60123(b) of title 49, United States Code, is amended—

(1) by striking ''15'' and inserting ''20''; and

(2) by striking the period at the end and inserting '', and, if death results to any person, shall be imprisoned for any term of years or for life.''.

SEC. 812. PENALTIES FOR TERRORIST CONSPIRACIES.

(a) ARSON.—Section 81 of title 18, United States Code, is amended in the first undesignated paragraph—

(1) by striking '', or attempts to set fire to or burn''; and

(2) by inserting ''or attempts or conspires to do such an act,'' before ''shall be imprisoned''.

(b) KILLINGS IN FEDERAL FACILITIES.—

(1) Section 930(c) of title 18, United States Code, is amended—

(A) by striking ''or attempts to kill'';

(B) by inserting ''or attempts or conspires to do such an act,'' before ''shall be punished''; and

(C) by striking ''and 1113'' and inserting ''1113, and 1117''.

(2) Section 1117 of title 18, United States Code, is amended by inserting ''930(c),'' after ''section''.

(c) COMMUNICATIONS LINES, STATIONS, OR SYSTEMS.—Section 1362 of title 18, United States Code, is amended in the first undesignated paragraph—

(1) by striking ''or attempts willfully or maliciously to injure or destroy''; and

(2) by inserting ''or attempts or conspires to do such an act,'' before ''shall be fined''.

(d) BUILDINGS OR PROPERTY WITHIN SPECIAL MARITIME AND TERRITORIAL JURISDICTION.—Section 1363 of title 18, United States Code, is amended—

(1) by striking ''or attempts to destroy or injure''; and

(2) by inserting ''or attempts or conspires to do such an act,'' before ''shall be fined'' the first place it appears.

(e) WRECKING TRAINS.—Section 1992 of title 18, United States Code, is amended by adding at the end the following:

''(c) A person who conspires to commit any offense defined in this section shall be subject to the same penalties (other than the penalty of death) as the penalties prescribed for the offense, the commission of which was the object of the conspiracy.''.

(f) MATERIAL SUPPORT TO TERRORISTS.—Section 2339A of title 18, United States Code, is amended by inserting ''or attempts or conspires to do such an act,'' before ''shall be fined''.

(g) TORTURE.—Section 2340A of title 18, United States Code, is amended by adding at the end the following:

''(c) CONSPIRACY.—A person who conspires to commit an offense under this section shall be subject to the same penalties (other than the penalty of death) as the penalties prescribed for the offense, the commission of which was the object of the conspiracy.''.

(h) SABOTAGE OF NUCLEAR FACILITIES OR FUEL.—Section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), is amended—

(1) in subsection (a)—

(A) by striking '', or who intentionally and willfully attempts to destroy or cause physical damage to'';

(B) in paragraph (4), by striking the period at the end and inserting a comma; and

(C) by inserting ''or attempts or conspires to do such an act,'' before ''shall be fined''; and

(2) in subsection (b)—

(A) by striking ''or attempts to cause''; and

(B) by inserting ''or attempts or conspires to do such an act,'' before ''shall be fined''.

(i) INTERFERENCE WITH FLIGHT CREW MEMBERS AND ATTENDANTS.—Section 46504 of title 49, United States Code, is amended by inserting ''or attempts or conspires to do such an act,'' before ''shall be fined''.

(j) SPECIAL AIRCRAFT JURISDICTION OF THE UNITED STATES.—Section 46505 of title 49, United States Code, is amended by adding at the end the following:

''(e) CONSPIRACY.—If two or more persons conspire to violate subsection (b) or (c), and

one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in such subsection.''.

(k) DAMAGING OR DESTROYING AN INTERSTATE GAS OR HAZARDOUS LIQUID PIPELINE FACILITY.—Section 60123(b) of title 49, United States Code, is amended—

(1) by striking '', or attempting to damage or destroy,''; and

(2) by inserting '', or attempting or conspiring to do such an act,'' before ''shall be fined''.

SEC. 813. POST-RELEASE SUPERVISION OF TERRORISTS.

Section 3583 of title 18, United States Code, is amended by adding at the end the following:

''(j) SUPERVISED RELEASE TERMS FOR TERRORISM PREDICATES.—Notwithstanding subsection (b), the authorized term of supervised release for any offense listed in section 2332b(g)(5)(B), the commission of which resulted in, or created a foreseeable risk of, death or serious bodily injury to another person, is any term of years or life.''.

SEC. 814. INCLUSION OF ACTS OF TERRORISM AS RACKETEERING ACTIVITY.

Section 1961(1) of title 18, United States Code, is amended—

(1) by striking ''or (F)'' and inserting ''(F)''; and

(2) by inserting before the semicolon at the end the following: '', or (G) any act that is indictable as an offense listed in section 2332b(g)(5)(B)''.

SEC. 815. DETERRENCE AND PREVENTION OF CYBERTERRORISM.

(a) CLARIFICATION OF PROTECTION OF PROTECTED COMPUTERS.—Section 1030(a)(5) of title 18, United States Code, is amended—

(1) by inserting ''(i)'' after (A)'';

(2) by redesignating subparagraphs (B) and (C) as clauses (ii) and (iii), respectively;

(3) by adding ''and'' at the end of clause (iii), as so redesignated; and

(4) by adding at the end the following:

''(B) caused (or, in the case of an attempted offense, would, if completed, have caused) conduct described in clause (i), (ii), or (iii) of subparagraph (A) that resulted in—

''(i) loss to 1 or more persons during any 1-year period (including loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least $5,000 in value;

''(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

''(iii) physical injury to any person;

''(iv) a threat to public health or safety; or

''(v) damage affecting a computer system used by or for a Government entity in furtherance of the administration of justice, national defense, or national security;''.

(b) PENALTIES.—Section 1030(c) of title 18, United States Code is amended—

(1) in paragraph (2)—

(A) in subparagraph (A) —

(i) by inserting ''except as provided in subparagraph (B),'' before ''a fine'';

(ii) by striking ''(a)(5)(C)'' and inserting ''(a)(5)(A)(iii)''; and

(iii) by striking ''and' at the end;

(B) in subparagraph (B), by inserting ''or an attempt to commit an offense punishable under this subparagraph,'' after ''subsection (a)(2),'' in the matter preceding clause (i); and

(C) in subparagraph (C), by striking ''and'' at the end;

(2) in paragraph (3)—

(A) by striking '', (a)(5)(A), (a)(5)(B),'' both places it appears; and

(B) by striking ''and'' at the end; and

(3) by striking ''(a)(5)(C)'' and inserting ''(a)(5)(A)(iii)''; and

(4) by adding at the end the following new paragraphs:

''(4)(A) a fine under this title, imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(5)(A)(i), or an attempt to commit an offense punishable under that subsection;

''(B) a fine under this title, imprisonment for not more than 5 years, or both, in the case of an offense under subsection (a)(5)(A)(ii), or an attempt to commit an offense punishable under that subsection;

''(C) a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(A)(i) or (a)(5)(A)(ii), or an attempt to commit an offense punishable under either subsection, that occurs after a conviction for another offense under this section.''.

(c) DEFINITIONS.—Subsection (e) of section 1030 of title 18, United States Code is amended—

(1) in paragraph (2)(B), by inserting '', including a computer located outside the United States'' before the semicolon;

(2) in paragraph (7), by striking ''and'' at the end;

(3) by striking paragraph (8) and inserting the following new paragraph (8):

''(8) the term 'damage' means any impairment to the integrity or availability of data, a program, a system, or information;'';

(4) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following new paragraphs:

''(10) the term 'conviction' shall include a conviction under the law of any State for a crime punishable by imprisonment for more than 1 year, an element of which is unauthorized access, or exceeding authorized access, to a computer;

''(11) the term 'loss' includes any reasonable cost to any victim, including the cost of responding to an offense, conducting a damage assessment, and restoring the data, program, system, or information to its condition prior to the offense, and any revenue lost, cost incurred, or other consequential damages incurred because of interruption of service;

''(12) the term 'person' means any individual, firm, corporation, educational institution, financial institution, governmental entity, or legal or other entity;''.

(d) DAMAGES IN CIVIL ACTIONS.—Subsection (g) of section 1030 of title 18, United States Code is amended—

(1) by striking the second sentence and inserting the following new sentences: ''A suit for a violation of subsection (a)(5) may be brought only if the conduct involves one of the factors enumerated in subsection (a)(5)(B). Damages for a violation involving only conduct described in subsection (a)(5)(B)(i) are limited to economic damages.''; and

(2) by adding at the end the following: ''No action may be brought under this subsection for the negligent design or manufacture of computer hardware, computer software, or firmware.''.

(e) AMENDMENT OF SENTENCING GUIDELINES RELATING TO CERTAIN COMPUTER FRAUD AND ABUSE.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to ensure that any individual convicted of a violation of section 1030 of title 18, United States Code, can be subjected to appropriate penalties, without regard to any mandatory minimum term of imprisonment.

SEC. 816. ADDITIONAL DEFENSE TO CIVIL ACTIONS RELATING TO PRESERVING RECORDS IN RESPONSE TO GOVERNMENT REQUESTS.

Section 2707(e)(1) of title 18, United States Code, is amended by inserting after ''or statutory authorization'' the following: ''(including a request of a governmental entity under section 2703(f) of this title)''.

SEC. 817. DEVELOPMENT AND SUPPORT OF CYBERSECURITY FORENSIC CAPABILITIES.

(a) IN GENERAL.—The Attorney General shall establish such regional computer forensic laboratories as the Attorney General considers appropriate, and provide support to existing computer forensic laboratories, in order that all such computer forensic laboratories have the capability—

(1) to provide forensic examinations with respect to seized or intercepted computer evidence relating to criminal activity (including cyberterrorism);

(2) to provide training and education for Federal, State, and local law enforcement personnel and prosecutors regarding investigations, forensic analyses, and prosecutions of computer-related crime (including cyberterrorism);

(3) to assist Federal, State, and local law enforcement in enforcing Federal, State, and local criminal laws relating to computer-related crime;

(4) to facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer-related crime with State and local law enforcement personnel and prosecutors, including the use of multijurisdictional task forces; and

(5) to carry out such other activities as the Attorney General considers appropriate.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There is hereby authorized to be appropriated in each fiscal year $50,000,000 for purposes of carrying out this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

TITLE IX—IMPROVED INTELLIGENCE

SEC. 901. RESPONSIBILITIES OF DIRECTOR OF CENTRAL INTELLIGENCE REGARDING FOREIGN INTELLIGENCE COLLECTED UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

Section 103(c) of the National Security Act of 1947 (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(2) by inserting after paragraph (5) the following new paragraph (6):

''(6) establish requirements and priorities for foreign intelligence information to be collected under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), and provide assistance to the Attorney General to ensure that information derived from electronic surveillance or physical searches under that Act is disseminated so it may be used efficiently and effectively for foreign intelligence purposes, except that the Director shall have no authority to direct, manage, or undertake electronic surveillance operations pursuant to that Act unless otherwise authorized by statute or executive order;''.

SEC. 902. INCLUSION OF INTERNATIONAL TERRORIST ACTIVITIES WITHIN SCOPE OF FOREIGN INTELLIGENCE UNDER NATIONAL SECURITY ACT OF 1947.

Section 3 of the National Security Act of 1947 (50 U.S.C. 401a) is amended—

(1) in paragraph (2), by inserting before the period the following: ", or international terrorist activities"; and

(2) in paragraph (3), by striking "and activities conducted" and inserting ", and activities conducted,".

SEC. 903. SENSE OF CONGRESS ON THE ESTABLISHMENT AND MAINTENANCE OF INTELLIGENCE RELATIONSHIPS TO ACQUIRE INFORMATION ON TERRORISTS AND TERRORIST ORGANIZATIONS.

It is the sense of Congress that officers and employees of the intelligence community of the Federal Government, acting within the course of their official duties, should be encouraged, and should make every effort, to establish and maintain intelligence relationships with any person, entity, or group for the purpose of engaging in lawful intelligence activities, including the acquisition of information on the identity, location, finances, affiliations, capabilities, plans, or intentions of a terrorist or terrorist organization, or information on any other person, entity, or group (including a foreign government) engaged in harboring, comforting, financing, aiding, or assisting a terrorist or terrorist organization.

SEC. 904. TEMPORARY AUTHORITY TO DEFER SUBMITTAL TO CONGRESS OF REPORTS ON INTELLIGENCE AND INTELLIGENCE-RELATED MATTERS.

(a) AUTHORITY TO DEFER.—The Secretary of Defense, Attorney General, and Director of Central Intelligence each may, during the effective period of this section, defer the date of submittal to Congress of any covered intelligence report under the jurisdiction of such official until February 1, 2002.

(b) COVERED INTELLIGENCE REPORT.—Except as provided in subsection (c), for purposes of subsection (a), a covered intelligence report is as follows:

(1) Any report on intelligence or intelligence-related activities of the United States Government that is required to be submitted to Congress by an element of the intelligence community during the effective period of this section.

(2) Any report or other matter that is required to be submitted to the Select Committee on Intelligence of the Senate and Permanent Select Committee on Intelligence of the House of Representatives by the Department of Defense or the Department of Justice during the effective period of this section.

(c) EXCEPTION FOR CERTAIN REPORTS.—For purposes of subsection (a), any report required by section 502 or 503 of the National Security Act of 1947 (50 U.S.C. 413a, 413b) is not a covered intelligence report.

(d) NOTICE TO CONGRESS.—Upon deferring the date of submittal to Congress of a covered intelligence report under subsection (a), the official deferring the date of submittal of the covered intelligence report shall submit to Congress notice of the deferral. Notice of deferral of a report shall specify the provision of law, if any, under which the report would otherwise be submitted to Congress.

(e) EXTENSION OF DEFERRAL.—(1) Each official specified in subsection (a) may defer the date of submittal to Congress of a covered intelligence report under the jurisdiction of such official to a date after February 1, 2002, if such official submits to the committees of Congress specified in subsection (b)(2) before February 1, 2002, a certification that preparation and submittal of the covered intelligence report on February 1, 2002, will impede the work of officers or employees who are engaged in counterterrorism activities.

(2) A certification under paragraph (1) with respect to a covered intelligence report shall specify the date on which the covered intelligence report will be submitted to Congress.

(f) EFFECTIVE PERIOD.—The effective period of this section is the period beginning on the date of the enactment of this Act and ending on February 1, 2002.

(g) ELEMENT OF THE INTELLIGENCE COMMUNITY DEFINED.—In this section, the term "element of the intelligence community" means any element of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 905. DISCLOSURE TO DIRECTOR OF CENTRAL INTELLIGENCE OF FOREIGN INTELLIGENCE-RELATED INFORMATION WITH RESPECT TO CRIMINAL INVESTIGATIONS.

(a) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended—

(1) by redesignating subsection 105B as section 105C; and

(2) by inserting after section 105A the following new section 105B:

"DISCLOSURE OF FOREIGN INTELLIGENCE ACQUIRED IN CRIMINAL INVESTIGATIONS; NOTICE OF CRIMINAL INVESTIGATIONS OF FOREIGN INTELLIGENCE SOURCES

"SEC. 105B. (a) DISCLOSURE OF FOREIGN INTELLIGENCE.—(1) Except as otherwise provided by law and subject to paragraph (2), the Attorney General, or the head of any other department or agency of the Federal Government with law enforcement responsibilities, shall expeditiously disclose to the Director of Central Intelligence, pursuant to guidelines developed by the Attorney General in consultation with the Director, foreign intelligence acquired by an element of the Department of Justice or an element of such department or agency, as the case may be, in the course of a criminal investigation.

"(2) The Attorney General by regulation and in consultation with the Director of Central Intelligence may provide for exceptions to the applicability of paragraph (1) for one or more classes of foreign intelligence, or foreign intelligence with respect to one or more targets or matters, if the Attorney General determines that disclosure of such foreign intelligence under that paragraph would jeopardize an ongoing law enforcement investigation or impair other significant law enforcement interests.

"(b) PROCEDURES FOR NOTICE OF CRIMINAL INVESTIGATIONS.—Not later than 180 days after the date of enactment of this section, the Attorney General, in consultation with the Director of Central Intelligence, shall develop guidelines to ensure that after receipt of a report from an element of the intelligence community of activity of a foreign intelligence source or potential foreign intelligence source that may warrant investigation as criminal activity, the Attorney General provides notice to the Director of Central Intelligence, within a reasonable period of time, of his intention to commence, or decline to commence, a criminal investigation of such activity.

"(c) PROCEDURES.—The Attorney General shall develop procedures for the administration of this section, including the disclosure of foreign intelligence by elements of the Department of Justice, and elements of other departments and agencies of the Federal Government, under subsection (a) and the provision of notice with respect to criminal investigations under subsection (b).".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by striking the item relating to section 105B and inserting the following new items:

"Sec. 105B. Disclosure of foreign intelligence acquired in criminal investigations; notice of criminal investigations of foreign intelligence sources.

"Sec. 105C. Protection of the operational files of the National Imagery and Mapping Agency.".

SEC. 906. FOREIGN TERRORIST ASSET TRACKING CENTER.

(a) REPORT ON RECONFIGURATION.—Not later than February 1, 2002, the Attorney General, the Director of Central Intelligence, and the Secretary of the Treasury shall jointly submit to Congress a report on the feasibility and desirability of reconfiguring the Foreign Terrorist Asset Tracking Center and the Office of Foreign Assets Control of the Department of the Treasury in order to establish a capability to provide for the effective and efficient analysis and dissemination of foreign intelligence relating to the financial capabilities and resources of international terrorist organizations.

(b) REPORT REQUIREMENTS.—(1) In preparing the report under subsection (a), the Attorney General, the Secretary, and the Director shall consider whether, and to what extent, the capacities and resources of the Financial Crimes Enforcement Center of the Department of the Treasury may be integrated into the capability contemplated by the report.

(2) If the Attorney General, Secretary, and the Director determine that it is feasible and desirable to undertake the reconfiguration described in subsection (a) in order to establish the capability described in that subsection, the Attorney General, the Secretary, and the Director shall include with the report under that subsection a detailed proposal for legislation to achieve the reconfiguration.

SEC. 907. NATIONAL VIRTUAL TRANSLATION CENTER.

(a) REPORT ON ESTABLISHMENT.—(1) Not later than February 1, 2002, the Director of Central Intelligence shall, in consultation with the Director of the Federal Bureau of Investigation, submit to the appropriate committees of Congress a report on the establishment and maintenance within the intelligence community of an element for purposes of providing timely and accurate translations of foreign intelligence for all other elements of the intelligence community. In the report, the element shall be referred to as the "National Virtual Translation Center".

(2) The report on the element described in paragraph (1) shall discuss the use of state-of-the-art communications technology, the integration of existing translation capabilities in the intelligence community, and the utilization of remote-connection capacities so as to minimize the need for a central physical facility for the element.

(b) RESOURCES.—The report on the element required by subsection (a) shall address the following:

(1) The assignment to the element of a staff of individuals possessing a broad range of linguistic and translation skills appropriate for the purposes of the element.

(2) The provision to the element of communications capabilities and systems that are

commensurate with the most current and sophisticated communications capabilities and systems available to other elements of intelligence community.

(3) The assurance, to the maximum extent practicable, that the communications capabilities and systems provided to the element will be compatible with communications capabilities and systems utilized by the Federal Bureau of Investigation in securing timely and accurate translations of foreign language materials for law enforcement investigations.

(4) The development of a communications infrastructure to ensure the efficient and secure use of the translation capabilities of the element.

(c) SECURE COMMUNICATIONS.—The report shall include a discussion of the creation of secure electronic communications between the element described by subsection (a) and the other elements of the intelligence community.

(d) DEFINITIONS.—In this section:

(1) FOREIGN INTELLIGENCE.—The term ''foreign intelligence'' has the meaning given that term in section 3(2) of the National Security Act of 1947 (50 U.S.C. 401a(2)).

(2) ELEMENT OF THE INTELLIGENCE COMMUNITY.—The term ''element of the intelligence community'' means any element of the intelligence community specified or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 908. TRAINING OF GOVERNMENT OFFICIALS REGARDING IDENTIFICATION AND USE OF FOREIGN INTELLIGENCE.

(a) PROGRAM REQUIRED.—The Attorney General shall, in consultation with the Director of Central Intelligence, carry out a program to provide appropriate training to officials described in subsection (b) in order to assist such officials in—

(1) identifying foreign intelligence information in the course of their duties; and

(2) utilizing foreign intelligence information in the course of their duties, to the extent that the utilization of such information is appropriate for such duties.

(b) OFFICIALS.—The officials provided training under subsection (a) are, at the discretion of the Attorney General and the Director, the following:

(1) Officials of the Federal Government who are not ordinarily engaged in the collection, dissemination, and use of foreign intelligence in the performance of their duties.

(2) Officials of State and local governments who encounter, or may encounter in the course of a terrorist event, foreign intelligence in the performance of their duties.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for the Department of Justice such sums as may be necessary for purposes of carrying out the program required by subsection (a).

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

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

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

Mr. KYL. I object, Mr. President.

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. Mr. President, I withdraw the objection.

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

THE PENTAGON MEMORIAL SERVICE

Mr. MCCAIN. Mr. President, on this solemn day, one month since the horrific terrorist attacks on American citizens, our institutions, and our way of life, memorial services were held today in New York City and Arlington, VA. President Bush, whom I commend for his leadership and strong efforts to unify our Nation at this difficult time in our history, spoke today at the Pentagon ceremony honoring the victims of these attacks. His remarks were eloquent and very moving to the families and members of our armed forces who attended the service. I was asked to submit the President's remarks for the RECORD, and I am privileged to do so.

I have also included the remarks of the Secretary of Defense, the Honorable Donald H. Rumsfeld, and the Chairman of the Joint Chiefs of Staff, General Richard B. Meyers, USAF.

Mr. President, I request unanimous consent that the remarks of the President of the United States, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff be printed in the RECORD, following my remarks.

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

PRESIDENT PAYS TRIBUTE AT PENTAGON MEMORIAL

(Remarks by the President at the Department of Defense Service of Remembrance)

The PRESIDENT. Please be seated. President and Senator Clinton, thank you all for being here. We have come here to pay our respects to 125 men and women who died in the service of America. We also remember 64 passengers on a hijacked plane; those men and women, boys and girls who fell into the hands of evildoers, and also died here exactly one month ago.

On September 11th, great sorrow came to our country. And from that sorrow has come great resolve. Today, we are a nation awakened to the evil of terrorism, and determined to destroy it. That work began the moment we were attacked; and it will continue until justice is delivered.

Americans are returning, as we must, to the normal pursuits of life. Americans are returning, as we must, to the normal pursuits of life. But we know that if you lost a son or daughter here, or a husband, or a wife, or a mom or dad, life will never again be as it was. The loss was sudden, and hard, and permanent. So difficult to explain. So difficult to accept.

Three schoolchildren traveling with their teacher. An Army general. A budget analyst who reported to work here for 30 years. A lieutenant commander in the Naval Reserve who left behind a wife, a four-year son, and another child on the way.

One life touches so many others. One death can leave sorrow that seems almost unbearable. But to all of you who lost someone here, I want to say: You are not alone. The American people will never forget the cruelty that was done here and in New York, and in the sky over Pennsylvania.

We will never forget all the innocent people killed by the hatred of a few. We know the loneliness you feel in your loss. The entire nation, entire nation shares in your sadness. And we pray for you and your loved ones. And we will always honor their memory.

The hijackers were instruments of evil who died in vain. Behind them is a cult of evil which seeks to harm the innocent and thrives on human suffering. Theirs is the worst kind of cruelty, the cruelty that is fed, not weakened, by tears. Theirs is the worst kind of violence, pure malice, while daring to claim the authority of God. We cannot fully understand the designs and power of evil. It is enough to know that evil, like goodness, exists. And in the terrorists, evil has found a willing servant.

In New York the terrorists chose as their target a symbol of America's freedom and confidence. Here, they struck a symbol of our strength in the world. And the attack on the Pentagon, on that day, was more symbolic than they knew. It was on another September 11th, September 11th, 1941, that construction on this building first began. America was just then awakening to another menace; The Nazi terror in Europe.

And on that very night, President Franklin Roosevelt spoke to the nation. The danger, he warned, has long ceased to be a mere possibility. The danger is here now. Not only from a military enemy, but from an enemy of all law, all liberty, all morality, all region.

For us too, in the year 2001, an enemy has emerged that rejects every limit of law, morality, and religion. The terrorists have no true home in any country, or culture, or faith. They dwell in dark corners of earth. And there, we will find them.

This week, I have called, this week, I have called the Armed Forces into action. One by one, we are eliminating power centers of a regime that harbors al Qaeda terrorists. We gave that regime a choice: Turn over the terrorists, or face your ruin. They close unwisely.

The Taliban regime has brought nothing but fear and misery to the people of Afghanistan. These rulers call themselves holy men, even with their record of drawing money from heroin trafficking. They consider themselves pious and devout, while subjecting women to fierce brutality.

The Taliban has allied itself with murderers and gave them shelter. But today, for al Qaeda and the Taliban, there is no shelter. As Americans did 60 years ago, we have entered a struggle of uncertain duration. But now, as then, we can be certain of the outcome, because we have a number of decisive assets.

We have a unified country. We have the patience to fight and win on many fronts: Blocking terrorist plans, seizing their funds, arresting their networks, disrupting their communications, opposing their sponsors. And we have one more great asset in this cause: The brave men and women of the United States military.

From my first days in this office, I have felt and seen the strong spirit of the Armed Forces. I saw it Fort Stewart, Georgia, when I first reviewed our troops as Commander-in-Chief, and looked into the faces of proud and determined soldiers. I saw it in Annapolis on a graduation day, at Camp Pendleton in California, Camp Bondsteel in Kosovo. And I

have seen this spirit at the Pentagon, before and after the attack on this building.

You've responded to a great emergency with calm and courage. And for that, your country honors you. A Commander-in-Chief must know, must know that he can count on the skill and readiness of servicemen and women at every point in the chain of command. You have given me that confidence.

And I give you these commitments. The wound to this building will not be forgotten, but it will be repaired. Brick by brick, we will quickly rebuild the Pentagon. In the missions ahead for the military, you will have everything you need, every resource, every weapon, every means to assure full victory for the United States and the cause of freedom.

And I pledge to you that America will never relent on this war against terror. There will be times of swift, dramatic action. There will be times of steady, quiet progress. Over time, with patience, and precision, the terrorists will be pursued. They will be isolated, surrounded, cornered, until there is no place to run, or hide, or rest.

As military and civilian personnel in the Pentagon, you are an important part of the struggle we have entered. You know the risks of your calling, and you have willingly accepted them. You believe in our country, and our country believes in you.

Within sight of this building is Arlington Cemetery, the final resting place of many thousands who died for our country over the generations. Enemies of America have now added to these graves, and they wish to add more. Unlike our enemies, we value every life, and we mourn every loss.

Yet we're not afraid. Our cause is just, and worthy of sacrifice. Our nation is strong of heart, firm of purpose. Inspired by all the courage that has come before, we will meet our moment and we will prevail.

May God bless you all, and may God bless America.

MEMORIAL SERVICE IN REMEMBRANCE OF THOSE LOST ON SEPTEMBER 11

(Remarks Prepared for Delivery by Secretary of Defense Donald H. Rumsfeld, The Pentagon, Arlington, VA, Thursday, October 11, 2001)

We are gathered here because of what happened here on September 11th. Events that bring to mind tragedy—but also our gratitude to those who came to assist that day and afterwards, those we saw at the Pentagon site everyday—the guards, police, fire and rescue workers, the Defense Protective service, hospitals, Red Cross, family center professionals and volunteers and many others.

And yet our reason for being here today is something else.

We are gathered here to remember, to console and to pray.

To remember comrades and colleagues, friends and family members, those lost to us on Sept. 11th.

We remember them as heroes. And we are right to do so. They died because, in words of justification offered by their attackers, they were Americans. They died, then, because of how they lived—as free men and women, proud of their freedom, proud of their country and proud of their country's cause—the cause of human freedom.

And they died for another reason—the simple fact they worked here in this building—the Pentagon.

It is seen as a place of power, the locus of command for what has been called the greatest accumulation of military might in history. And yet a might used far differently than the long course of history has usually known.

In the last century, this building existed to oppose two totalitarian regimes that sought to oppress and to rule other nations. And it is no exaggeration of historical judgment to say that without this building, and those who worked here, those two regimes would not have been stopped or thwarted in their oppression of countless millions.

But just as those regimes sought to rule and oppress, others in this century seek to do the same by corrupting a noble religion. Our President has been right to see the similarity—and to say that the fault, the evil is the same. It is the will to power, the urge to dominion over others, to the point of oppressing them, even to taking thousands of innocent lives—or more. And that this oppression makes the terrorist a believer—not in the theology of God, but the theology of self—and in the whispered words of temptation: ''Ye shall be as Gods.''

In targeting this place, then, and those who worked here, the attackers, the evildoers correctly sensed that the opposite of all they were, and stood for, resided here.

Those who worked here—those who on Sept. 11 died here—whether civilians or in uniform—side by side they sought not to rule, but to serve. They sought not to oppress, but to liberate. They worked not to take lives, but to protect them. And they tried not to preempt God, but see to it His creatures lived as He intended—in the light and dignity of human freedom.

Our first task then is to remember the fallen as they were—as they would have wanted to be remembered—living in freedom, blessed by it, proud of it and willing—like so many others before them, and like so many today, to die for it.

And to remember them as believers in the heroic ideal for which this nation stands and for which this building exists—the ideal of service to country and to others.

Beyond all this, their deaths remind us of a new kind of evil, the evil of a threat and menace to which this nation and the world has now fully awakened, because of them.

In causing this awakening, then, the terrorists have assured their own destruction. And those we mourn today, have, in the moment of their death, assured their own triumph over hate and fear. For out of this act of terror—and the awakening it brings—here and across the globe—will surely come a victory over terrorism. A victory that one day may save millions from the harm of weapons of mass destruction. And this victory—their victory—we pledge today.

But if we gather here to remember them—we are also here to console those who shared their lives, those who loved them. And yet, the irony is that those whom we have come to console have given us the best of all consolations, by reminding us not only of the meaning of the deaths, but of the lives of their loved ones.

''He was a hero long before the eleventh of September,'' said a friend of one of those we have lost—''a hero every single day, a hero to his family, to his friends and to his professional peers.''

A veteran of the Gulf War—hardworking, who showed up at the Pentagon at 3:30 in the morning, and then headed home in the afternoon to be with his children—all of whom he loved dearly, but one of whom he gave very special care, because she needs very special care and love.

About him and those who served with him, his wife said: ''It's not just when a plane hits their building. They are heroes every day.''

''Heroes every day.'' We are here to affirm that. And to do this on behalf of America.

And also to say to those who mourn, who have lost loved ones: Know that the heart of America is here today, and that it speaks to each one of you words of sympathy, consolation, compassion and love. All the love that the heart of America—and a great heart it is—can muster.

Watching and listening today, Americans everywhere are saying: I wish I could be there to tell them how sorry we are, how much we grieve for them. And to tell them too, how thankful we are for those they loved, and that we will remember them, and recall always the meaning of their deaths and their lives.

A Marine chaplain, in trying to explain why there could be no human explanation for a tragedy such as this, said once: ''You would think it would break the heart of God.''

We stand today in the midst of tragedy—the mystery of tragedy. Yet a mystery that is part of that larger awe and wonder that causes us to bow our heads in faith and say of those we mourn, those we have lost, the words of scripture: ''Lord now let Thy servants go in peace, Thy word has been fulfilled.''

To the families and friends of our fallen colleagues and comrades we extend today our deepest sympathy and condolences—and those of the American people.

We pray that God will give some share of the peace that now belongs to those we lost, to those who knew and loved them in this life.

But as we grieve together we are also thankful—for their lives, thankful for the time we had with them. And proud too—as proud as they were—that they lived their lives as Americans.

We are mindful too—and resolute that their deaths, like their lives, shall have meaning. And that the birthright of human freedom—a birthright that was theirs as Americans and for which they died—will always be ours and our children's. And through our efforts and example, one day, the birthright of every man, woman, and child on earth.

REMARKS OF GENERAL RICHARD B. MYERS, USAF, CHAIRMAN OF THE JOINT CHIEFS OF STAFF, PENTAGON MEMORIAL SERVICE

Ladies and gentlemen, Today we remember family members, friends, and colleagues lost in the barbaric attack on the Pentagon—civilian and military Pentagon employees, the contractors who support us, and the passengers and crew of Flight 77. We also grieve with the rest of America and the world for those killed in New York City and Pennsylvania. We gather to comfort each other and to honor the dead.

Our DOD colleagues working in the Pentagon that day would insist that they were only doing their jobs. But we know better. We know, and they knew, that they were serving their country. And suddenly, on 11 September they were called to make the ultimate sacrifice. For that, we call them heroes.

We honor the heroism of defending our Nation. We honor the heroism and taking an oath to support the Constitution. We honor the heroism of standing ready to serve the greater good of our society.

That same heroism was on display at the Pentagon in the aftermath of the attack. Coworkers, firefighters, police officers, medics—even private citizens driving past on the highway—all rushed to help and put themselves in grave danger to rescue survivors and treat the injured.

One of them, who I had a chance to meet recently, was Army Sergeant Adis Goodwill, a young emergency medical technician. She drove the first ambulance from Walter Reed Army Hospital to arrive at the scene.

Sergeant Goodwill spent long hours treating the wounded—simply doing her duty—all the while not knowing, and worrying about, the fate of her sister, Lia, who worked in the World Trade Center. She would eventually learn that Lia was OK.

Prior to 11 September, Sergeant Goodwill hadn't decided whether to reenlist in the Army or not. After the tragic events of that day, her course was clear. And three weeks ago, I had the privilege of reenlisting her. With tears of pride in their eyes, her family, including her sister Lia, watched her take the oath of office. Sergeant Goodwill is with us today.

The heroes kept coming in the days following the 11th—individual volunteers, both civilian and military; firefighters; police officers; and civil and military rescue units working on the site. Other Americans helped too, as General Van Alstyne said, with donations of equipment supplies, and food; letters and posters from school children; and American flags everywhere.

Today, we mourn our losses, but we should also celebrate the spirit of the heroes of 11 September, both living and dead, and the heroic spirit that remains at the core of our great Nation. This is what our enemies do not understand. They can knock us off stride for a moment or two. But then, we will gather ourselves with an unmatched unity of purpose and will rise to defend the ideals that make this country a beacon of hope around the world.

In speaking of those ideals, John Quincy Adams once said, ''I am well aware of the toil and blood and treasure that it will cost to . . . support and defend these states; yet, through all the gloom I can see the rays of light and glory.'' The light and glory of our ideals remain within our grasp. That's what our heroes died for.

Some of them—the uniformed military members—made the commitment to fight for, and if necessary, to die for our country from the beginnings of their careers. Our civilian DOD employees had chosen to serve in a different way but are now bound to their uniformed comrades in the same sacrifice. Other victims, employees of contractors and the passengers and crew of the airliner, were innocents—casualties of a war not of their choosing.

But if by some miracle, we were able to ask all of them today whether a Nation and government such as ours is worth their sacrifices; if we were able to ask them today whether that light and glory is worth future sacrifices; the answer, surely, would be a resounding ''yes.'' The terrorists who perpetrated this violence should know that there are millions more American patriots who echo that resounding yes.

We who defend this Nation say to those who threaten us—here we stand—resolute in our allegiance to the Constitution; united in our service to the American people and the preservation of our way of life; undaunted in our devotion to duty and honor.

We remember the dead. We call them heroes, not because they died, but because they lived in service to the greater good. We know that's small comfort to those who have lost family members and dear friends. To you, this tragedy is very personal, and our thoughts and our prayers are with you. We will never forget the sacrifices of your loved ones.

We ask God to bless and keep them. We pray for their families, and we also pray for wisdom and courage as we face the many challenges to come. And may God bless America.

HONORING MIKE MANSFIELD

Mr. INOUYE. Mr. President, much has been said and much has been written about the gentleman from Montana, Mike Mansfield. Books about him have been written, and countless speeches about him have been presented. For many years to come, more books will be written, and more speeches will be made about him. This is to be expected because he was a person worthy of emulating. He was a person we all looked upon without hesitation as our leader. He was a person whose word was always good, reasoned, logical, and fair. He was a rare person, deeply religious, humble to a fault, and flawlessly honest.

It is certain that he will be more than a footnote in the history of our great Nation. He helped to lead us out of the quagmire of the Vietnam conflict. His leadership assured the enactment of the Civil Rights Act of 1964, and the following year, he led the fight for the passage of the Voting Rights Act of 1965. As a former school teacher, he became the education leader in the Senate. Medicare became a possibility under his leadership. His contributions are too many to recount.

Like many, I was especially intrigued and impressed by Senator Mansfield's military service record. At the age of 14, he became a sailor. When the authorities discovered the age discrepancy, he left and enlisted in the Army. After the Army, he became a Marine. He was especially proud of his title PFC Mike Mansfield. He once remarked that he preferred that title to Senator or Ambassador.

Many of us have anecdotes and stories about Mike Mansfield. I, too, have some, but I would prefer to keep them as part of my warm and happy personal memories of my acquaintance with my Leader. Like all who have known him, I will miss him. I know I am a better American for having known Mike Mansfield. It is difficult to say goodbye to a good friend, but in saying goodbye, I wish to assure him that his lessons will never be forgotten.

I ask unanimous consent that an editorial piece that appeared in the Honolulu Advertiser on October 6, 2001, be printed in the RECORD.

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

MIKE MANSFIELD MADE HIS MARK HERE, IN JAPAN

It's a tossup whether the passing of Mike Mansfield, who died yesterday at 98, will be noted more prominently in Japan or the United States. He was widely respected and admired in both countries.

The Montana Democrat was both the longest-serving U.S. Senate majority leader and the longest-serving U.S. ambassador to Japan.

Named ambassador in 1977 by President Carter, Mansfield was reappointed by President Reagan in 1981.

When he returned home after 11 years in Tokyo, the Washington Post reported, Japan's ambassador to the United States said Mansfield ''could have run for prime minister and won.''

Expressing condolences yesterday, Japanese Prime Minister Junichiro Koizumi called Mansfield a great contributor to friendship between the nations.

Mansfield's service as Senate majority leader, from 1961 to 1976, gave him a central role in debates on civil rights, the Vietnam War, which he strongly opposed, and the Watergate crisis.

Mansfield exercised that role with a leadership style that drew bipartisan praise.

''It's no coincidence that the Mansfield years remain among the most civil, and the most productive, in the Senate's history,'' Senate Majority Leader Tom Daschle said yesterday.

Senate Minority Leader Trent Lott, said, ''We have had few like him, but then with the good Lord's help, it takes only a few.''

Mr. KERRY. Mr. President, with the passing of Mike Mansfield, this Chamber lost a man who embodied the true meaning of public service. And while he will no longer be with us, his spirit and his commitment to serving our Nation survives him and guides us. I rise today to pay my respects for his service as well as to ask that we honor his life by following his example.

Mike Mansfield's patriotism and commitment to public service resided in the very core of who he was. At the ripe old age of 14, when most boys are signing up for freshman football, Mike Mansfield was signing up for his first tour with the Navy. After the Navy discharged him due to his age, Mike Mansfield would reenlist and serve in the Army and Marine Corps. For a young man from Montana, those experiences led him to develop an interest and passion for defining America's role in this world. Back in 1921, when the word ''globalization'' was not exactly in vogue, Mike Mansfield was taking his first trip to Asia. His commitment to United States-Asia relations was unprecedented, while his leadership in this area was unparalleled. It is with awe that in an age of hyper-partisanship, we look back at a life of service that always put principles above partisanship. One can only look back with awe and respect at a man who not only served as the longest serving Senate majority leader but also the longest serving U.S. Ambassador to Japan.

While this Nation said goodbye this weekend to our modern day ironman, Cal Ripken, it's only appropriate that the nation recognizes the Senate's own ironman. Mike Mansfield's legacy will be found not only in the accomplishments of his service, but equally in the vision he left for his colleagues and the manner in which he demonstrated his leadership.

Senator Mansfield once said that ''by exploring the cultural, religious, and

social forces that have molded a nation, we can begin to better understand each other and contribute to the knowledge and understanding that will strengthen our ties of friendship and lead to a better world.'' As we lead this Nation into a more globally interdependent future, it will serve us well to keep Mike Mansfield's words, and his legacy, close to us.

TRIBUTE TO STANLEY BLAKE HARRIS, CHIEF COUNSEL AND DEPUTY CHIEF OF STAFF

Mr. LOTT. Mr. President, I rise today to pay tribute and wish a fond farewell to a longtime staff member, Stanley Blake Harris, who is departing my personal office staff and returning to the State of Mississippi after more than fifteen years of exemplary service here in Washington. Throughout his career, Stan has served with distinction. It is my privilege to recognize his accomplishments and commend him for the superb service he has provided to me and to our home state.

A native of Hattiesburg, MS, Stan graduated from William Carey College in 1982, ranked first academically in his class. During his tenure at William Carey, Stan earned the degrees of Bachelor of Arts and Bachelor of Science summa cum laude, with a triple major in English, History, and Social Science as well as a double minor in Business Administration and Political Science. In addition, Stan's classmates bestowed upon him the honor and privilege of serving as Student Government Association President while at William Carey.

Upon his graduation, Stan enrolled in the University of Mississippi School of Law, from which he received a Juris Doctorate in 1985. His endeavors and accomplishments on behalf of the law school and his classmates were recognized as he was awarded the Dean's Outstanding Service Award, the Edward R. Finch Award, and the Stephen Gorove Award.

Immediately following his graduation from law school, Stan continued his educational pursuits at Mississippi State University, where he enrolled in the Public Policy and Administration Program. However, before he could complete the program, duty in Washington called. At the beginning of 1986, Stan came to work for me in Washington as a Whip Assistant in the House of Representatives Republican Whip Office. From there, Stan went on to serve as Counsel in my personal office while I was a member of the House of Representatives.

Upon my election to the United States Senate in 1989, Stan was named Counsel and Director of Projects in my office, and was charged with responsibility for establishing my Projects Department. In this role, Stan has directed efforts in my office to pursue public projects for the State of Mississippi. Along these lines, he has handled cases and projects involving virtually every Federal department and agency, including the Department of Agriculture, NASA, the Department of State, the Department of Justice, the Tennessee Valley Authority, the Appalachian Regional Commission and the White House. In addition, he has worked closely with officials in virtually every city, county, and state agency in Mississippi, while looking after Mississippi's needs. Further, Mississippi has benefited from the close working relationships Stan has developed with Congressional staff members in both the House and Senate.

Although Stan has worked diligently for the nation throughout his tenure on Capitol Hill, he has always put Mississippi first. The thing I will always remember the most about Stan is his unflinching ability to ''out-bureaucrat the bureaucrats.'' His tenacity and refusal to yield on matters of importance to Mississippi have produced great results for our state. For instance, Stan has been instrumental in my efforts to secure a new Federal courthouse for Harrison County, Mississippi. He has worked tirelessly for me for the past decade to ensure that a new bridge over the Pascagoula River is built for the people of Jackson County. And just last year on my behalf, he opened doors in Washington for officials from his hometown of Hattiesburg, who are endeavoring to construct a new intermodal center for the City of Hattiesburg. He also has worked closely with Mississippi's universities to improve educational opportunities in our State and to make these facilities the finest in the Nation.

But Stan's work on Capitol Hill has not been limited to Mississippi projects alone. Over the past fifteen years, he also has maintained a special focus on Federal ethics. During this time, Stan has served as my counsel through such prominent cases as the Durenberger and ''Keating Five'' hearings, as well as other notable ethics inquiries. In fact, because of his work, Stan was selected to serve on the Senate Ethics Reform Task Force. As an outgrowth of his Federal ethics work, Stan has also developed a special commitment to law enforcement organizations nationwide. Because of his work on behalf of law enforcement groups everywhere and our nation's parks, Stan has been named an honorary member of the U.S. Park Police.

Several years ago, as if his plate wasn't already full enough, Stan fulfilled a lifelong dream of joining the Mississippi Army National Guard. For a number of years now, he has regularly communted between Washington, D.C. and Jackson, Mississippi to fulfill his duty requirements. During that time, he has risen to the rank of Major in the Judge Advocate General Corps where he now serves as Deputy Staff Judge Advocate for Headquarters, 66th Troop Command.

On Wednesday, October 17, 2001, Stan will conclude over fifteen years of faithful and loyal service in my office. And while it is difficult to lose a staff member with such dedication and institutional knowledge, I know that he and his family are excited about returning home to Mississippi where Stan and his wife, Lauren, can begin raising their four children with an appropriate southern accent.

In the weeks ahead, Stan will begin a new journey in his professional and legal career as the Chief Deputy Assistant United States Attorney in the U.S. Attorney's Southern District office in Mississippi. I have no doubt that Stan will serve the Department of Justice, the State of Mississippi, and the people of our Nation, in this role with distinction and integrity. On behalf of my colleagues on both sides of the aisle, I want to wish Stan all of the best in his new career. Stan, may this new chapter in your life and career be rewarding, fulfilling, and bring you all that you hope for in your future endeavors. Thank you, again, for your service and my warmest congratulations on a job well done.

HONORING MASTER SERGEANT EVANDER EARL ANDREWS

Mr. CRAPO. Mr. President, I rise today in sadness over the first announced American casualty in Operation Enduring Freedom. Master Sergeant Evander Earl Andrews, who was stationed in my home State of Idaho at the Mountain Home Air Force Base, was killed in service to his country in the Arabian Peninsula. He was part of the 366th Civil Engineer Squadron stationed there. Although Master Sergeant Andrews was originally from a small town in Maine, Idaho feels this loss along with the rest of the Nation.

Master Sergeant Andrews went to the Middle East to fight for our freedom with valor and courage in this time of national crisis and made the ultimate sacrifice in defense of his country. There are no words for such an incredible loss, but we are a great Nation because of brave men and women like Master Sgt. Andrews.

Flags are flying all over our country now, a visible display of the support our military troops and our President have over Operation Enduring Freedom. With the news of the first American casualty, it becomes even more evident that American lives will be lost in this fight against terrorism. Our hearts and prayers are not only with the family of Master Sergeant Andrews in Idaho and Maine, but also with the families of all our military troops, who are serving their country so far away,

This will be a long war, one that will be won over a period of months or

years through several strategic actions; there is no one operation that will rid the world of the evils of terrorism. But one thing is certain: freedom will prevail and we will not forget Master Sergeant Andrews and others like him to whom we owe our liberties.

VISION 2020 WORLD SIGHT DAY 2001

Mr. INHOFE. Mr. President, Vision 2020 World Sight Day 2001 is observed today, Thursday October 11, 2001, in cooperation with the World Health Organization, WHO, the 2020 Foundation of Tulsa, Oklahoma, Christian Blind Mission International, CBMI, and a partnership of 26 international organizations concerned with world blindness working together to eliminate avoidable blindness by the year 2020.

Forty-five million people living in our world today are totally blind. Eighty percent of this blindness could be prevented or cured with simple cost-effective nutrition, medicines and medical care. A child in our world goes blind every minute, most often due to a simple lack of Vitamin A. More than half of these precious children will die within 2 years of losing their sight.

The primary causes of blindness, malnutrition, disease, lack of medicines and medical care, are always linked to the grinding poverty so characteristic of developing nations around the globe. Millions of men, women and children needlessly live in a prison of darkness 24 hours a day. They desperately need the help of privileged nations to be set free.

The Vision 2020 program plans to eliminate most of the world's blindness by the year 2020. But with no intervention, the number of blind in this world will reach an estimated 100 million by the year 2020.

World Sight Day 2001 raises awareness that most blindness, associated misery, and several billion dollars in related costs can be prevented if we as a nation and a world intervene in time.

I commend the 2020 Foundation, Christian Blind Mission International and the other members of the 2020 Task Force for helping bring the gift of sight to the less fortunate around the world.

SIX SIMPLE STEPS

Mr. LEVIN. Mr. President, an organization called Common Sense about Kids and Guns has developed a list of six gun safety tips that have been endorsed by a wide range of organizations from the National SAFE KIDS Campaign to the National Shooting Sport Foundation. Regardless of our differences of opinion on how to regulate firearms, I think we can all agree that these simple steps make a lot of sense.

All gun owners should unload and lock up their guns, lock and store ammunition separately and keep keys where kids are unable to find them. In addition, parents should ask if guns are safely stored at places their kids visit or play, regularly talk with their kids about guns, and teach young children both not to touch guns and tell an adult if they find one.

The Centers for Disease Control's National Center for Health Statistics reports that firearm deaths of children and teens is dropping. However, ignoring firearms related child homicides, there were still 1,300 kids killed in gun-related accidents and suicides in 1999. That number remains far too high. Remembering the six simple steps proposed by Common Sense about Kids and Guns can help cut that number even more.

PREPARING FOR BIOTERRORISM IN SOUTH DAKOTA

Mr. JOHNSON. Mr. President, I am pleased to join my colleagues, Senator JOHN EDWARDS, and Senator CHUCK HAGEL, in supporting legislation to help South Dakotans prepare for possible bioterrorist attacks. The recent example of anthrax being reported in Florida has highlighted the importance of being prepared to combat bioterrorism in our communities.

Now this doesn't mean that everyone should run out and buy a gas mask. Successful attacks using germs and chemicals are relatively difficult to accomplish and rarely attempted.

However, the nature of such an attack makes just one successful act of bioterrorism unique and incredibly damaging. For example, most of the germs involved in bioterrorism, anthrax and smallpox to name a few, are so rare that many medical professionals haven't treated them before. Symptoms may not be visible for days or weeks, and these diseases can be spread easily among people.

In addition to threatening people, bioterrorism can also cripple our State's agriculture economy. We all saw this summer how the threat of foot-and-mouth disease in the United States can directly impact South Dakota's ag business.

The risk of an agriculture terrorist attack poses a serious threat to our economy as well as our abundant food supply. An agricultural terrorist could introduce a pathogen to a certain crop and decimate that crop's yield. A quickly-spreading animal disease intentionally introduced could cause economic ruin to States that depend on revenues from the livestock industry.

Earlier this week, the nonpartisan General Accounting Office, GAO, reported that coordination is fragmented between 40 Federal departments and agencies responsible for responding to a bioterrorist attack.

The GAO report also noted insufficient State and local planning for response to terrorist attacks. In addition, while spending on domestic preparedness for terrorist attacks has risen 310 percent since 1998, only a portion of these funds were used to conduct research on and prepare for the public health and medical consequences of a bioterrorist attack.

To better address the needs of State and local communities in dealing with the threat of bioterrorism, I recently joined Senators EDWARDS and HAGEL on legislation called the Biological and Chemical Weapons Preparedness Act.

Our legislation provides $1.6 billion in new resources for Federal, State, and local efforts, including $450 million specifically for agricultural counterterrorism and food safety measures.

Too often, bioterrorism funding has been tied up in the bureaucracy of Washington, and I'm pleased that our legislation sends over one-third of these funds, $555 million, directly to States and local governments through new block grants. Our legislation gives States and local communities the resources to study the problems unique to them and implement appropriate solutions.

Our legislation would accomplish six goals. First, we would provide training and equipment to State and local ''first responders,'' such as emergency medical personnel, law enforcement officials, fire fighters, physicians, and nurses, to recognize and respond to biological and chemical attacks

Second, our bill strengthens the local public health network through increased training, coordination, and additional specialized equipment.

Third, we protect food safety and the agricultural economy by providing assistance to States to better coordinate with law enforcement and public health officials, increase training and awareness among farmers and other agricultural stakeholders. Our measure would also give States the resources they need to establish emergency diagnostic facilities to work in conjunction with the U.S. Department of Agriculture's facility to quickly diagnose animal diseases. Along with this assistance to States, the measure would provide additional funds for the USDA's counterterrorism efforts.

Fourth, the legislation assists local hospital emergency rooms with response training and biocontainment and decontamination capabilities.

Fifth, we address the need to develop and stockpile vaccines and antibiotics.

Finally, our Biological and Chemical Weapons Preparedness Act enhances disease surveillance between the Centers for Disease Control, CDC, and State and local public health services to provide electronic nationwide access to critical data, treatment guidelines, and alerts.

Our legislation has been referred to the Senate Committee on Health, Education, Labor, and Pensions, and there have already been a handful of hearings held so far. I anticipate a number of

proposals, similar to ours, being discussed and a compromise ultimately being sent to the President this year.

I will continue to work to ensure that the provisions in our legislation dealing with rural communities and agriculture remain in a final version that is signed into law by the President.

ONE-MONTH ANNIVERSARY OF TERRORIST ATTACKS

Mrs. CARNAHAN. Mr. President, grief has changed the face of America. We are a tear-stained Nation. But today, one month after the September 11 attacks, we are one America, united as seldom before.

Patriotism prevails throughout the country. The pins on our jackets, the flags taped to cars and hanging from windows, the millions of dollars in donations to the victims, this is the American response to tragedy.

We are united in support of our troops flying dangerous missions over Afghanistan. This is the first step in a prolonged campaign against the terrorists. It is a necessary step and it is directed at the right targets, the Taliban government that has given safe harbor to terrorist organizations for far too long.

Americans are also united in sympathy with the Afghan people. While our bombers are flying over Taliban strongholds, our C–17s are dropping food to the refugees.

Today, our thoughts are with those who lost their lives one month ago, and with the families who said goodbye to their loved ones for the last time.

But in the past month, we have seen the great spirit of Americans. The hatred and utter disregard for human life shown by the terrorists stands in stark contrast to the outpouring of sympathy and compassion by millions of Americans, in acts great and small. We gave what we could: Money, water, shelter, blood, and sometimes just a shoulder to lean on. Entertainers came together for an unprecedented benefit, athletes donated their salaries, and children even donated their piggy banks.

Among the most inspiring stories of September 11 were the rescue workers. Sadly, many of the heroes of September 11 are now among the victims. Their valor has inspired the Nation. Their sacrifice will not go unnoted or their deeds unsung. If those rescue workers could muster the strength to do what was needed then, surely our Nation can find the strength to do what is needed now.

We must prepare our military, strengthen our intelligence operations, and tighten our security. And we must rally behind our President.

Let those who practice terrorism or harbor terrorists have no doubt about America's intent. We will find you. We will strike you militarily, economically, and politically. And you will pay a heavy price for your acts against mankind.

We have overcome the enemies of freedom before. We conquered the evil of fascism in Europe and Asia, rescued democracy, and built a better world. We defied communism for decades powered by the certainty that freedom would ultimately triumph over oppression. You will not take these gains from us.

Though we mourn the loss of our fellow Americans, our eyes are undimmed by tears. Our dreams are undiminished by fear. From the ashes of terrorism, we will build a new tower to freedom that will cast its light around the world.

And, with God's help, we will prove again what the poet Carl Sandburg once said: ''We are Americans. Nothing like us ever was.''

DOMESTIC VIOLENCE AWARENESS MONTH

Mr. JOHNSON. Mr. President, statistics show that a woman is raped every five minutes in the United States and that one in every three adult women experiences at least one physical assault by a partner during adulthood. In fact, more women are injured by domestic violence each year than by automobile accidents and cancer deaths combined.

October, as Domestic Violence Awareness Month, is a good time to take a serious look at the progress we've made in addressing the problem of abuse against women in our communities. In 1983, I introduced legislation in the South Dakota State Legislature to use marriage license fees to help fund domestic abuse shelters. At that time, thousands of South Dakota women and children were in need of shelters and programs to help them. However, few people wanted to acknowledge that domestic abuse occurred in their communities, or even in their homes.

During the last 7 years, I have led efforts in the United States Congress to authorize the original Violence Against Women Act, VAWA, and, most recently, expand and improve the program to assist rural communities. South Dakota has received over $8 million in VAWA funds for women's' shelters and family violence prevention services. In addition the law has doubled prison time for repeat sex offenders, established mandatory restitution to victims of violence against women, and strengthened interstate enforcement of violent crimes against women. South Dakotans can also call a nationwide toll-free hotline for immediate crisis intervention help and free referrals to local services. The number for women to call for help is 1–800–799–SAFE.

In South Dakota last year, over 5,500 women were provided assistance in domestic violence shelters and outreach centers thanks, in part, to VAWA funds. While I am pleased that we have made significant progress in getting resources to thousands of South Dakota women in need, it is important to look beyond the numbers. Fifty-five hundred neighbors, sisters, daughters, and wives in South Dakota were victimized by abuse last year. Thousands of other women are abused and don't seek help. We must also recognize that the problem is multiplied on the reservations where Native American women are abused at two and a half times the national rate and are more than twice as likely to be rape victims as any other race of women.

The words of a domestic abuse survivor may best illustrate the need to remain vigilant in Congress and in our communities on preventing domestic abuse. A woman from my State wrote me and explained that she was abused as a child, raped as a teenager, and emotionally abused as a wife. Her grandchildren were also abused. In her letter, she pleaded: ''Don't let another woman go through what I went through, and please don't let another child go through what my grandchildren have gone through. You can make a difference.'' We all can make a difference by protecting women from violence and abuse.

LOCAL LAW ENFORCEMENT ACT OF 2001

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 July 6, 2001 in Monmouth County, NJ. Seven people were sentenced on multiple counts, including aggravated assault and harassment by bias intimidation under the state law, for assaulting a 23-year-old learning disabled man with hearing and speech impediments. The victim was lured to a party, bound, and physically and verbally assaulted for three hours. Later, he was taken to a wooded area where the torture continued until he was able to escape.

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.

NOBEL PRIZE WINNERS FOR PHYSICS

Mr. ALLARD. Mr. President, I come to the floor today to recognize the accomplishments of two Boulder, Colorado scientists. On October 10, 2001 Carl E. Wieman, a professor of physics at the University of Colorado at Boulder and Eric A. Cornell, the senior scientist at the National Institute of Standards and Technology, (NIST), received the Nobel Prize for Physics. The two shared the award with Wolfgang Ketterle of the Massachusetts Institute of Technology.

All three received this award for their work that created the world's first Bose-Einstein Condensate which occurs when a group of atoms overlap and their individual wavelengths behave in identical fashion creating a ''superatom''. The condensate allows scientists to study the extremely small world of quantum physics as if they are looking through a giant magnifying glass. Its creation established a new branch of atomic physics that has provided a number of scientific discoveries.

The research was funded by the National Science Foundation, NIST, the Office of Naval Research and the University of Colorado at Boulder. Weiman and Cornell are both fellows of JILA which is formerly known as the Joint Institute for Laboratory Astrophysics where much of the research was done. It is a joint institute of the University of Colorado at Boulder and NIST and it exists for research and graduate education in the physical sciences.

Both Wieman and Cornell have won several prestigious awards in the past including the Benjamin Franklin Medal in Physics from the Franklin Institute in 2000, the Lorentz Medal from the Royal Netherlands Academy of Arts and Sciences in 1998, the King Faisal International Prize in Science in 1997 and the Fritz London Award for low-temperature physics in 1996.

Carl Wieman and Eric Cornell became the second and third Nobel Prize winners at the University of Colorado at Boulder, and Cornell is the second for NIST. Thomas Cech, a CU-Boulder professor of Chemistry and biochemistry, was a co winner of the 1989 Nobel Prize in Chemistry with Sydney Altman of Yale University for research on RNA. William Phillips, A NIST fellow, shared the 1997 Nobel Prize in physics.

I want to personally congratulate Carl Wieman and Eric Cornell for this truly prestigious award of excellence in scientific research.

REWARDS FOR JUSTICE FUND

Mr. HAGEL. Mr. President, since the brutal assault on our Nation almost 3 weeks ago, Americans of all walks of life have asked the question: How can I help in the fight against terrorism? One option is the Rewards for Justice Fund, a nonprofit organization that was created in the days following the terrorist attacks on the World Trade Center and the Pentagon. The fund was announced on the Today Show on October 1, 2001.

Since 1984, the Rewards for Justice Program has quietly but effectively thwarted terrorism by using reward payments to obtain information on terrorists' locations and plans. The Rewards for Justice Program enables individual citizens to unite and make financial contributions to the Department of State Rewards for Justice Program. Money raised by individual citizens responding to the Fund's call to action, will be turned over directly to the State Department's anti-terrorism program. The Rewards for Justice Fund represents the first broad based fund of individual citizen contributions to be accepted by the Department of State to enhance the anti-terrorism program.

Assistant Secretary of State for Diplomatic Security David Carpenter, says: ''It's clear to us that the Rewards for Justice Program saves lives, in that those who have perpetrated crimes against us in the past often intend to perpetrate additional crimes. The information we receive by offering rewards has saved countless lives and we are confident it will save additional lives in the future.''

In the aftermath of the terrorist attacks, Americans have shown tremendous resolve in raising money to help the victims and their families. Now, the same involvement and spirit that is the trademark of our great country will be focused on the very important quest of tracking and apprehending terrorists, both at home and abroad.

Information on the Rewards for Justice Fund can be found on the Internet at www.rewardsfund.com. For more information on the State Department's Rewards for Justice Program see their website at www.dssrewards.net/index.htm.

ENERGY LEGISLATION

Mr. KERRY. Mr. President, I rise to make a short comment regarding energy legislation. I have heard a few of my colleagues question how Majority Leader DASCHLE is handling the Senate schedule. I want to take exception to those complaints.

I believe the Majority Leader has done an outstanding job moving legislation this Congress. We started the year with a new Administration and then the Senate changed hands, that is difficult enough. And since September 11 we are in truly extraordinary times. Yet, under his leadership, and with the leadership of President Bush and Minority Leader LOTT, we have moved quickly and decisively to approve the use of force, to appropriate emergency funding and assist the airline industry. That progress stalled this week with objections over the airline security proposal, but that is hardly the fault of the Majority Leader. It's ironic that members came to the floor to protest the schedule for an energy bill on a day that their leadership delayed the airline security bill. Majority Leader DASCHLE is not the problem.

As for the Majority Leader's decision to move an energy bill directly to the floor, that's his prerogative as our majority leader. It's been done before and it will very likely be done again. Chairman BINGAMAN has asked that we support the Majority Leader's decision, and I do. The Majority Leader's decision recognizes the reality that energy policy reaches beyond the Energy Committee in an important ways. It impacts issues in the jurisdiction of the Finance Committee, Commerce Committee, the Environment and Public works Committee, among others.

As for his managing of the Senate schedule for the remainder of this session, I trust that he will use his best judgement, and will, as he always has, confer with the minority, to decide the order of legislation. We have spent more than a week on airline security, a priority issue I believe. We then must address the terrorism prevention bill. We have several appropriation bills to take up and pass. We may consider an economic stimulus package. We may consider a Farm Bill. And we really don't know what else will be necessary of us in the coming weeks. The past month has demonstrated the unpredictability of our work. So, I would urge the Majority Leader to listen to all Senators' concerns but to be wary of demands from members that we consider legislation in their preferred order. We have a lot of work to do, little time to do it, and don't know what the coming weeks may hold.

Very briefly, I'd like to comment on two statements made regarding energy security on the floor yesterday. First, one of my colleagues noted that America imports more than 50 percent of our oil, and then implied that should we find ourselves in a military conflict those imports, half the oil we consume, might be lost. I want to say, to assure my colleagues and the public, that that dire scenario is not at all plausible. Today, America depends less on the Middle Eastern oil than we did during the oil embargo of the 1970s. We import almost 30 percent of our oil from Mexico, Canada, Great Britain, Colombia, Norway and Venezuela. It's wrong to suggest that these nations would abandon the United States during a military conflict.

Secondly, I have heard statements referring to the energy needs of the U.S. military, suggesting, I guess, that if we don't pass an energy bill immediately the military might run short of fuel. The military doesn't lack the oil

it needs to operate. Even if this fictitious worldwide embargo of U.S. oil imports that my colleagues contemplate ever took place, this Nation's military would have all the oil it needs. I don't want any suggestion that our military is unprepared because of a shortage for oil to stand.

There are real energy security issues this Nation must address, but we do not need to exaggerate the threat. We need to be reasonable, in the process and the substance of this bill. I support the Majority Leader's decision and look forward to participating in the broader effort to craft a sound bill.

ADDITIONAL STATEMENTS

THE OFFICIAL OPENING OF THE SLOVAK CONSULATE IN KANSAS CITY, MO

• Mr. BOND. Mr. President, I rise today to recognize the official opening in Kansas City, MO, of the Consulate of the Slovak Republic.

Slovakia is a country full of rich history and tradition. It became a free and independent republic in 1993 and opened their new embassy in Washington, D.C. in June of 2001. Ross P. Marine, DHL, who is the Honorary Consul of the Slovak Republic to the States of Iowa, Kansas, Missouri, and Nebraska was appointed by Eduard Kukan, Minister of Foreign Affairs of the Slovak Republic, in September of 2000 and with approval by the United States Department of State established a Consulate of the Slovak Republic in Kansas City, Missouri. Currently there are consulates of the Slovak Republic in Colorado, Illinois, Pennsylvania, Minnesota, Ohio, California, Florida, and Michigan.

The Honorable H.E. Martin Butora, PhD, Ambassador Extraordinary and Plenipotentiary of the Slovak Republic to the United States and his wife, Zora Butorova, PhD, will be visiting the Kansas City area the week of October 16–19, for the purpose of officially opening the Consulate of the Slovak Republic. There are a number of outstanding events planned to mark this exciting opening and the visit by Ambassador Butora. On behalf of the citizens I represent, I am pleased to welcome them to the great state of Missouri. Kansas City is a city that continues to experience tremendous growth and advances toward the future, while still recognizing and celebrating its proud history and vibrant culture. The added presence of the Slovak Republic will only serve to enhance Kansas City's history and culture. Once again, welcome and please accept my very best wishes on this special occasion.•

HONORING THE 75TH ANNIVERSARY OF THE MINNESOTA TAXPAYERS ASSOCIATION

• Mr. DAYTON. Mr. President, I rise today to pay tribute to the Minnesota Taxpayers Association, for its long and proud history of working to disseminate accurate, nonpartisan fiscal information to the citizens of Minnesota. The Minnesota Taxpayers Association celebrates its 75th anniversary this year, as one of the Nation's most acclaimed taxpayer organizations.

Its membership has been comprised of thousands of Minnesota's business leaders, government officials and concerned citizens. Its stellar leadership, on both its Board and its staff, has consistently been populated by Minnesota's most able and intelligent citizens.

The Minnesota Taxpayers Association, MTA, was founded in 1926 when America was in the middle of a strong recovery from World War I, and we were on a ''return to normalcy'' path in both foreign relations and domestic policies.

The Association started as part of a larger government research movement in the country aimed at bringing more professionalism to government, particularly local government. The first steps toward launching the Minnesota Taxpayers Association were taken at a meeting in Minneapolis on February 25, 1926. It was planned that the Association's core would consist of representatives of 15 local taxpayers groups. The first objective of the new nonpartisan association was to reduce taxes. Three other objectives were to eliminate extravagance, reduce public debt, and stop misuse of public funds.

On November 22, 1926, the Association became a permanent organization at a meeting at the Nicollet Hotel in Minneapolis. In short order, representatives of 28 counties formed the South Central, Southeast, and Southwest Taxpayers Associations at meetings in Mankato, Rochester, and Worthington, MN, respectively. They were so successful that by April of 1927 there were 45 county taxpayer groups across the State. By World War II, the MTA had grown to be an association of 81 county taxpayer groups.

In August of 1956, the MTA merged with the Minnesota Institute of Governmental Research, MIGR, another nonpartisan government research organization. The institute's research bulletins covered such topics as property tax issues; the merits of a sales taxation, more than 30 years before the State's first sales tax in 1967; and an analysis of the new Social Security Act and its implications for Minnesota.

Because government itself did little research in those days, MIGR had a tremendous impact on Minnesota State government. MIGR's work inspired the creation of the 1939 Reorganization Act under Governor Harold Stassen. This act received national attention as it produced major improvements in the administration of State government, saving millions of dollars in the first 10 years after enactment.

It was through the Reorganization Act and the work of MIGR that the Departments of Taxation and Administration were created and the spoils system was replaced with civil service. As a follow-up to the Reorganization Act, MIGR staff was loaned to the ''Little Hoover'' Commission of the early 1950s to study areas for further reform in State government.

Within two years of the merger, in August of 1958, MTA became incorporated. At that time, it moved away from being an umbrella organization for county-level taxpayer groups to being an organization with its own board of directors and a statewide membership of individuals and companies. Its focus also changed to monitoring State fiscal matters and advocating for sound fiscal policy.

In 1957, MTA started publishing ''Fiscal Facts for Minnesotans,'' a popular handbook of State and local fiscal data that continues to be published today. A widely read and discussed publication series was begun in 1969 with the first release of ''How Does Minnesota Compare?'' a State-by-State comparison of key tax and spending aggregates.

The Minnesota Taxpayers Association has steadfastly stressed the importance of good information and citizen involvement in government. As evidence of its commitment to these goals, the Association continues to focus on research publications aimed at educating the public, publications like its award-winning ''Understanding Your Property Taxes'' and its ''Guide to State Government Spending,'' as well as on countless public presentations and frequent legislative consultations.

As State and local governments take on more responsibility for designing, funding, and delivering public services, and as taxpayers look for greater value for their tax dollars, the need for organizations like the Minnesota Taxpayers Association increases. The Association's work over the past 75 years has been a great asset to the people of Minnesota, and its reputation for excellence and integrity assures a prominent and vital role for this outstanding organization in the improvement of Minnesota State and local government in the years ahead.•

TRIBUTE TO FRAN FLANIGAN

• Mr. SARBANES. Mr. President, I rise today to recognize and honor an extraordinary Marylander and steward of the Chesapeake Bay, Fran Flanigan. Fran is stepping down from a long and distinguished career as executive director of the Alliance for the Chesapeake Bay and I want to express my personal

congratulations and thanks for her outstanding and dedicated service.

When the history of the Chesapeake Bay restoration effort is finally written there are many people who will be recognized for the role they played in helping to ''Save the Bay.'' But Fran's hard work and creativity over the past three decades will distinguish her as one of the true leaders in this important endeavor. Fran has been a determined advocate for the Chesapeake Bay from virtually the inception of the Bay program. In December 1983, she organized a 3-day conference which brought together the Governors of Maryland, Virginia and Pennsylvania, the EPA Administrator, members of the State legislatures and many other individuals and organization. That conference resulted in the signing of the Chesapeake Bay Agreement which formally bound the Federal and State governments to work together to restore the Bay and effectively initiated the cooperative Chesapeake Bay Program.

I became acquainted with Fran during that historic summit and have had the opportunity to work closely with her and her non-profit organization, the Citizens Program for the Chesapeake Bay, later the Alliance for the Chesapeake Bay, for many years. I can personally attest to the tremendous energy and creativity which she consistently brought to her work. Fran has an amazing ability to pull people together and has been called upon time and time again to convene stakeholder roundtables on key issues and expand public involvement. Whether the subject was agriculture, toxic pollution or land use, Fran would try to find common ground and a way to ensure that different States and interest groups moved forward together for the betterment of the Chesapeake Bay.

Fran Flanigan and Alliance have been very forward thinking and helped move the Bay cleanup program upstream into the rivers that flow into the Chesapeake. She reoriented the Alliance to work at a more local level and promote local restoration activities, all in an effort to better acquaint the public with the resources they were working to protect and restore. She knew that public participation in the efforts to clean up the Bay were essential and the key to keeping the Bay cleanup effort on course and worked hard to keep the public informed about key Chesapeake issues through the Alliance's outstanding white papers, fact sheets, newsletters and the Bay Journal. She also helped organize everything from small watershed groups to huge public outreach efforts such as those needed before the signing of the 1987 and 2000 Bay Agreements.

Fran has been there on the front line from the very start of the Bay program and, even in retirement, I know will continue to be involved in the Bay efforts. Her dedication and efforts over the years have earned her the respect and admiration of everyone with whom she has worked. She has been instrumental in bringing to so many people an enjoyment and sense of ownership of the Chesapeake Bay. I join with her many colleagues and friends in extending my best wishes and thanks for her leadership and commitment.●

RECOGNITION OF PETER HENRY'S SERVICE TO SOUTH DAKOTA VETERANS

● Mr. JOHNSON. Mr. President, I rise today to recognize the extraordinary work done by Peter Henry as Director of the VA Black Hills Health Care System in Fort Meade and Hot Springs, SD. I also wish him all the best in his new position as Chief Executive Officer of the Extended Care and Rehabilitation Patient Service Line for Veterans Integrated Service Network, VISN, 13.

Peter has been a valuable asset in working the myriad of issues affecting the VA over the years, especially his efforts to keep services going to Category C veterans when others could not. Peter, his wife Sharon, and their five children, have also been important members of the Black Hills community. Peter serves on the Board of the Sturgis Area Chamber of Commerce and the Sturgis United Way.

Peter's service in the VA dates back to 1970, when he was a Management Intern at VA Central Office in Washington, DC. He later served as Chief of Personnel Service at Vancouver, Martinez, and Palo Alto VAMCs. He completed the Associate Director Training Program in 1982 at the VAMC in San Francisco, CA. Peter then served as Associate Director at the James A. Haley Veterans Hospital in Tampa, FL and as Assistant Medical Center Director at the VAMC Long Beach, CA.

Peter came to South Dakota in 1993 as the Director of the Medical Center at Fort Meade, SD. Three years later, he became Director of the VA Black Hills Health Care System. Peter is a third generation VA employee and currently serves as president of the VA Chapter of the Senior Executives Association and on the National Board of that organization.

I have had the pleasure of working with Peter through my career in the United States House of Representatives and now in the United States Senate. Peter has helped to educate me and other South Dakota officials on a variety of veterans issues, and his caring for the individual veterans in the Black Hills has been a great asset to our efforts to improve health care services for our Nation's heroes. Peter's commitment to expanding VA services into rural regions of South Dakota includes the use of outreach clinics which have allowed veterans in rural areas to receive needed care closer to their homes.

As I travel South Dakota and meet with veterans, I am reminded of the very core of what the Founding Fathers meant when they talked about America's citizen soldiers who serve as the bulwark of defending our democracy and freedom. The sacrifices of the men and women who served this Nation in time of war are a dramatic story that we need to tell to future generations.

We need to remind younger generations of the sacrifice of the quiet heroes who have served our Nation in the military service. We need to remind them that freedom isn't really free. Throughout our Nation's proud history, people have made profound sacrifices to preserve liberty and democracy.

I am pleased that with the help of dedicated people like Peter Henry, we have finally begun to honor additional commitments made to veterans nationwide. Peter and his staff at the VA Black Hills Health Care System know that veterans health care is this Nation's priority and not just an afterthought. I look forward to working with Peter, in his new role with VISN 13, to continue to improve veterans health care services.●

MESSAGES FROM THE HOUSE

At 7:35 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1992. An act to amend the Higher Education Act of 1965 to expand the opportunities for higher education via telecommunications.

At 7:45 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 68. Joint resolution making further appropriations for the fiscal year 2002, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1992. An act to amend the Higher Education Act of 1965 to expand the opportunities for higher education via telecommunications; to the Committee on Health, Education, Labor, and Pensions.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4390. A communication from the Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Customary Progress Payment Rate for Large Business Concerns'' (Case 2001–D012) received on October 4, 2001; to the Committee on Armed Services.

EC–4391. A communication from the Deputy Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–4392. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC–4393. A communication from the Principal Deputy General Counsel, Department of Defense, transmitting, a draft of proposed legislation relative to the annual survey of racial, ethnic, and gender issues; to the Committee on Armed Services.

EC–4394. A communication from the Principal Deputy General Counsel, Department of Defense, transmitting, a draft of purposed legislation relative to the awards of the medal of honor; to the Committee on Armed Services.

EC–4395. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna Fisheries; General Category Adjustment of Daily Retention Limit; Harpoon Category Closure'' (I.D. 091201C) received on October 4, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4396. A communication from the Attorney/Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination confirmed for the position of Administrator, Federal Motor Carrier Safety Administration, received on October 4, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4397. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Sharpchin and Northern Rockfish in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Area'' received on October 4, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4398. A communication from the Secretary of the Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under The Energy Policy And Conservation Act (''Appliance Labeling Rule'') (16 CFR Part 305) ''This Notice Amends Dishwasher And Central Air Conditioner Provisions of the Rule'' (RIN3084–AA74) received on October 4, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4399. A communication from the Chairman of the Federal Maritime Commission, transmitting, the report of a study concerning the impact of the Ocean Reform Act of 1988; to the Committee on Commerce, Science , and Transportation.

EC–4400. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model DHC 8 301 Series Airplanes'' ((RIN2120–AA64)(2001–0496)) received on October 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4401. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter Deutschland GmbH Model EC135P1 and EC 135T1 Helicopters'' ((RIN2120–AA64)(2001–0494)) received on October 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4402. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–400 Series Airplanes'' ((RIN2120–AA64)(2001–0493)) received on October 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4403. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD–11 Series Airplanes'' ((RIN2120–AA64)(2001–0495)) received on October 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4404. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 767–200, 300, 200F and 400ER Series Airplanes'' ((RIN2120–AA64)(2001–0497)) received on October 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4405. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments; Amdt. No. 2068'' ((RIN2120–AA65)(2001–0052)) received on October 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4406. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model 717 Series Airplanes'' ((RIN2120–AA64)(2001–0498)) received on October 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4407. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Actions Amendment to Class E Airspace; Seneca Falls, NY; Correction'' ((RIN2120–AA66)(2001–0155)) received on October 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4408. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (83); Amdt No. 2069'' ((RIN2120–AA65)(2001–0053)) received on October 5, 2001; to the Committee on Commerce, Science, and Transportation.

EC–4409. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Interim Progress Report; to the Committee on Health, Education, Labor, and Pensions.

EC–4410. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''17 CFR Part 39—A New Regulatory Framework for Clearing Organizations'' (RIN3038–AB66) received on October 10, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4411. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''17 CFR Parts 41 and 140—Designated Contract Markets in Security Futures Products: Notice-Designation Requirements, Continuing Obligations, Applications for Exemptive Orders, and Exempt Provisions'' (RIN3038–AB82) received on October 10, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4412. A communication from the General Counsel of the Office of the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determination'' (Doc. No. FEMA–D–7513) received on October 10, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–4413. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Supplemental Property Acquisition and Elevation Assistance; Correction'' (RIN3067–AD06) received on October 10, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–4414. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determination'' (66 FR 49552) received on October 10, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–4415. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (66 FR 49547) received on October 10, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–4416. A communication from the Acting Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled ''Notice of Statement of Commission Policy Regarding Temporary Relief From Certain Provisions of the Commission's Regulations'' (66 FR 49356) received on October 10, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–4417. A communication from the Senior Attorney, Fiscal Service, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Administrative Wage Garnishment'' (RIN1510–AA87) received on October 5, 2001; to the Committee on Finance.

EC–4418. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Therese Hahn v. Commissioner'' received on October 9, 2001; to the Committee on Finance.

EC–4419. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the Commissions report under the Government in the Sunshine Act for calendar year 2000; to the Committee on Finance.

EC–4420. A communication from the Director of the National Gallery of Art, transmitting, pursuant to law, the Annual Management Report and Commercial Activities Inventory of civil service positions for 2001; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2002.'' (Rept. No. 107–81).

By Mr. ROCKEFELLER, from the Committee on Veterans' Affairs, with an amendment in the nature of a substitute:

S. 739: A bill to amend title 38, United States Code, to improve programs for homeless veterans, and for other purposes. (Rept. No. 107–82).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. 1533: An original bill to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps, and to establish the Healthy Communities Access Program, which will help coordinate services for the uninsured and underinsured, and for other purposes. (Rept. No. 107–83).

By Mr. HARKIN, from the Committee on Appropriations, without amendment:

S. 1536: An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes. (Rept. No. 107–84).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HOLLINGS (for himself, Mr. BIDEN, Mr. BREAUX, Mr. CLELAND, Mr. SCHUMER, Mr. KERRY, Mr. ROCKEFELLER, Mr. CARPER, Mr. JEFFORDS, and Mr. DURBIN):

S. 1530. A bill to provide improved safety and security measures for rail transportation, provide for improved passenger rail service, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SMITH of New Hampshire:

S. 1531. A bill to amend the Internal Revenue Code of 1986 to provide a waiver of the early withdrawal penalty for distributions from qualified retirement plans to individuals called to active duty during the national emergency declared by the President on September 14, 2001, and for other purposes; to the Committee on Finance.

By Mr. ALLEN (for himself, Mr. WARNER, Mr. LOTT, Mr. NICKLES, Mr. GREGG, Mr. BOND, Mr. ENZI, Mr. SESSIONS, Mr. HUTCHINSON, Mr. BROWNBACK, Mr. VOINOVICH, Mr. HAGEL, Mr. CAMPBELL, Mrs. HUTCHISON, Mr. ROBERTS, Mr. CRAIG, Mr. COCHRAN, Mr. SANTORUM, and Mr. ALLARD):

S. 1532. A bill to provide for the payment of emergency extended unemployment compensation; to the Committee on Finance.

By Mr. KENNEDY:

S. 1533. An original bill to amend the Public Health Service Act to reauthorize and strengthen the health centers program and the National Health Service Corps, and to establish the Healthy Communities Access Program, which will help coordinate services for the uninsured and underinsured, and for other purposes; from the Committee on Health, Education, Labor, and Pensions; placed on the calendar.

By Mr. LIEBERMAN (for himself and Mr. SPECTER):

S. 1534. A bill to establish the Department of National Homeland Security; to the Committee on Governmental Affairs.

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. 1535. A bill to amend the Public Health Service Act to provide for research on, and services for individuals with, postpartum depression and psychosis; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HARKIN:

S. 1536. An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2002, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, and Mr. INHOFE):

S. 1537. A bill to authorize the Secretary of the Interior to conduct a hydrogeologic mapping, modeling and monitoring program for the High Plains Aquifer and to establish the High Plains Aquifer Coordination council to facilitate groundwater conservation in the High Plains; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, and Mr. INHOFE):

S. 1538. A bill to further continued economic viability in the communities on the High Plains by promoting sustainable groundwater management of the Ogallala Aquifer; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. CLINTON (for herself, Mr. DODD, Mrs. MURRAY, Ms. MIKULSKI, Mr. SCHUMER, Mr. BINGAMAN, and Mr. CORZINE):

S. 1539. A bill to protect children from terrorism; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FITZGERALD:

S. 1540. A bill to extend and improve the emergency food assistance program; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. COLLINS (for herself, Ms. LANDRIEU, and Mr. SMITH of Oregon):

S. 1541. A bill to provide for a program of temporary enhanced unemployment benefits; to the Committee on Finance.

By Mr. ENZI:

S. 1542. A bill to foster innovation and technological advancement in the development of the Internet and electronic commerce, and to assist the States in simplifying their sales and use taxes; to the Committee on Commerce, Science, and Transportation.

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

S.J. Res. 25. A joint resolution designating September 11 as ''National Day of Remembrance''; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. FRIST (for himself, Mr. KENNEDY, Mr. HATCH, Mr. BREAUX, Mr. WARNER, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. DORGAN, Mr. BOND, Mr. CLELAND, Mr. BURNS, Mr. REED, Mr. INHOFE, Mrs. LINCOLN, Mr. THOMPSON, Mr. SANTORUM, Mr. ALLARD, Ms. COLLINS, Mr. ENZI, Mr. HUTCHINSON, Mr. HAGEL, Mr. ROBERTS, Mr. SESSIONS, Mr. CHAFEE, Mrs. CLINTON, and Mr. DOMENICI):

S. Res. 171. A resolution expressing the sense of the Senate concerning the provision of funding for bioterrorism preparedness and response; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 484

At the request of Ms. SNOWE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 484, a bill to amend part B of title IV of the Social Security Act to create a grant program to promote joint activities among Federal, State, and local public child welfare and alcohol and drug abuse prevention and treatment agencies.

S. 505

At the request of Mrs. FEINSTEIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 505, a bill to amend the Internal Revenue Code of 1986 to regulate certain 50 caliber sniper weapons in the same manner as machine guns and other firearms, and for other purposes.

S. 518

At the request of Mrs. BOXER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 518, a bill to amend the Public Health Service Act to provide for the training of health professions students with respect to the identification and referral of victims of domestic violence.

S. 706

At the request of Mr. KERRY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 706, a bill to amend the Social Security Act to establish programs to alleviate the nursing profession shortage, and for other purposes.

S. 724

At the request of Mr. COCHRAN, his name was added as a cosponsor of S. 724, a bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women.

S. 1201

At the request of Mr. HATCH, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1201, a bill to amend the Internal Revenue Code of 1986 to provide for

S corporation reform, and for other purposes.

S. 1278

At the request of Mrs. LINCOLN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1278, a bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit.

S. 1410

At the request of Mr. COCHRAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1410, a bill to amend the Internal Revenue Code of 1986 to clarify the excise tax exemptions for aerial applicators of fertilizers or other substances.

S. 1430

At the request of Mr. JOHNSON, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor 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.

S. 1434

At the request of Mr. SPECTER, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of 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 attack on the United States on September 11, 2001.

S. 1486

At the request of Mr. EDWARDS, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1486, a bill to ensure that the United States is prepared for an attack using biological or chemical weapons.

S. 1499

At the request of Mr. KERRY, the names of the Senator from Delaware (Mr. CARPER) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1510

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 1510, a bill to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.

At the request of Mr. DASCHLE, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Florida (Mr. NELSON), the Senator from Georgia (Mr. CLELAND), the Senator from Indiana (Mr. BAYH), the Senator from Louisiana (Mr. BREAUX), the Senator from Montana (Mr. BAUCUS), the Senator from Nebraska (Mr. NELSON), the Senator from New York (Mrs. CLINTON), and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1510, supra.

At the request of Mr. HATCH, the names of the Senator from Illinois (Mr. FITZGERALD), the Senator from Arizona (Mr. KYL), the Senator from Wyoming (Mr. ENZI), the Senator from Tennessee (Mr. FRIST), the Senator from South Carolina (Mr. THURMOND), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Mississippi (Mr. COCHRAN), the Senator from North Carolina (Mr. HELMS), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 1510, supra.

S. CON. RES. 74

At the request of Mr. DURBIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Con. Res. 74, a concurrent resolution condemning bigotry and violence against Sikh-Americans in the wake of terrorist attacks in New York City and Washington, D.C. on September 11, 2001.

AMENDMENT NO. 1855

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 1855 proposed to S. 1447, a bill to improve aviation security, and for other purposes.

At the request of Mr. JOHNSON, his name was added as a cosponsor of amendment No. 1855 proposed to S. 1447, supra.

At the request of Mrs. CARNAHAN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of amendment No. 1855 proposed to S. 1447, supra.

AMENDMENT NO. 1858

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 1858 proposed to S. 1447, a bill to improve aviation security, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS (for himself, Mr. BIDEN, Mr. BREAUX, Mr. CLELAND, Mr. SCHUMER, Mr. KERRY, Mr. ROCKEFELLER, Mr. CARPER, Mr. JEFFORDS, and Mr. DURBIN):

S. 1530. A bill to provide improved safety and security measures for rail transportation, provide for improved passenger rail service, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, one month ago today, the United States was attacked by terrorists who hijacked airplanes and used them as weapons against the World Trade Center, Pentagon and another unknown target which was crashed into a field in Pennsylvania. After the Federal Aviation Administration grounded the airlines following the terrorist attacks, travelers flocked to Amtrak. Whether people had to travel for business, to help with rescue efforts, or just to get home, Amtrak kept our American citizens moving during a time of national emergency.

The situation not only proved that Amtrak works, but that Amtrak is a critical part of our transportation infrastructure during a national emergency. Now that airlines have reduced their flights on the East Coast and throughout the country, more of the passenger burden has fallen on Amtrak, which carries 35,000 passengers along the Northeast Corridor everyday. Even the U.S. Postal Office carried 237 extra carloads of mail in the days following the terrorist attacks.

Today I am introducing the Railroad Advancement and Infrastructure Law of the 21st Century, or RAIL–21. In the short run, this bill will provide emergency security assistance to Amtrak, a key part of our national transportation infrastructure. In the long run, this bill will spark the building of important high-speed rail infrastructure in high-volume corridors across the United States, reducing our dependence on air and highway travel.

In light of the events of September 11, it is important to look at the entire transportation system. Transportation security requires a balanced and competitive system of transportation alternatives. Three weeks ago we found out that our dependence on the aviation system almost crippled us. We cannot be overly reliant on any single mode of transportation; we need to ensure that we have a balanced system.

Today we are trying to pass the airline security bill to make airline passengers feel safe so they will fly again. We need to make passengers feel just as safe when they travel by train. And we need to make sure we have transportation alternatives.

To address Amtrak's immediate concerns, the bill would authorize $3.2 billion in emergency spending for Amtrak's security and capacity needs. The money will pay for more police, surveillance, fencing and lighting at the train stations and train yards; life-safety improvements and more fire-fighting capacity for tunnels in New York, Baltimore and Washington, D.C.; and more passenger cars and capacity improvements to meet the growing demand for train service.

RAIL–21 would reauthorize Amtrak for one year with $1.2 billion for capital and operating expenses. The bill would allow Amtrak to continue its GSA vehicle lease agreements and would suspend Amtrak's redemption requirements for common stock until the end of FY2004.

Additionally, the bill would remove the operational self-sufficiency requirement passed three years ago. Let me talk about that for a moment. There is no truly national passenger

train service in the world that makes a profit. Requiring Amtrak to do so has forced the railroad to short-change critical infrastructure investments in order to meet a questionable economic model. We must free Amtrak from this requirement so they can go back to running a passenger railroad with modern and safe equipment, not juggling bond payments and taking out mortgages on Penn Station just to meet an impossible self-sufficiency deadline.

Nations invest in passenger rail service because it increases the opportunities to travel and thus a Nation's quality of life. Rail service also reduces car congestion and pollution. And we saw last month that, during a national emergency, having a viable, operating national train system can be a strategic asset.

Kenneth Mead, the Inspector General for the Department of Transportation, has said the drive for self-sufficiency has forced Amtrak to spend money on quick projects that improve the short-term bottom line while cutting back on maintenance and investments.

Those who want Amtrak to operate without Federal assistance, ultimately forcing the railroad's passengers onto cars, buses and airplanes, always cry that we should not ''subsidize'' Amtrak. But we subsidize the building of roads and highways with tax dollars. We subsidize the building of airports and pay flight controllers with tax dollars. We consider those subsidies to be worthwhile investments in our economy and our quality of life. We must make the same investment that other countries make it passenger rail service.

While that argument should stand on its own, here's something the highway and airplane crowd can take to the bank: moving more short-haul travelers to rail service reduces congestion on our already overcrowded highways and eases congestion at airports, allowing airlines to focus on more-profitable, long-distance routes. Investing in passenger rail improves conditions for highway and airport users at a fraction of the cost per mile traveled.

According to some experts, Amtrak has reduced air traffic congestion out of Philadelphia's airport by 50 flights a day. Rail service between New York and Washington carries enough passengers to fill 121 airline flights per day. Now, with reduced flights out of East Coast airports, it makes more sense to look at Amtrak not only as a transportation alternative, but as a transportation mainstay for regional corridors all over the U.S.

Amtrak has been severely under-capitalized since its inception in 1971. We would not be talking about many of these problems with Amtrak if it had been given the proper seed money for capital and annual funding from the very beginning.

And that leads me to the second part of this bill, in which we look to passenger rail's long-term future. The passenger railroad system that has worked on the Northeast Coast can work in other high-congestion areas of the country: the South, the Midwest, California and the Northwest.

Thirty years ago, those areas did not have the population to support high-speed intercity rail. But today those areas are growing by leaps and bounds. As the highways in those areas clog up and the planes run three hours late, their governors, many of them Republicans, are asking us for help to build high speed rail.

RAIL–21 authorizes $35 billion in direct loans and loan guarantees for passenger rail, freight rail, and rail security enhancements. The criteria for these loans will replace language contained three years ago in TEA–21.

TEA–21 directed the Department of Transportation to establish a program to replace the old Title V loan guarantee program which was used to build, rehabilitate or upgrade primarily short line railroads. On September 5, 2000, the DOT issued a final rule on the Railroad Rehabilitation and improvement Financing Program (RRIF) to provide direct loans and loan guarantees to State and local governments, government sponsored authorities and corporations, railroads, and joint ventures that include at least one railroad.

Eligible projects for RRIF include: 1. acquisition, improvement or rehabilitation of intermodal or rail equipment of facilities (including tracks, components of tracks, bridges, yards, buildings, and shops), 2. the refinancing of outstanding debt incurred for these purposes; 3. development or establishment of new intermodal or railroad facilities, 4. and security purposes.

RAIL–21 eliminates much of the bureaucratic red tape that has delayed any TEA–21 loans or loan guarantees from being issued.

Under RAIL–21, Class 1 railroads, regional railroads, short lines, and passenger projects would be eligible for loans and loan guarantees. The bill would set aside $7 billion of the loans and loan guarantees for short lines.

RAIL–21 also establishes a $350 million grant program for rehabilitating, preserving or improving railroad tracks for regional and short line railroads. Short line railroads have saved tens of thousands of miles of light density rail line from abandonment. In 1980, there were 220 short line railroads in the U.S. Today there are over 500 short line railroads, due in part to the mergers and streamlining of Class I operations which encouraged the larger companies to sell off their little-used or abandoned branch lines. Short line and regional railroads are an important and growing component of the railroad industry. Today they operate and maintain 29 percent of the American railroad industry's route mileage and account for 9 percent of the rail industry's freight revenue and 11 percent of railroad employment.

These line railroads employ approximately 25,000 workers, serve thousands of local and rural shippers, and are often the only connection these shippers have to the national rail network. To survive, this infrastructure needs to be upgraded in order to move the heavier cars that are currently being moved by the Class I railroads. The revenues of the smaller railroads are not sufficient to get the job done.

Since 1982, the short lines and regional railroads have maintained the track in rural areas where rail service would have been abandoned by the Class I railroads. Because of their relatively low traffic levels, the Class I railroads could not afford to invest in this infrastructure and, as a result, allowed these lines to slowly deteriorate. With a lower cost structure and more flexible service, short line companies that bought the track have been able to keep them going. However, the revenue is still not high enough to make up for past years of neglect.

Today, two factors have combined to bring this situation to a head. First, the advent of the heavier 286,000-pound cars that are becoming the standard of the Class I industry require substantially higher investment in the track. Second, as the Class I industry puts a greater premium on speed and precisely scheduled operations, the short line railroads must meet these higher standards or be cut off from the national system.

This legislation does not create a long-term program to fix this problem, but instead it creates a one-time fix for this problem. While these small railroads have enough traffic to operate profitably on an ongoing basis, they do not earn enough to make the large capital investment required by the advent of the 286,000-pound cars or the need to significantly increase speed. This legislation would authorize a program that could provide grants to the nation's smaller railroads to help them make the improvements needed to stay in business and continue to serve small shippers.

RAIL–21 also would authorize $50 million in matching grants annually during FY02 through FY04: $25 million would be available for security and technology research and development; $25 million would be available for corridor planning and acquisition of rolling stock, with preference given to designated corridors.

RAIL–21 identifies existing high-speed corridors for priority consideration. Many of these corridors are in the South, Midwest and California where people are now driving cars or taking airplanes on trips of 200 miles or less. In these areas, like the East Coast, travelers could take a high-speed train instead, and arrive about the same time.

But right now they don't have that option. Therefore, we have a problem here: They can't use it if we don't build it.

We built high speed rail on the East Coast, and the people have used it. If we build rail corridors around Chicago and the Midwestern cities, they will use it. If we build rail lines in the South from Washington, D.C. through the Carolinas to Atlanta and Florida, they will ride it. If we build a corridor in California from San Diego to Sacramento, they will ride it.

This bill does not only support Amtrak. It is intended for commuter rail, freight railroads, and short line operators. That's what many Senators, governors and constituents have asked for.

In the long term, travel in the United States will outpace the ability of airports and highways to handle the volume. With the tighter security checks at the airports, it will be faster to make trips of 200–300 miles by train than by air. More train travel will reduce congestion at our most crowded airports and our most gridlocked Interstate highways.

I am pleased my colleagues have joined with me to introduce this bill, which we hope to move quickly. Modernizing Amtrak now will create jobs in the short run to stimulate our economy. And by modernizing our transportation infrastructure, high-speed rail corridors will play a key role in our long-term prosperity.

I would ask unanimous consent that the text of my bill and a summary of the bill be printed in the RECORD.

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

S. 1530

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 ''Railroad Advancement and Infrastructure Law for the 21st Century''.

SEC. 2. 1-YEAR EXTENSION OF AUTHORIZATION.

(a) IN GENERAL.—Section 24104(a) of title 49, United States Code, is amended—

(1) by striking ''and'' in paragraph (4);

(2) by striking ''2002,'' in paragraph (5) and inserting ''2002; and''; and

(3) by inserting after paragraph (5) the following:

''(6) $1,200,000,000 for fiscal year 2003,''.

(b) REPEAL OF SELF-SUFFICIENCY REQUIREMENTS.

(1) TITLE 49 AMENDMENTS.—Chapter 241 of title 49, United States Code, is amended—

(A) by striking the last sentence of section 24101(d); and

(B) by striking the last sentence of section 24104(a).

(2) AMTRAK REFORM AND ACCOUNTABILITY ACT AMENDMENTS.—Title II of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24101 nt) is amended by striking sections 204 and 205.

(3) COMMON STOCK REDEMPTION DATE.—Section 415 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24304 nt) is amended by striking subsection (b).

(c) LEASE ARRANGEMENTS.—Amtrak may obtain services from the Administrator of General Services, and the Administrator may provide services to Amtrak, under section 201(b) and 211(b) of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 481(b) and 491(b)) for fiscal year 2002 and each fiscal year thereafter until the fiscal year that Amtrak operates without Federal operating grant funds appropriated for its benefit, as required by sections 24101(d) and 24104(a) of title 49, United States Code.

SEC. 3. EMERGENCY AMTRAK ASSISTANCE.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for the 2-year period beginning on the date of enactment of this Act—

(1) $471,000,000 for systemwide security upgrades, including hiring and training additional police officers, canine-assisted security units, and surveillance equipment;

(2) $998,000,000 to be used to complete New York tunnel life safety projects and rehabilitate tunnels in Washington, D.C., and Baltimore, Maryland;

(3) $949,000,000 for bridges, track, power, and station improvements to increase capacity and improve reliability of rail passenger transportation in the Northeast Corridor;

(4) $656,000,000 for equipment, including—

(A) the overhauling and returning of 45 passenger cars and 5 locomotives to service,

(B) the upgrading and overhauling of 231 passenger cars and 33 locomotives, and

(C) the purchase of 10 new trainsets,

of which sum at least 25 percent shall be used for operations outside the Northeast Corridor (unless the Secretary determines that demand for such operations outside the Northeast Corridor is less than 25 percent); and

(5) $77,000,000 for incremental operating costs, including reservation centers, overtime compensation, and mechanical terminals (net of incremental revenues).

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

(c) COORDINATION WITH EXISTING LAW.—Amounts made available to Amtrak under this section shall not be considered to be Federal assistance for purposes of part C of subtitle V of title 49, United States Code.

SEC. 4. REHABILITATION, IMPROVEMENT, AND SECURITY FINANCING.

(a) DEFINITIONS.—Section 102(7) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 802(7)) is amended to read as follows:

''(7) 'railroad' has the meaning given that term in section 20102 of title 49, United States Code; and''.

(b) GENERAL AUTHORITY.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) is amended—

(1) by striking ''Secretary may provide direct loans and loan guarantees to State and local governments,'' in subsection (a) and inserting ''Secretary shall provide direct loans and loan guarantees to State and local governments, interstate compacts entered into under section 410 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C 24101 nt),'';

(2) by striking ''or'' in subsection (b)(1)(B);

(3) by redesignating subparagraph (C) of subsection (b)(1) as subparagraph (D); and

(4) by inserting after subparagraph (B) of subsection (b)(1) the following:

''(C) to acquire, improve, or rehabilitate rail safety and security equipment and facilities; or''.

(c) EXTENT OF AUTHORITY.—Section 502(d) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(d)) is amended—

(1) by striking ''$3,500,000,000'' and inserting ''$35,000,000,000'';

(2) by striking ''$1,000,000,000'' and inserting ''$7,000,000,000''; and

(3) by adding at the end the following new sentence: ''The Secretary shall not establish any limit on the proportion of the unused amount authorized under this subsection that may be used for 1 loan or loan guarantee.''.

(d) COHORTS OF LOANS.—Section 502(f) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(f)) is amended—

(1) in paragraph (2)—

(A) by striking ''and'' at the end of subparagraph (D);

(B) by redesignating subparagraph (E) as subparagraph (F); and

(C) by adding after subparagraph (D) the following new subparagraph:

''(E) the size and characteristics of the cohort of which the loan or loan guarantee is a member; and''; and

(2) by adding at the end of paragraph (4) the following: ''A cohort may include loans and loan guarantees. The Secretary shall not establish any limit on the proportion of a cohort that may be used for 1 loan or loan guarantee.''.

(e) CONDITIONS OF ASSISTANCE.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) is amended—

(1) in subsection (f)(2)(A), by inserting '', if any'' after ''collateral offered''; and

(2) by adding at the end of subsection (h) the following:

''The Secretary shall not require an applicant for a direct loan or loan guarantee under this section to provide collateral. The Secretary shall not require that an applicant for a direct loan or loan guarantee under this section have previously sought the financial assistance requested from another source. The Secretary shall require recipients of direct loans or loan guarantees under this section to apply the standards of section 22301(f) and (g) of title 49, United States Code, to their projects.''.

(f) TIME LIMIT FOR APPROVAL OR DISAPPROVAL.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) is amended by adding at the end the following new subsection:

''(i) TIME LIMIT FOR APPROVAL OR DISAPPROVAL.—Not later than 180 days after receiving a complete application for a direct loan or loan guarantee under this section, the Secretary shall approve or disapprove the application.''.

(g) FEES AND CHARGES.—Section 503 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 823) is amended—

(1) by adding at the end of subsection (k) the following: ''Funds received by the Secretary under the preceding sentence shall be credited to the appropriation from which the expenses of making such apprasals, determinations, and findings were incurred.''; and

(2) by adding at the end the following new subsection:

''(l) FEES AND CHARGES.—Except as provided in this title, the Secretary may not assess any fees, including user fees, or charges in connection with a direct loan or loan guarantee provided under section 502.''.

(h) SUBSTANTIVE CRITERIA AND STANDARDS.—Not later than 30 days after the date of the enactment of this Act, the Secretary

of Transportation shall publish in the Federal Register and post on the Department of Transportation web site the substantive criteria and standards used by the Secretary to determine whether to approve or disapprove applications submitted under section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822).

SEC. 5. CAPITAL GRANTS FOR RAILROAD TRACK.

(a) AMENDMENT.—Chapter 223 of title 49, United States Code, is amended to read as follows:

"CHAPTER 223—CAPITAL GRANTS FOR RAILROAD TRACK

''Sec.
''22301. Capital grants for railroad track.

"§ 22301. Capital grants for railroad track

''(a) ESTABLISHMENT OF PROGRAM.—

''(1) ESTABLISHMENT.—The Secretary of Transportation shall establish a program of capital grants for the rehabilitation, preservation, or improvement of railroad track (including roadbed, bridges, and related track structures) of class II and class III railroads. Such grants shall be for rehabilitating, preserving, or improving track used primarily for freight transportation to a standard ensuring that the track can be operated safely and efficiently, including grants for rehabilitating, preserving, or improving track to handle 286,000 pound rail cars. Grants may be provided under this chapter—

''(A) directly to the class II or class III railroad; or

''(B) with the concurrence of the class II or class III railroad, to a State or local government.

''(2) STATE COOPERATION.—Class II and class III railroad applicants for a grant under this chapter are encouraged to utilize the expertise and assistance of State transportation agencies in applying for and administering such grants. State transportation agencies are encouraged to provide such expertise and assistance to such railroads.

''(3) INTERIM REGULATIONS.—Not later than December 31, 2001, the Secretary shall issue temporary regulations to implement the program under this section. Subchapter II of chapter 5 of title 5 does not apply to a temporary regulation issued under this paragraph or to an amendment to such a temporary regulation.

''(4) FINAL REGULATIONS.—Not later than October 1, 2002, the Secretary shall issue final regulations to implement the program under this section.

''(b) MAXIMUM FEDERAL SHARE.—The maximum Federal share for carrying out a project under this section shall be 80 percent of the project cost. The non-Federal share may be provided by any non-Federal source in cash, equipment, or supplies. Other in-kind contributions may be approved by the Secretary on a case by case basis consistent with this chapter.

''(c) PROJECT ELIGIBILITY.—For a project to be eligible for assistance under this section the track must have been operated or owned by a class II or class III railroad as of the date of the enactment of the Railroad Advancement and Infrastructure Law for the 21st Century.

''(d) USE OF FUNDS.—Grants provided under this section shall be used to implement track capital projects as soon as possible. In no event shall grant funds be contractually obligated for a project later than the end of the third Federal fiscal year following the year in which the grant was awarded. Any funds not so obligated by the end of such fiscal year shall be returned to the Secretary for reallocation.

''(e) ADDITIONAL PURPOSE.—In addition to making grants for projects as provided in subsection (a), the Secretary may also make grants to supplement direct loans or loan guarantees made under title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(d)), for projects described in the last sentence of section 502(d) of such title. Grants made under this subsection may be used, in whole or in part, for paying credit risk premiums, lowering rates of interest, or providing for a holiday on principal payments.

''(f) EMPLOYEE PROTECTION.—The Secretary shall require as a condition of any grant made under this section that the recipient railroad provide a fair arrangement at least as protective of the interests of employees who are affected by the project to be funded with the grant as the terms imposed under section 11326(a), as in effect on the date of the enactment of the Railroad Advancement and Infrastructure Law for the 21st Century.

''(g) LABOR STANDARDS.—

''(1) PREVAILING WAGES.—The Secretary shall ensure that laborers and mechanics employed by contractors and subcontractors in construction work financed by a grant made under this section will be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor under the Act of March 3, 1931 (known as the Davis-Bacon Act; 40 U.S.C. 276a et seq.). The Secretary shall make a grant under this section only after being assured that required labor standards will be maintained on the construction work.

''(2) WAGE RATES.—Wage rates in a collective bargaining agreement negotiated under the Railway Labor Act (45 U.S.C. 151 et seq.) are deemed for purposes of this subsection to comply with the Act of March 3, 1931 (known as the Davis-Bacon Act; 40 U.S.C. 276a et seq.).

''(h) STUDY.—The Secretary shall conduct a study of the projects carried out with grant assistance under this section to determine the public interest benefits associated with the light density railroad networks in the States and their contribution to a multimodal transportation system. Not later than March 31, 2003, the Secretary shall report to Congress any recommendations the Secretary considers appropriate regarding the eligibility of light density rail networks for Federal infrastructure financing.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $350,000,000 for each of the fiscal years 2002 through 2004 for carrying out this section.''.

(b) CONFORMING AMENDMENT.—The item relating to chapter 223 in the table of chapters of subtitle V of title 49, United States Code, is amended to read as follows:

''223. CAPITAL GRANTS FOR RAILROAD TRACK ..... 22301''.

SEC. 3. HIGH-SPEED RAIL CORRIDOR PLANNING AND DEVELOPMENT.

(a) CORRIDOR PLANNING AND DEVELOPMENT.—

(1) AMENDMENTS.—Section 26101 of title 49, United States Code, is amended—

(A) in the section heading, by inserting ''**and development**'' after ''**planning**'';

(B) by inserting ''AND DEVELOPMENT'' in the heading of subsection (a) after ''PLANNING'';

(C) by inserting ''and development'' after ''corridor planning'' each place it appears'';

(D) by striking ''improvements.'' in subsection (b)(1) and inserting ''improvements, or if it is an activity described in subparagraph (M) or (N)'';

(E) by striking ''and'' at the end of subparagraph (K) of subsection (b)(1);

(F) by striking ''partnerships.'' in subparagraph (L) of subsection (b)(1) and inserting ''partnerships;''; and

(G) by adding at the end of subsection (b)(1) the following:

''(M) the acquisition of locomotives, rolling stock, track, and signal equipment; and

''(N) security planning and the acquisition of security and emergency response equipment.''; and

(H) by inserting ''and development'' after ''planning''in subsection (c)(2).

(2) CONFORMING AMENDMENT.—The item relating to section 26101 in the table of sections of chapter 261 of title 49, United States Code, is amended by inserting ''and development'' after ''planning''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 26104 of title 49, United States Code, is amended to read as follows:

"§ 26104. Authorization of appropriations

''(a) FISCAL YEARS 2002 THROUGH 2009.—There are authorized to be appropriated to the Secretary—

''(1) $25,000,000 for carrying out section 26101; and

''(2) $25,000,000 for carrying out section 26102,

for each of the fiscal years 2002 through 2009.

''(b) FUNDS TO REMAIN AVAILABLE.—Funds made available under this section shall remain available until expended.''.

(c) DESIGNATED HIGH-SPEED RAIL CORRIDORS.—The Secretary of Transportation shall give priority in allocating funds authorized by section 26104 of title 49, United States Code, to the following High-Speed Rail Corridors:

(1) California Corridor connecting the San Francisco Bay area and Sacramento to Los Angeles and San Diego.

(2) Chicago Hub Corridor Network with the following spokes:

(A) Chicago to Detroit.

(B) Chicago to Minneapolis/St. Paul, MN., via Milwaukee, WI.

(C) Chicago to Kansas City, MO., via Springfield, IL., and St Louis, MO.

(D) Chicago to Louisville, KY., via Indianapolis, IN., and Cincinnati, OH.

(E) Chicago to Cleveland, OH., via Toledo, OH.

(F) Cleveland, OH., to Cincinnati, OH., via Columbus, OH.

(3) Empire State Corridor from New York City, NY., through Albany, N.Y. to Buffalo, N.Y.

(4) Florida High-Speed Rail Corridor from Tampa through Orlando to Miami.

(5) Gulf Coast Corridor from Houston TX., through New Orleans, LA., to Mobile, AL., with a branch from New Orleans, through Meridian, MS., and Birmingham, AL., to Atlanta, GA.

(6) Keystone Corridor from Philadelphia, PA., through Harrisburg, PA., to Pittsburgh, PA.

(7) Northeast Corridor from Washington, D.C., through New York City, N.Y., New Haven, CT., and Providence, R.I., to Boston, MA.

(8) New England Corridor from Boston, MA., to Portland and Auburn, ME., and from Boston, MA., through Concord, N.H., and Montpelier, VT., to Montreal, P.Q.

(9) Pacific Northwest Corridor from Eugene, OR., through Portland, OR., and Seattle, WA., to Vancouver, B.C.

(10) South Central Corridor from San Antonio, TX., through Dallas/ Fort Worth to Little Rock, AK., with a branch from Dallas/ Fort Worth through Oklahoma City, OK., to Tulsa, OK.

(11) Southeast Corridor from Washington, D.C., through Richmond, VA., Raleigh, N.C., Columbia, S.C., Savannah, GA., and Jesup, GA., to Jacksonville, FL., with a branch from Raleigh, N.C., through Charlotte, N.C., and Greenville, S.C., to Atlanta, GA., a branch from Richmond, to Hampton Roads/Norfolk, VA., and a connecting route between Atlanta, GA., to Jesup, GA.

SUMMARY OF RAILROAD ADVANCEMENT AND INFRASTRUCTURE LAW OF THE 21ST CENTURY, RAIL–21

RAIL–21 does the following:

EXTENDS AMTRAK'S AUTHORIZATION FOR ONE YEAR

Reauthorizes Amtrak for one additional year (through FY 2003);

Allows Amtrak to continue lease arrangements with GSA (See amendment No. 3958 to FY 2001 Ag Approps in support 72–24);

Eliminates Amtrak's operating self sufficiency requirement;

Suspends Amtrak's redemption requirements for common stock until the end of FY 2003; and

Authorizes Amtrak to be funded at $1.2 billion for capital and operating expenses annually during FY 2003.

PROVIDES EMERGENCY SECURITY SPENDING FOR AMTRAK

Authorizes $3.2 billion in emergency spending for Amtrak's security and capacity needs to be used for:

Added police, surveillance, fencing and lighting;

Accelerated life-safety improvements of tunnels in New York, Baltimore and Washington, D.C., will provide emergency access and egress and enhance fire fighting capacities; and

Added passenger cars and capacity improvements to meet greater demand (Amtrak is required to make 25% of such equipment available to corridors outside of the Northeast Corridor).

AUTHORIZES $35 B IN DIRECT LOANS AND LOAN GUARANTEES

Authoizes $35 billion for freight rail, passenger rail and rail security enhancement projects;

Class I railroads, regional railroads, short lines and passenger projects are eligible; and

$7 billion would be set aside for short lines.

ESTABLISHES A CAPITAL GRANT PROGRAM FOR SHORT LINE RAILROADS

Authorizes $350 million for rehabilitating, preserving or improving railroad track for regional and short line railroads.

REAUTHORIZES THE SWIFT HIGH SPEED RAIL ACT

Authorizes $50 million in matching grants annually during FY 02 through FY 04;

$25 million is available for corridor planning and acquisition of rolling stock, with preference given to designated corridors (see attached information); and

$25 million is available for security and technology research and development.

DESIGNATED HIGH-SPEED RAIL CORRIDORS

California Corridor connecting the San Francisco Bay area and Sacramento to Los Angeles and San Diego.

Chicago Hub Corridor Network with the following spokes:

Chicago to Detroit.

Chicago to Minneapolis/St. Paul, MN, via Milwaukee, WI.

Chicago to Kansas City, MO, via Springfield, Il, and St. Louis, MO.

Chicago to Louisville, KY, via Indianapolis, IN, and Cincinnati, OH.

Chicago to Cleveland, OH, via Toledo, OH.

Cleveland, OH, to Cincinnati, OH, via Columbus, OH.

Empire State Corridor from New York City, NY, through Albany, NY to Buffalo, NY.

Florida High-Speed Rail Corridor from Tampa through Orlando to Miami.

Gulf Coast Corridor from Houston TX, through New Orleans, LA, to Mobile, AL, with a branch from New Orleans, through Meridian, MS, and Birmingham, AL, to Atlanta, GA.

Keystone Corridor from Philadelphia, PA, through Harrisburg, PA, to Pittsburgh, PA.

Northeast Corridor from Washington, DC, through New York City, NY, New Haven, CT, and Providence, RI, to Boston, MA.

New England Corridor from Boston, MA, to Portland and Auburn, ME, and from Boston, MA, through Concord, NH, and Montpelier, VT, to Montreal, PQ.

Pacific Northwest Corridor from Eugene, OR, through Portland, OR, and Seattle, WA, to Vancouver, BC.

South Central Corridor from San Antonio, TX, through Dallas/Fort Worth to Little Rock, AK, with a branch from Dallas/Fort Worth through Oklahoma City, OK, to Tulsa, OK.

Southeast Corridor from Washington, DC through Richmond, VA, Raleigh, NC, Columbia, SC, Savannah, GA, and Jesup, GA, to Jacksonville, FL, with a branch from Raleigh, NC, through Charlotte, NC, and Greenville, SC, to Atlanta, GA, a branch from Richmond, to Hampton Roads/Norfolk, VA, and a connecting route between Atlanta, GA, to Jesup, GA.

By Mr. ALLEN (for himself, Mr. WARNER, Mr. LOTT, Mr. NICKLES, Mr. GREGG, Mr. BOND, Mr. ENZI, Mr. SESSIONS, Mr. HUTCHINSON, Mr. BROWNBACK, Mr. VOINOVICH, Mr. HAGEL, Mr. CAMPBELL, Mrs. HUTCHISON, Mr. ROBERTS, Mr. CRAIG, Mr. COCHRAN, Mr. SANTORUM, and Mr. ALLARD):

S. 1532. A bill to provide for the payment of emergency extended unemployment compensation; to the Committee on Finance.

Mr. ALLEN. Mr. President, I rise to introduce the President's Emergency Extended Unemployment Compensation Act.

The Senator from California was talking about her concerns, help on the way. I think we all share those concerns. While the actions of Americans have shown that we are trying to get open for business again, we are obviously united in our resolve that a long fight awaits us because of these vile terrorist acts of September 11, 2001.

This flag is from the Pentagon. The President just gave a wonderful speech, as did Secretary Rumsfeld. Everyone was united in tears and in love for those families who lost loved ones and, also, a resolve that freedom and justice will prevail.

Indeed, we are working to rebuild and recover. The President talked about rebuilding the Pentagon. Others have talked about rebuilding in New York. The rescue, recovery, cleanup, and rebuilding efforts will be enormous.

Congress has responded with $40 billion in aid. The airline industry, which is responsible for 10 percent of the Nation's gross domestic product, as well as being a key element of our reserve military airlift fleet, needs to remain solvent. We recognize that.

We understood that the FAA closed our skies after the terrorist attacks. We have responded with $5 billion in cash for lost revenue, due to the skies being closed, to help get our airlines back in the sky as quickly as possible.

The perception of safety while flying has been shaken to the core. I have participated in hearings in the Commerce Committee working to help craft legislation aimed at improving aviation safety both on the ground at airports, and on our aircraft as well. Senators HOLLINGS, MCCAIN, ROCKEFELLER, and HUTCHISON have worked hard in bringing this bill to the floor to do just that. We will pass this legislation to ensure that no commercial airliner or any aircraft in this country ever again is commandeered and used as a weapon.

Ronald Reagan National Airport, which is a symbol of the Nation's Capital and our transportation system, remained closed for nearly 3 weeks due to Federal order. After nearly 3 weeks of consideration of ideas for safety and special precautions for Reagan National Airport, last week President Bush very wisely announced a plan with a phased-in approach so that flights at Ronald Reagan National Airport could start. I was fortunate to be on the first flight out of Reagan since that fateful day last Thursday.

For the first 3 weeks of the reopening of Reagan National Airport, it is restricted to operating at 24-percent capacity. After that, in phase 2, it will be at 57-percent capacity for as long as 7 weeks. We still have a lot of work to do. While our general aviation pilots are fortunately back in the skies, there are still limitations on airspace all around the country.

Airline carriers and manufacturers have laid off over 100,000 employees. Airport employees and workers for businesses located in and around airport facilities are losing jobs by the thousands. Reagan National Airport is again open for business, but many of its 10,200 employees are out of work since they are restricted to operating at one-quarter capacity. Vendors, business owners, and concessionaires at the airport have lost revenues and jobs because of this direct Federal action. The shock waves are being felt throughout our economy—from retail establishments to high-tech businesses.

Now that we have addressed some of the recovery and rebuilding efforts, we are finally able to turn our attention to these hard-working Americans who unfortunately have lost their jobs through no fault of their own. Today,

on behalf of the President, I am introducing legislation to provide that necessary assistance for the backbone of our economy—the free people of the greatest and strongest nation on Earth.

The President's plan will provide health coverage, unemployment benefits, and job training assistance to hard-working Americans who have lost their jobs as a result of the economic downturn since the September 11 attacks.

Specifically, it will extend unemployment benefits for up to 13 weeks beyond what individual States cover. It will provide COBRA health insurance premiums, which are substantially covered by the Federal Government, for up to 10 months.

It will also more easily allow affected workers to avail themselves of more than $6 billion in Federal programs that provide job search, training, placement, and other services.

It makes $11 billion available to States to help low-income workers and families who have lost their jobs to maintain health insurance through either the S-CHIP or Medicaid Programs.

It will also provide $3 billion to States in the form of national emergency grants that Governors can fashion to best address the needs of their States to help workers maintain health care coverage, supplement their income, and receive job training. Also, the Governors can use it to compensate employees who have lost their jobs due to this direct Federal intervention.

In addition, the White House, my office, and the Republican Senate leadership offices, have been working through the night addressing some of the specific concerns I have for Reagan National Airport. That is why I will add an amendment to the President's package to address those specific concerns, because although actions such as the Reagan National shutdown are sometimes necessary for national security reasons, those actions that will directly impact the ability of hard-working Americans and business owners to make a living. We should respond in realization that limited Federal benefits are little comfort to those thrown out of work due to a Federal action.

That is why my supplemental amendment will also allow the Governors of the States where major disasters have been declared to use their national emergency grants to supplement the incomes of those unemployed or underemployed because of direct Federal action, or for the lost revenues of those businesses that were similarly affected. These are not mandated, direct Federal grants but allowable uses under the national emergency grant programs at the discretion of Governors.

Again, it makes sense. If the Federal Government has an action that harms someone, whether it is their property or their livelihood, the Federal Government ought to help them. It is indeed the same logic we used in helping the airline industry.

The White House, of course, has seen the need to act. They understand that direct Federal action is necessary. Unfortunately, it was necessary to keep Reagan National closed for a while. The leadership at the White House and the Senate Republicans have been very helpful in analyzing this supplemental amendment, and I believe we can make it work out in the end.

Most of all, I know all Americans have significant concerns about jobs—jobs for people in all of our States. These job losses are not unique to New York, or Virginia, where those terrorist attacks have the greatest impact; the job losses are felt in every corner of our country. We see smaller airports worrying about whether or not they are going to have service.

Mr. President, I am pleased to introduce this measure today for this needed aid to help our hard-working citizens all over America recover from the extended effects of this horrific disaster. In times like this, I believe the entire Nation has a role to play in keeping American businesses and entrepreneurs running, and especially in keeping Americans at work.

Once again, I believe America will triumph over tyrants and we will stand strong with our people; unwavering in the face of terrorism. We will show that not only is America open for business but also that America means business.

By Mr. LIEBERMAN (for himself and Mr. SPECTER):

S. 1534. A bill to establish the Department of National Homeland Security; to the Committee on Governmental Affairs.

Mr. LIEBERMAN. Mr. President, today, Senator SPECTER and I are introducing legislation to create a Department of National Homeland Security. One month ago, America suffered devastating attacks at the hands of terrorists with whom we are now at war. Our Nation has struggled to adjust to the realization that our citizens are vulnerable to hostile acts on the part of adversaries whose methods are as fanatical as their goals. The legislation we are introducing is intended to provide Americans with the assurance they need to return to their daily routines without fear of further attack, and so confound the terrorists, whose aim was to disrupt our lives and break our spirit.

Shortly after the attacks, the Senate Governmental Affairs Committee held a hearing to explore how government could better organize itself to defend against such threats. Former Senators Gary Hart and Warren Rudman, cochairs of the U.S. Commission on National Security/21st Century, offered compelling testimony in favor of creating a homeland security agency.

The legislation we are introducing today is based largely on the Commission's recommendation. It will create a cabinet-level Department of National Homeland Security. This Department would bring the Federal Emergency Management Agency, the Customs Service, the Border Patrol, the Coast Guard, and certain offices responsible for critical infrastructure protection under a single administrative umbrella.

The Department will be headed by a Secretary, who will be appointed by the President and confirmed by the Senate, and who will be a statutory member of the National Security Council. The Secretary will be accountable to the Congress and the American people. Like other cabinet members, the Secretary for Homeland Security would enjoy executive control over personnel and programs, and have all-important budget authority over his department's spending priorities. The Secretary for Homeland Security would have the rank and power to ensure that the security of our homeland remains high on our national agenda, and that all necessary resources are made available toward that end.

The new Department would be organized into three functional directorates that would be responsible for ''3 Ps'': prevention, protection, and preparation for response.

The Coast Guard, Customs Service, and Border Patrol would comprise the ''prevention'' directorate, responsible for securing our borders and making sure that potentially harmful persons or materials never make it onto American soil. Each of these organizations is now on the front line of our nation's efforts to prevent future acts of terrorism; however, they are not working together as well as they should, a problem exacerbated by the fact that homeland security is not among their parent agencies' primary missions. They require additional resources, but they also need to be under a single Secretary, who can direct their efforts jointly to fulfill a shared homeland defense mission.

The Critical Infrastructure Assurance Office and the Information Infrastructure Protection Institute, both of the Commerce Department, and the National Infrastructure Protection Center, now located in the FBI, would serve as the nucleus of the ''protection'' directorate, with the difficult task of working to help safeguard our transportation networks, power grids, water supply, cybersystems and other essential systems from attacks or other threats. These offices share essentially the same mission, and it makes sense that they are placed under a single Department and Secretary, so that they operate in unison.

Finally, FEMA and the FBI's National Domestic Preparedness Office would form the core of the ''preparation'' directorate, which would conduct

the planning and mitigation measures necessary to prepare for disasters as well as to operate the crisis and recovery response machinery when emergencies do occur. Importantly, by building this directorate around FEMA, we will ensure that much of the Homeland Defense Department's organizational infrastructure will be focused towards working effectively with State and local governments, which are clearly key players in homeland defense.

In short, this legislation is meant to structure homeland defense in a way that makes sense operationally, but also in terms of maximizing funding priorities, interagency cooperation, and bureaucratic clout.

In proposing this legislation, we know well that there are other ideas and proposals under consideration, and we look forward to working with our House and Senate colleagues, as well as the President, to arrive at what is best for the American people. The President has appointed Governor Tom Ridge to head a the new Office of Homeland Security in the White House, to coordinate strategy across the 40-plus government agencies that now have important roles to play in the fight against terrorism. This is clearly a critical function. I absolutely agree that there must be better coordination across the agencies, including intelligence and law-enforcement functions, which are central to preventing acts of terror at home. My fear is that it is not enough to improve coordination and cooperation across the existing array of federal agencies and programs.

I am convinced that protecting our homeland requires nothing less than the establishment of a robust, cabinet-level Department, and led by a Secretary who has executive control over key agencies, full authority over his organization's budget, the ability to deploy personnel and resources, and the capacity to make and implement decisions immediately.

I am proud to have Senator SPECTER as a principal cosponsor of this legislation. I am pleased to note that similar legislation has been offered in the House by Rep. MAC THORNBERRY, Rep. ELLEN TAUSCHER, and others, who deserve our thanks for drafting this legislation well before the events of September 11, 2001. We look forward to working with them and other interested Members of Congress, as well as the Administration, to ensure that our government is effectively organized to defend the American people at home.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1534

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 ''Department of National Homeland Security Act of 2001''.

SEC. 2. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term ''Department'' means the Department of National Homeland Security established under this Act.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of National Homeland Security.

SEC. 3. ESTABLISHMENT OF THE DEPARTMENT OF NATIONAL HOMELAND SECURITY.

(a) ESTABLISHMENT.—There is established the Department of National Homeland Security.

(b) SECRETARY OF NATIONAL HOMELAND SECURITY.—

(1) IN GENERAL.—The Secretary of National Homeland Security shall be the head of the Department. The Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(2) CABINET LEVEL POSITION.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

''Secretary of National Homeland Security.''.

(3) MEMBERSHIP ON THE NATIONAL SECURITY COUNCIL.—Section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended in the fourth sentence by striking paragraphs (5), (6), and (7) and inserting the following:

''(5) the Secretary of National Homeland Security; and

''(6) each Secretary or Under Secretary of such other executive department, or of a military department, as the President shall designate.''.

(c) DUTIES.—The duties of the Secretary shall be the following:

(1) To plan, coordinate, and integrate those United States Government activities relating to homeland security, including border security and emergency preparedness, and to act as a focal point regarding natural and manmade crises and emergency planning.

(2) To work with State and local governments and executive agencies in protecting United States homeland security, and to support State officials through the use of regional offices around the Nation.

(3) To provide overall planning guidance to executive agencies regarding United States homeland security.

(4) To conduct exercise and training programs for employees of the Department and establish effective command and control procedures for the full range of potential contingencies regarding United States homeland security, including contingencies that require the substantial support of military assets.

(5) To annually develop a Federal response plan for homeland security and emergency preparedness.

SEC. 4. TRANSFER OF AUTHORITIES, FUNCTIONS, PERSONNEL, AND ASSETS TO THE DEPARTMENT.

The authorities, functions, personnel, and assets of the following entities are transferred to the Department:

(1) The Federal Emergency Management Agency, the ten regional offices of which shall be maintained and strengthened by the Department.

(2) The United States Customs Service, which shall be maintained as a distinct entity within the Department.

(3) The Border Patrol of the Immigration and Naturalization Service, which shall be maintained as a distinct entity within the Department.

(4) The United States Coast Guard, which shall be maintained as a distinct entity within the Department.

(5) The Critical Infrastructure Assurance Office and the Institute of Information Infrastructure Protection of the Department of Commerce.

(6) The National Infrastructure Protection Center and the National Domestic Preparedness Office of the Federal Bureau of Investigation.

SEC. 5. ESTABLISHMENT OF DIRECTORATES AND OFFICE.

(a) ESTABLISHMENT OF DIRECTORATES.—The following staff directorates are established within the Department:

(1) DIRECTORATE OF PREVENTION.—The Directorate of Prevention, which shall be responsible for the following:

(A) Overseeing and coordinating all United States border security activities.

(B) Developing border and maritime security policy for the United States.

(C) Developing and implementing international standards for enhanced security in transportation nodes.

(2) DIRECTORATE OF CRITICAL INFRASTRUCTURE PROTECTION.—The Directorate of Critical Infrastructure Protection, which shall be responsible for the following:

(A) Acting as the Critical Information Technology, Assurance, and Security Officer of the Department to coordinate efforts to address the vulnerability of the United States to electronic or physical attacks on critical infrastructure of the United States, including utilities, transportation nodes, and energy resources.

(B) Overseeing the protection of such infrastructure and the physical assets and information networks that make up such infrastructure.

(C) Ensuring the maintenance of a nucleus of cyber security experts within the United States Government.

(D) Enhancing sharing of information regarding cyber security and physical security of the United States, tracking vulnerabilities and proposing improved risk management policies, and delineating the roles of various government agencies in preventing, defending, and recovering from attacks.

(E) Coordinating with the Federal Communications Commission in helping to establish cyber security policy, standards, and enforcement mechanisms, and working closely with the Federal Communications Commission on cyber security issues with respect to international bodies.

(F) Coordinating the activities of Information Sharing and Analysis Centers to share information on threats, vulnerabilities, individual incidents, and privacy issues regarding United States homeland security.

(G) Assuming the responsibilities carried out by the Critical Infrastructure Assurance Office before the date of the enactment of this Act.

(H) Assuming the responsibilities carried out by the National Infrastructure Protection Center before the date of the enactment of this Act.

(I) Supporting and overseeing the management of the Institute for Information Infrastructure Protection.

(3) DIRECTORATE FOR EMERGENCY PREPAREDNESS AND RESPONSE.—The Directorate for Emergency Preparedness and Response, which shall be responsible for the following:

(A) Carrying out all emergency preparedness and response activities carried out by the Federal Emergency Management Agency before the date of the enactment of this Act.

(B) Assuming the responsibilities carried out by the National Domestic Preparedness Office before the date of the enactment of this Act.

(C) Organizing and training local entities to respond to emergencies and providing State and local authorities with equipment for detection, protection, and decontamination in an emergency involving weapons of mass destruction.

(D) Overseeing Federal, State, and local emergency preparedness training and exercise programs in keeping with current intelligence estimates and providing a single staff for Federal assistance for any emergency (including emergencies caused by flood, earthquake, hurricane, disease, or terrorist bomb).

(E) Creating a National Crisis Action Center to act as the focal point for monitoring emergencies and for coordinating Federal support for State and local governments and the private sector in crises.

(F) Establishing training and equipment standards, providing resource grants, and encouraging intelligence and information sharing among the Department of Defense, the Federal Bureau of Investigation, the Central Intelligence Agency, State emergency management officials, and local first responders.

(G) Coordinating and integrating activities of the Department of Defense, the National Guard, and other Federal agencies into a Federal response plan.

(H) Coordinating activities among private sector entities, including entities within the medical community, with respect to recovery, consequence management, and planning for continuity of services.

(I) Developing and managing a single response system for national incidents in coordination with the Department of Justice, the Federal Bureau of Investigation, the Department of Health and Human Services, and the Centers for Disease Control.

(J) Maintaining Federal asset databases and supporting up-to-date State and local databases.

(b) ESTABLISHMENT OF OFFICE OF SCIENCE AND TECHNOLOGY.—

(1) IN GENERAL.—There is established in the Department an Office of Science and Technology.

(2) PURPOSE.—The Office of Science and Technology shall advise the Secretary regarding research and development efforts and priorities for the directorates established in subsection (a).

SEC. 6. REPORTING REQUIREMENTS.

(a) BIENNIAL REPORTS.—The Secretary shall submit to Congress on a biennial basis—

(1) a report assessing the resources and requirements of executive agencies relating to border security and emergency preparedness issues; and

(2) a report certifying the preparedness of the United States to prevent, protect against, and respond to natural disasters, cyber attacks, and incidents involving weapons of mass destruction.

(b) ADDITIONAL REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to Congress a report—

(1) assessing the progress of the Department in—

(A) implementing the provisions of this Act; and

(B) ensuring the core functions of each entity transferred to the Department are maintained and strengthened; and

(2) recommending any conforming changes in law necessary as a result of the enactment and implementation of this Act.

SEC. 7. COORDINATION WITH OTHER ORGANIZATIONS.

The Secretary shall establish and maintain strong mechanisms for the sharing of information and intelligence with United States and international intelligence entities.

SEC. 8. PLANNING, PROGRAMMING, AND BUDGETING PROCESS.

The Secretary shall establish procedures to ensure that the planning, programming, budgeting, and financial activities of the Department comport with sound financial and fiscal management principles. At a minimum, those procedures shall provide for the planning, programming, and budgeting of activities of the Department using funds that are available for obligation for a limited number of years.

SEC. 9. ENVIRONMENTAL PROTECTION, SAFETY, AND HEALTH REQUIREMENTS.

The Secretary shall—

(1) ensure that the Department complies with all applicable environmental, safety, and health statutes and substantive requirements; and

(2) develop procedures for meeting such requirements.

SEC. 10. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of functions which are transferred under this Act, and

(2) which are in effect at the time this Act takes effect, or were final before the effective date of this Act and are to become effective on or after the effective date of this Act, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary of National Homeland Security or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—The provisions of this Act shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before an agency at the time this Act takes effect, with respect to functions transferred by this Act but such proceedings and applications shall continue. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(c) SUITS NOT AFFECTED.—The provisions of this Act shall not affect suits commenced before the effective date of this Act, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against an agency, or by or against any individual in the official capacity of such individual as an officer of an agency, shall abate by reason of the enactment of this Act.

(e) ADMINISTRATIVE ACTIONS RELATING TO PROMULGATION OF REGULATIONS.—Any administrative action relating to the preparation or promulgation of a regulation by an agency relating to a function transferred under this Act may be continued by the National Homeland Security with the same effect as if this Act had not been enacted.

(f) REFERENCES.—Any reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to a department, agency, or office from which a function is transferred by this Act—

(1) to the head of such department, agency, or office is deemed to refer to the Secretary of National Homeland Security; or

(2) to such department, agency, or office is deemed to refer to the Department of National Homeland Security.

SEC. 11. EFFECTIVE DATE.

This Act shall take effect 6 months after the date of enactment of this Act.

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. 1535. A bill to amend the Public Health Service Act to provide for research on, and services for individuals with, postpartum depression and psychosis; to the Committee on Health, Education, Labor and Pensions.

Mr. DURBIN. Mr. President, I rise today to introduce the Melanie Stokes Postpartum Depression Research and Care Act with my colleague from Illinois, Senator FITZGERALD. This legislation develops a coordinated approach for understanding and treating the devastating mental health disorder of postpartum depression.

This act is named for Chicago native Melanie Stokes, a successful pharmaceutical sales manager and loving wife of Dr. Sam Stokes, who gave birth on February 23, 2001 to her daughter, Sommer Skyy. Unfortunately, with the birth of her daughter, Melanie entered into a battle for her life with a devastating mood disorder known as postpartum psychosis. Mrs. Stokes was in and out of hospitals three times, each for a week to 10 days. She stopped eating and drinking and refused to swallow pills. Her weight dropped rapidly. Despite medical assistance and the support of her family and friends, Mrs. Stokes lost her battle with postpartum psychosis. Melanie jumped to her death from a 12-story window ledge on June 11, 2001. In addition to Melanie Stokes, in my own home State of Illinois, three other women suffering from postpartum depression or psychosis have committed suicide since June 11.

These women were not alone. Studies indicate that 50 to 75 percent of all new mothers undergo the ''baby blues,'' a feeling of let-down after the emotional experience of childbirth. Serious postpartum depression affects 10 to 20

percent of women who manifest symptoms including excessive worry or exhaustion, sadness, feelings of guilt, apathy, phobias, sleep problems, physical complaints and marked fear of criticism of mothering skills. These symptoms may last from 3 to 14 months. The most severe form of postpartum depression, postpartum psychosis, is characterized by hallucinations, hearing voices, paranoia, severe insomnia, extreme anxiety and depression, and deluded thinking in addition to many of the other symptoms of postpartum depression. Postpartum psychosis often requires hospitalization. While this severe form occurs fairly infrequently, affecting an estimated one in 1,000 new mothers, it may have the most grievous consequences including attempts at self-harm, suicide, or harm to others. Clearly postpartum depression is a significant problem with major societal costs.

While postpartum depression is a widespread problem, there are currently few research studies looking into its causes and there is currently no standard treatment for women suffering from this disorder. Given the lack of coordination amongst those interested in understanding and treating such a widespread problem, science and medicine have made few inroads into helping the many women and their families carrying the burden of postpartum depression. This legislation seeks to rectify this situation.

This bill authorizes the Secretary of Health and Human Services to organize a series of national meetings, with the goal of developing a research and treatment plan for postpartum depression and psychosis. Further, this legislation encourages the Secretary to implement the research and treatment plan in a timely fashion. The bill also creates a new grants program, administered by the Substance Abuse and Mental Health Administration, to provide women and their families with treatment and services.

In Illinois alone there are at least 175,000 births a year. Even using the conservative estimate that 10 percent of mothers will suffer from postpartum depression, this suggests that over 17,000 women, in the State of Illinois alone, and 400,000 women nationwide will experience the devastating symptoms of this disorder each year. Developing new treatments for this disorder should be a top priority.

I am pleased that Senator FITZGERALD has joined me in cosponsoring this bill. In the House of Representatives, Representative RUSH has already introduced this legislation and it enjoys wide bipartisan support with 90 cosponsors at this time.

In remembrance of Melanie Stokes and all the women who have suffered from postpartum depression and psychosis, as well as their families and friend who have stood by their side, I am introducing the Melanie Stokes Postpartum Depression Research and Care Act.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, and Mr. INHOFE):

S. 1537. A bill to authorize the Secretary of the Interior to conduct a hydrogeologic mapping, modeling and monitoring program for the High Plains Aquifer and to establish the High Plains Aquifer Coordination council to facilitate groundwater conservation in the High Plains; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, and Mr. INHOFE):

S. 1538. A bill to further continued economic viability in the communities on the High Plains by promoting sustainable groundwater management of the Ogallala Aquifer; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BINGAMAN. Mr. President, I rise today to introduce two important pieces of legislation that have great significance for New Mexico, but also are crucial to the entire Great Plains region of our Nation. The bills address the alarming decline in portions of the Ogallala Aquifer, which extends under eight States: Texas, New Mexico, Oklahoma, Kansas, Colorado, Nebraska, Wyoming, and South Dakota.

A reliable source of groundwater is esential to the well-being and livelihoods of people in the great Plains region. Local towns and rural areas are dependent on the use of groundwater for drinking water, ranching, farming, and other commercial uses. Yet many areas overlying the Ogallala Aquifer have experienced a dramatic depletion of this groundwater resource. Some areas have seen a decline of over 100 feet in aquifer levels during the last half of the twentieth century.

The first bill that I am introducing today, the ''High Plains Aquifer Conservation, Monitoring, and Coordination Act,'' would direct the Secretary of the Interior to develop and carry out a comprehensive hydrogeologic mapping, modeling and monitoring program for the High Plains Aquifer, which is comprised in large part by the Ogallala Aquifer. The Secretary is directed to work in conjunction with the eight High Plains Aquifer States in carrying out this program. The U.S. Geological Survey and the States will work in cooperation to further the goals of this program, with half of the available funds directed to the States for their participation in the program.

The bill would also charge the Secretary of the Interior, working in cooperation with the Secretary of Agriculture, with establishing a High Plains Aquifer Coordination Council. This Council would coordinate mapping, modeling, and monitoring efforts; facilitate coordination of federal, state and local programs relating to the groundwater resources of the High Plains Aquifer; facilitate coordination of programs and policies among the High Plains Aquifer States; and provide recommendations to the Secretary of the Interior, the Secretary of Agriculture, and the Governors regarding programs and policies to address the groundwater resources of the High Plains Aquifer. The Council will be comprised of State and Federal representatives, as well as individuals from irrigation production agriculture, nonagricultural water users, the conservation community, and Indian Tribes.

Finally, the legislation directs the Secretary of the Interior to provide funding to each of the High Plains Aquifer States to further groundwater education programs, working with land grant universities and other educational institutions and cooperating entities.

The second bill that I am introducing today is the ''High Plains Groundwater Resource Conservation Act.'' This bill would establish a voluntary 10-year groundwater conservation incentives program for the High Plains Aquifer region. Incentive payments would be made for voluntary land management practices, which may include changes from irrigated to dryland agriculture, changes in cropping patterns to utilize water conserving crops, and other conservation measures that result in quantifiable and significant savings in groundwater use. Cost-share payments will be made for structural practices that will conserve groundwater resources of the High Plains Aquifer, which may include improvement of irrigation systems and purchase of new equipment. Priority will be given to areas experiencing significant aquifer level declines. In order to be eligible, producers must be in an area covered by a groundwater conservation plan.

The legislation would also require the Secretary of Agriculture to provide financial and technical assistance on a cost-share basis to States, tribes, counties, conservation districts and other political subdivisions. Upon approval by the Secretary, a State can carry out these activities in lieu of the Secretary. The Secretary is also required to set up a process to certify groundwater conservation plans.

In addition, the bill would enhance eligibility for participation in the Conservation Reserve Program for lands drawing water from the High Plains Aquifer.

These two bills bring focus to an issue that concerns the long-term economic viability of communities in much of America's heartland. This is farm country, and the cornerstone of its economy is its groundwater supply, the Ogallala Aquifer, which allows for irrigated agriculture. The Department of Agriculture estimates that there are

over six million acres of irrigated agriculture overlying just the southern portion of the Ogallala. These farms use between six and nine million acre feet of water per year. The problem we are confronting is that the aquifer is not sustainable, and it is being depleted rapidly, This threatens the way of life of all who live on the High Plains. These bills would take significant steps to address this serious problem. I ask that my colleagues join me in supporting this legislation.

By Mrs. CLINTON (for herself, Mr. DODD, Mrs. MURRAY, Ms. MIKULSKI, Mr. SCHUMER, Mr. BINGAMAN, and Mr. CORZINE):

S. 1539. A bill to protect children from terrorism; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, on this, the one month anniversary of the horrifying terrorist attacks of September 11, I rise to introduce a bill that I believe will provide protection from future terrorist attacks for the most vulnerable members of our society: children.

In preparing for threats ahead, we must also examine what happened to our children on September 11—we must consider the impact of the attacks on children in New York and Virginia, and all of the affected states and regions, as well as the impact on children throughout the Nation. We must do all we can to support and assist these children in their recovery, as well as protect children in the future who, God forbid, may face similarly horrifying attacks.

People in New York, and around the country, are looking for information and assurance that their children's needs are being taken into account as we prepare for future terrorist threats.

Parents have been coming up to me in New York and asking important questions about how to protect their children in the case of a threat.

And, students have been writing to me asking to protect them as we move ahead into a more uncertain world. Sheryl De Los Santos, a student at I.S. 383, a middle school in Brooklyn, writes:

> During the tragic loss of the Twin Towers my reaction to this loss was why? Why would someone do this to our country? When I saw them come down, I totally lost it. I cried. I cried even more when I heard how many people died. I feel angry, hurt, sad, mad, scared and horrified all at the same time. I even feel confused. I feel scared because if anything else happened I would go crazy. I feel angry for what they did because I have never been to the Twin Towers. I feel sad and hurt because of so many lost lives. Though I am not saying it is your fault because it is not. I am writing to you to tell you that America's safety has been sleeping on the job. Maybe you can have more security.

I think it's important that we provide parents and their children with the assurance that we are working to protect them and we must replace fear with facts.

As we consider potential terrorist threats, the threat of bioterrorsm has felt all too real particularly as a criminal investigation goes on in Florida on the three individuals who were exposed to anthrax.

My bill, Protecting Children Against Terrorism Act, will ensure that as we take steps to prepare for the threat of bioterrorism, we take into account children's health needs.

I am extremely concerned that we are not paying a sufficient amount of attention to the unique needs of children in our efforts to plan and prepare for future attacks.

Children have special needs relating to bioterrorism. First, they are particularly susceptible to biological and chemical attacks. Some dense nerve gas agents, like Sarin, concentrate lower to the ground, near the breathing zone of children. Also, because children have more rapid respiratory rates and larger surface to mass ratios, they anatomically are more vulnerable to exposures.

And yet, the tools of our response to bioterrorism are less effective for children's needs.

My legislation, the Protecting America's Children Against Terrorism Act, would create a national task force comprised of: children health experts on infectious disease, environmental health and toxicology; members of esteemed organizations like the American Academy of Pediatrics and the National Association of Children's Hospitals; and representatives of relevant federal agencies.

These national children's health experts would look at our health system to ensure that, as we're stepping up our response efforts, the medicine and treatments fit the health needs of children.

For instance, as we're making sure we have antidotes to threatening diseases, we need to ensure that these have been tested not just on adults, but on children too.

As my colleagues, Senators DODD, DEWINE, KENNEDY, and others with whom I have worked closely on the pediatric testing issue know, many pharmaceutical manufacturers have not tested, or properly dosed antidotes, antibiotics, or other agents for use on children. My legislation would insist that we do this testing.

And CDC ''push packs'' and other emergency response supply systems do not take into account the special medical needs of children. I am calling for CDC to revise their emergency response supply to take into account the needs of kids.

My legislation would also ensure that the expert doctors and health professionals, who would be on the frontlines in responding to an attack, are trained and equipped to treat children too. These doctors need to know whether a certain disease or chemical agent will affect a child differently than an adult and which treatment is most effective for children.

The final step is providing parents with information so that they can rest assured that there are doctors and medicine that are specially trained and developed to help their children.

We must also ensure that the place in which children spend much of their days are protected, our schools. On September 11, New York's teachers, school personnel and child care providers acted with great bravery and skill as they safely evacuated school children from the schools and child care centers in and around the World Trade Center. As a result, no students were physically harmed during the attacks.

Are all schools prepared to safely evacuate students? Did New York do it perfectly? The answers are, of course, ''no.''

Lisa Swovick, a mother from Rochester, wrote the following email to me:

> Having grown up during the Cold War, I remember practicing drills in school should we become victims of a nuclear attack. I also remember learning about the nearest shelter to go to should the attack happen. It was the neighborhood school and library. We were instructed to go there and there would be food and shelter provided in an emergency. I would like to know, if during the present time of much dialog of possible biological terrorist attacks on America, if it would be a good idea for these shelters to return. There are scary thoughts to have, however, I had to deal with the thought of a nuclear attack from Russia as a child. I only fear that we won't be as prepared as we might have been in the 1960s for the present-day dangers of our very uncertain world.

In my bill, I ask that the Secretary of Education develop recommendations and models to help communities develop school evacuation plans, safe places for children to go in case of an attack, partnerships with the medical community to ensure that children get the immediate care they need, and recommendations for notifying parents of evacuation plans and information on how and where to find their child or children in the wake of an attack.

As we prepare for threats ahead, we cannot forget the many, many children who have already been severely affected by the terrorism of September 11.

Children are especially susceptible to the terrible emotional and mental anguish that terrorist attacks cause, whether they have a parent who was called into military duty, lost a parent in the attack or actually witnessed the violence themselves.

My legislation would help address this immense need by providing grants to community groups, and schools to make sure that children's mental health needs are met.

And we need to make sure that our disaster relief assistance is tailored to

help children who have been orphaned or lost a parent in an attack. We do not yet know the numbers of children who lost a parent in the September 11 attacks, but some have speculated that it could be as high as 10,000 children.

My legislation would create an office of children's services within FEMA for helping children who lose a parent in a disaster by offering them many different types of support, such as counseling and legal services for adoption.

And, finally, I believe we must shore-up our social services infrastructure.

In the wake of the September 11th terrorist attacks, over 400 hotline numbers were established in order to provide help and information for families and victims of the terrorist attacks. These numbers were on top of the thousands of existing non-profit organizations and Federal, State and city governmental agencies that provide human and social services to help children and families in crisis.

My legislation would also include funding to implement 2–1–1, a universal hotline designed by the United Way and approved by the Federal Communication Commission to be used to connect children and families with the help they need.

I appreciate the support I have already received for this legislation and I am proud to have co-sponsorships from: Senators DODD, MURRAY, MIKULSKI, SCHUMER, BINGAMAN, and CORZINE. Today, I ask my colleagues to consider the needs of children and co-sponsor my Protecting America's Children Against Terrorism Act.

I ask unanimous consent that the text of my bill on ''Protecting Children Against Terrorism'' be printed in the RECORD.

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

S. 1539

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 ''Protecting America's Children Against Terrorism Act''.

SEC. 2. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

(a) PUBLIC HEALTH MEASURES TO PROTECT AGAINST TERRORISM.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 319G, the following:

''SEC. 319H. PUBLIC HEALTH MEASURES TO PROTECT AGAINST TERRORISM.

''(a) NATIONAL TASK FORCE ON CHILDREN AND BIOTERRORISM.—

''(1) ESTABLISHMENT.—The Secretary shall establish a National Task Force on Children and Bioterrorism (referred to in this subsection as the 'Task Force').

''(2) MEMBERSHIP.—The Task Force shall be composed of—

''(A) the Secretary and other officials of the Department determined appropriate by the Secretary;

''(B) the Director of the Federal Emergency Management Agency;

''(C) the Administrator of the Environmental Protection Agency;

''(D) the Secretary of Education;

''(E) child health experts on infectious disease, environmental health, and toxicology, who shall be appointed by the Secretary;

''(F) representatives of national children's health organizations, including the American Academy of Pediatrics and the National Association of Children's Hospitals, who shall be appointed by the Secretary; and

''(G) representatives of other relevant organizations determined appropriate by the Secretary.

''(3) RECOMMENDATIONS.—Not later that 60 days after the date of enactment of this section, the Task Force shall make recommendations to the Secretary concerning—

''(A) an assessment of the preparedness of the health care system of the United States to respond to bioterrorism aimed at children and youth, including the readiness of public health institutions, providers of health care, and other emergency service personnel to detect, diagnose and respond to bioterrorist attacks affecting large numbers of children and youth;

''(B) needed changes to the health care and emergency medical services systems, including recommendations on research, training of health personnel, and changes to the National Pharmaceutical Stockpile Program to include the medical needs of children; and

''(C) national, regional, and local health care and emergency medical services protocols for dealing with mass casualties of children and youth resulting from bioterrorism.

''(b) CHILDREN AND TERRORISM INFORMATION NETWORK.—

''(1) ESTABLISHMENT.—The Secretary, acting through the Centers for Disease Control and Prevention, shall establish a Children and Terrorism Information Network to collect and disseminate to health providers (including children's hospitals and pediatric units of hospitals), community centers (including poison control centers), and schools (including school-based health clinics) up-to-date information on how to prepare for a biological or chemical terrorist attack and the steps that should be taken to ensure that children get the health care they need in the event of such an attack.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $10,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year. Amounts appropriated under the preceding sentence shall remain available to carry out this section until expended.

''(c) NATIONAL PHARMACEUTICAL STOCKPILE PROGRAM.—

''(1) IN GENERAL.—The Secretary, acting through the Centers for Disease Control and Prevention, shall provide for the inclusion of supplies, equipment, and instructions as are appropriate for use with respect to children in push packs and Vendor Management Inventories under the National Pharmaceutical Stockpile Program.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $50,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year. Amounts appropriated under the preceding sentence shall remain available to carry out this section until expended.

''(d) SECURING OUR SOCIAL SERVICES INFRASTRUCTURE TO SUPPORT CHILDREN AND FAMILIES.—

''(1) IN GENERAL.—The Secretary shall award grants to eligible entities to enable such entities to implement, develop, expand or increase the capacity of 2-1-1 call centers, or other universal hotlines, in order to connect the public to all available information hotlines, or call centers, developed in response to disaster and recovery efforts, as well as to connect the public to existing social services to provide needed help and support to children and families in crisis.

''(2) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

''(A) be a non-profit organization working to implement, develop, expand, or increase the capacity of 2-1-1 call centers, or other universal hotlines in their State, region or locality; and

''(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $10,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year. Amounts appropriated under the preceding sentence shall remain available to carry out this section until expended.''.

(b) PEDIATRIC STUDIES.—Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended—

(1) by redesignating the second section 409C (relating to clinical research) and the second section 409D (relating to enhancement awards) as sections 409G and 409H, respectively; and

(2) by inserting after section 409H (as so redesignated), the following:

''SEC. 409I. PEDIATRIC STUDIES OF DRUGS AND BIOLOGICS, INCLUDING VACCINES, USED TO PREVENT AND TREAT ILLNESSES AND INJURY CAUSED BY BIOLOGICAL OR CHEMICAL AGENTS USED IN WARFARE AND TERRORISM.

''(a) PUBLICATION OF LIST.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary shall develop and maintain a secure and confidential list of drugs and biologics, including vaccines, that may be used to prevent and treat illnesses and injury caused by biological or chemical agents used in acts of warfare or terrorism and which require pediatric testing.

''(b) TESTING PLAN.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary shall develop a plan to—

''(1) provide for the timely pediatric testing and labeling of the agents on the list developed under subsection (a) for the year involved; and

''(2) coordinate such testing and labeling program with activities conducted under existing laws and regulations concerning pediatric testing of drugs and biologics.

''(c) CONTRACTS.—The Secretary may award contracts to entities that have the expertise to conduct pediatric clinical trials (including qualified universities, hospitals, laboratories, contract research organizations, federally funded programs such as pediatric pharmacology research units, other public or private institutions or, individuals) to enable such entities to conduct pediatric studies concerning drugs and biologics, including vaccines, that are used to prevent and treat illnesses and injuries caused by biological or chemical agents used in acts of warfare or terrorism.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $20,000,000 for fiscal year 2002, and such sums as may be necessary

for each subsequent fiscal year. Amounts appropriated under the preceding sentence shall remain available to carry out this section until expended.''.

(c) TRAINING.—Subpart 2 of part E of title VII of the Public Health Service Act (42 U.S.C. 295 et seq.) is amended—

(1) in section 770(a), by inserting ''other than section 770A,'' after ''subpart,''; and

(2) by adding at the end the following:

''SEC. 770A. TRAINING FOR PEDIATRIC ISSUES SURROUNDING BIOLOGICAL AND CHEMICAL AGENTS USED IN WARFARE AND TERRORISM.

''(a) GRANTS.—The Secretary, acting through the Director of Health Resources and Services Administration, shall award grants to eligible entities to enable such entities to—

''(1) provide for the education and training of clinicians (including nurses) in the pediatric consequences, systems, and treatment of biological and chemical agents; and

''(2) assist in the development and distribution of accurate educational materials on the pediatric consequences, symptoms and treatment of biological or chemical agents.

''(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

''(1) be a children hospital, a pediatric unit of a hospital, a professional organization, or any other entity that the Secretary determines to be appropriate; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $50,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year. Amounts appropriated under the preceding sentence shall remain available to carry out this section until expended.''.

SEC. 3. AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

Subpart 2 of part A of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7131 et seq.) is amended by adding at the end the following:

''SEC. 4124. SCHOOL EVACUATIONS, SAFE PLACES AND PARENTAL NOTIFICATIONS.

''(a) RECOMMENDATIONS AND MODELS.—Not later than 60 days after the date of enactment of this section, the Secretary shall develop recommendations and models to assist communities in developing—

''(1) school evacuation plans;

''(2) safe places for children to go in case of an attack on a school or individuals in the school;

''(3) partnerships with the medical community to ensure that children get the immediate care they need in the event of such an attack; and

''(4) procedures for notifying parents of evacuation plans and providing information on how and where to find their child or children in the event of such an attack.

''(b) DISSEMINATION.—The Secretary shall ensure that the recommendations and models developed under subsection (a) are disseminated to local school districts throughout the United States, and, in coordination with the Secretary of Health and Human Services, to the health provider and public health communities.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $1,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year. Amounts appropriated under the preceding sentence shall remain available to carry out this section until expended.

''SEC. 4125. MENTAL HEALTH SERVICES FOR CHILDREN AND THEIR CAREGIVERS.

''(a) GRANTS.—The Secretary, jointly with the Secretary of Health and Human Services, shall award grants to eligible entities to enable such entities to develop and implement a plan for the provision of comprehensive mental health services for children, school faculty, and child care providers who are affected by terrorist attacks, times of war, or other major crisis.

''(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity shall—

''(1) be a local educational agency, a community-based organization, a community mental health organization, a professional organization, or a partnerships of such entities; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $20,000,000 for fiscal year 2002, and such sums as may be necessary for each subsequent fiscal year. Amounts appropriated under the preceding sentence shall remain available to carry out this section until expended.''.

SEC. 5. AMENDMENTS TO THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT.

Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.) is amended by inserting after section 410, the following:

''SEC. 411. CHILDREN'S ASSISTANCE.

''(a) CHILDREN'S COORDINATING OFFICER.—Upon a determination by the President that children have lost their custodial parent or parents in an area declared a disaster area by the President under this Act, the President shall appoint an individual to serve as a Children's Coordinating Officer for the area. Such Officer shall provide necessary support and assistance for such children to ensure their immediate care and transition to a permanent and loving family.

''(b) FUNCTIONS.—A Children's Coordinating Officer appointed under subsection (a) shall partner with relevant Federal, State and local governmental agencies, and coordinate all efforts by community-based organizations, foundations, funds, or other organizations, to direct and coordinate the provision of assistance to children described in subsection (a).

''(c) SERVICES.—A Children's Coordinating Officer appointed under subsection (a) shall ensure that children and their caregivers are provided with—

''(1) immediate temporary care services;

''(2) counseling on long-term permanency planning;

''(3) legal services for guardianships and adoptions;

''(4) information on available services and assistance for the victims of the disaster; and

''(5) mental health services.''.

By Mr. FITZGERALD:

S. 1540. A bill to extend and improve the emergency food assistance program; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FITZGERALD. Mr. President, I rise today to introduce legislation to help food banks, soup kitchens, and other emergency feeding organizations meet the needs of our hungry citizens.

According to the most recent U.S. Department of Agriculture estimates, 10.1 percent of U.S. households, 31 million Americans are considered food insecure. Under current law, the Emergency Food Assistance Program, TEFAP, purchases agricultural commodities for use by food banks and soup kitchens. Needy American citizens rely on this program to get them over the hump when they lose their jobs or fall on unexpected hard times. Yet, a recent report of the U.S. Conference of Mayors concluded that 13 percent of these families who requested emergency food assistance were turned away due to a lack of food resources.

The bill I introduce today simply increases funding for TEFAP by $40 million, a 40 percent increase. As well, the bill allows $10 million of this new funding to be used for state and local food processing, distribution, transportation, and storage costs. This $10 million enhances the $45 million already appropriated annually for these costs.

Additionally, this bill has secondary benefits to our rural communities. TEFAP provides a boost to the agriculture economy by purchasing surplus commodities from the market.

I commend Congressman GOODLATTE of Virginia for championing a similar bill on the House side. I look forward to working closely with my colleagues on the Senate Committee on Agriculture, Nutrition and Forestry to ensure that this legislation is included in the Nutrition Title of the Farm Bill.

The legislation is supported by America's Second Harvest and food banks and soup kitchens throughout the nation. This bill entitled the ''Emergency Food Assistance Program Enhancement Act'' should enjoy bipartisan support, and I encourage my colleagues to co-sponsor this piece of legislation.

By Mr. ENZI:

S. 1542. A bill to foster innovation and technological advancement in the development of the Internet and electronic commerce, and to assist the States in simplifying their sales and use taxes; to the Committee on Commerce, Science, and Transportation.

Mr. ENZI. Mr. President, I rise to introduce the Internet Tax Moratorium and Equity Act. I encourage each of my colleagues to join me as a cosponsor of this bill. With the extension of the current moratorium of the Internet Tax Freedom Act of 1998 expiring soon on October 21, 2001, there are several bills that are currently being discussed in the Senate in order to address this issue. I had to take a look at the Internet sales tax issue for people who might be using legislative vehicles to develop huge loopholes in our current system. We are federally mandating States into a sales tax exemption. We

need to preserve the system for those cities, towns, counties, and States that rely on the ability to collect the sales tax they are currently getting. I believe that the current moratorium on Internet access taxes and multiple and discriminatory taxes on the Internet should not be extended without addressing the larger issue of sales and use tax collection on electronic commerce.

There are some critical issues here that have to be solved to keep the stability of State and local government, just the stability of it, not to increase sales tax, just protect what is there right now. I believe the Internet Tax Moratorium and Equity Act is a monumental step forward in protecting, yet enhancing, the current system.

Certainly, no Senator wants to take steps that will unreasonably burden the development and growth of the Internet. At the same time, we must also be sensitive to issues of basic competitive fairness and the negative effect our action or inaction can have on brick-and-mortar retailers, a critical economic sector and employment force in all American society, especially in rural States like Wyoming. In addition, we must consider the legitimate need of State and local governments to have the flexibility they need to generate resources to adequately fund their programs and operations.

As the only accountant in the Senate, I have a unique perspective on the dozens of tax proposals that are introduced in Congress each year. In addition, my service on the State and local levels and my experiences as a small business owner enable me to consider these bills from more than one viewpoint.

I understand the importance of protecting and promoting the growth of Internet commerce because of its potential economic benefits. It is a valuable resource because it provides access on demand. In addition, it is estimated that the growth of online businesses will create millions of new jobs nationwide in the coming years. Therefore, I do not support a tax on the use of Internet itself.

I do, however, have concerns about using the Internet as a sales tax loophole. Sales taxes go directly to State and local governments and I am very leery of any Federal legislation that bypasses their traditional ability to raise revenue to perform needed services such as school funding, road repair and law enforcement. I will not force States into a huge new exemption. While those who advocate a permanent loophole on the collection of a sales tax over the Internet claim to represent the principles of tax reduction, they are actually advocating a tax increase. Simply put, if Congress continues to allow sales over the Internet to go untaxed and electronic commerce continues to grow as predicted, revenues to State and local governments will fall and property taxes will have to be increased to offset lost revenue or States who do not have or believe in State income taxes will be forced to start one.

Furthermore, State and local revenues and budgets are especially critical now as these governments are responding to protect the security of all of our citizens and businesses. Any action to extend the current moratorium without creating a level playing field would perpetuate a fundamental inequity and ignore a growing problem that will gravely affect the readiness of the nation.

After months of hard work, negotiations, and compromise, the Internet Tax Moratorium and Equity Act has been introduced. I would like to commend several of my colleagues for their commitment to finding a solution and working with all parties to find that solution. I know this bill is the solution. The bill makes permanent the existing moratorium on Internet access taxes, but extends the current moratorium on multiple and discriminatory taxes for an additional four years through December 31, 2005.

Throughout the past several years, we have heard that catalog and Internet companies say they are willing to allow and collect sales tax on interstate sales, regardless of traditional or Internet sales, if States will simplify collections to one rate per State sent to one location in that State. I think that is a reasonable request. I have heard the argument that computers make it possible to handle several thousand tax entities, but from an auditing standpoint as well as simplicity for small business, I support one rate per State. I think the States should have some responsibility for redistribution not a business forced to do work for government. Therefore, the bill would put Congress on record as urging States and localities to develop a streamlined sales and use tax system, which would include a single, blended tax rate with which all remote sellers can comply. You need to be aware that States are prohibited from gaining benefit from the authority extended in the bill to require sellers to collect and remit sales and use taxes on remote sales if the States have not adopted the simplified sales and use tax system.

Further, the bill would authorize States to enter into an Interstate Sales and Use Tax Compact through which members would adopt the streamlined sales and use tax system. Congressional authority and consent to enter into such a compact would expire if it has not occurred by January 1, 2006. The bill also authorizes States to require all other sellers to collect and remit sales and use taxes on remote sales unless Congress has acted to disapprove the compact by law within a period of 120 days after the Congress receives it.

The bill also calls for a sense of the Congress that before the end of the 107th Congress, legislation should be enacted to determine the appropriate factors to be considered in establishing whether nexus exists for State business activity tax purposes.

I am introducing this bill today because I do not think there is adequate protection now. It is very important we do not build electronic loopholes on the Internet, an ever-changing Internet, one that is growing by leaps and bounds, one that is finding new technology virtually every day.

I recognize this body has a constitutional responsibility to regulate interstate commerce. Furthermore, I understand the desire of several senators to protect and promote the growth of Internet commerce. Internet commerce is an exciting field. It has a lot of growth potential. The new business will continue to create millions of new jobs in the coming years.

The exciting thing about that for Wyomingites is that our merchants do not have to go where the people are. For people in my State, that means their products are no longer confined to a local market. They do not have to rely on expensive catalogs to sell merchandise to the big city folks. They do not have to travel all the way to Asia to display their goods. The customer can come to us on the Internet. It is a remarkable development, and it will push more growth for small manufacturers in rural America, especially in my State. We have seen some of the economic potential in the Internet and will continue this progress. It is a valuable resource because it provides access on demand. It brings information to your fingertips when you want it and how you want it.

I am very concerned, however, with any piece of legislation that mandates or restricts State and local governments' ability to meet the needs of its citizens. This has the potential to provide electronic loopholes that will take away all of their revenue. The Internet Tax Moratorium and Equity Act would designate a level playing field for all involved—business, government, and the consumer.

The States, and not the Federal Government, should have the right to impose, or not to impose, consumption taxes as they see fit. The reality is that emergency response personnel, law enforcement officials, and other essential services are funded largely by States and local governments, especially through sales taxes. Passing an extension of the current moratorium without taking steps toward a comprehensive solution would leave many States and local communities unable to fund their services. I urge my colleagues to support it.

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

S.J. Res. 25. A joint resolution designating September 11 as ''National Day of Remembrance''; considered and passed.

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

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

S.J. RES. 25

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Day of Remembrance Act of 2001''.

SEC. 2. NATIONAL DAY OF REMEMBRANCE.

(a) DESIGNATION.—September 11 is National Day of Remembrance.

(b) PROCLAMATION.—The President is requested to issue each year a proclamation—

(1) remembering those who tragically lost their lives as a result of the terrorist attacks on the United States on September 11, 2001, and honoring the police, firefighters, and emergency personnel who responded with such valor on September 11, 2001;

(2) calling on United States Government officials to display the flag of the United States at half mast on National Day of Remembrance in honor of those who lost their lives as a result of the terrorist attacks on the United States on September 11, 2001;

(3) inviting State and local governments and the people of the United States to observe National Day of Remembrance with appropriate ceremonies; and

(4) urging all people of the United States to observe a moment of silence on National Day of Remembrance in honor of those who lost their lives as a result of the terrorist attacks on the United States on September 11, 2001.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 171—EXPRESSING THE SENSE OF THE SENATE CONCERNING THE PROVISION OF FUNDING FOR BIOTERRORISM PREPAREDNESS AND RESPONSE

Mr. FRIST (for himself, Mr. KENNEDY, Mr. HATCH, Mr. BREAUX, Mr. WARNER, Ms. MIKULSKI, Mr. MURKOWSKI, Mr. DORGAN, Mr. BOND, Mr. CLELAND, Mr. BURNS, Mr. REED, Mr. INHOFE, Mrs. LINCOLN, Mr. THOMPSON, Mr. SANTORUM, Mr. ALLARD, Ms. COLLINS, Mr. ENZI, Mr. HUTCHINSON, Mr. HAGEL, Mr. ROBERTS, Mr. SESSIONS, Mr. CHAFEE, Mrs. CLINTON, and Mr. DOMENICI) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 171

Whereas additional steps must be taken to better prepare the United States to respond to potential bioterrorism attacks;

Whereas the threat of a bioterrorist attack is still remote, but is increasing for a variety of reasons, including—

(1) public pronouncements by Osama bin Laden that it is his religious duty to acquire weapons of mass destruction, including chemical and biological weapons;

(2) the callous disregard for innocent human life as demonstrated by the terrorists' attacks of September 11, 2001;

(3) the resources and motivation of known terrorists and their sponsors and supporters to use biological warfare;

(4) recent scientific and technological advances in agent delivery technology such as aerosolization that have made weaponization of certain germs much easier; and

(5) the increasing access to the technologies and expertise necessary to construct and deploy chemical and biological weapons of mass destruction;

Whereas coordination of Federal, State, and local terrorism research, preparedness, and response programs must be improved;

Whereas States, local areas, and public health officials must have enhanced resources and expertise in order to respond to a potential bioterrorist attack;

Whereas national, State, and local communication capacities must be enhanced to combat the spread of chemical and biological illness;

Whereas greater resources must be provided to increase the capacity of hospitals and local health care workers to respond to public health threats;

Whereas health care professionals must be better trained to recognize, diagnose, and treat illnesses arising from biochemical attacks;

Whereas additional supplies may be essential to increase the readiness of the United States to respond to a bio-attack;

Whereas improvements must be made in assuring the safety of the food supply;

Whereas new vaccines and treatments are needed to assure that we have an adequate response to a biochemical attack;

Whereas government research, preparedness, and response programs need to utilize private sector expertise and resources; and

Whereas now is the time to strengthen our public health system and ensure that the United States is adequately prepared to respond to potential bioterrorist attacks, natural infectious disease outbreaks, and other challenges and potential threats to the public health: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States should make a substantial new investment this year toward the following:

(1) Improving State and local preparedness capabilities by upgrading State and local surveillance epidemiology, assisting in the development of response plans, assuring adequate staffing and training of health professionals to diagnose and care for victims of bioterrorism, extending the electronics communications networks and training personnel, and improving public health laboratories.

(2) Improving hospital response capabilities by assisting hospitals in developing plans for a bioterrorist attack and improving the surge capacity of hospitals.

(3) Upgrading the bioterrorism capabilities of the Centers for Disease Control and Prevention through improving rapid identification and health early warning systems.

(4) Improving disaster response medical systems, such as the National Disaster Medical System and the Metropolitan Medical Response System and Epidemic Intelligence Service.

(5) Targeting research to assist with the development of appropriate therapeutics and vaccines for likely bioterrorist agents and assisting with expedited drug and device review through the Food and Drug Administration.

(6) Improving the National Pharmaceutical Stockpile program by increasing the amount of necessary therapies (including smallpox vaccines and other post-exposure vaccines) and ensuring the appropriate deployment of stockpiles.

(7) Targeting activities to increase food safety at the Food and Drug Administration.

(8) Increasing international cooperation to secure dangerous biological agents, increase surveillance, and retrain biological warfare specialists.

Mr. FRIST. Mr. President, I rise today to submit a resolution on behalf of myself, Senator KENNEDY, and 23 of our colleagues that will put the Senate on record in strong support of substantial new investment toward strengthening our Nation's preparedness to respond to any potential bioterrorist threat.

Last year, Congress passed the bipartisan Frist-Kennedy Public Health Threats and Emergencies Act of 2000. That law provides a coherent framework for responding to health threats resulting from bioterrorism. It authorizes a series of important initiatives to strengthen the nation's public health system; to improve hospital response capabilities; to upgrade the Centers for Disease Control's rapid identification and early warning systems; to assure adequate staffing and training of health professionals to diagnose and care for victims of bioterrorism; to enhance our research and development capabilities; to expand our reserve of vaccines and antibiotics; and to pursue additional measures necessary to prevent, prepare, and respond to the threat of biological or chemical attacks. The framework exists, so now it is time to fund these critical initiatives.

The threat of a bioterrorist attack is remote, so we must not overreact or give into irrational fears. But remote as the threat may be, it is real. For a variety of reasons, the threat is higher today than it was one month ago, and it is growing. Osama bin Laden has said it is his religious duty to acquire weapons of mass destruction, including chemical and biological weapons. He and his followers have shown an utter disregard for human life. They, and other known terrorists, have the resources and motivation to acquire and use germ warfare. Recent advances in agent delivery technology, such as aerosolization, have made weaponization of germs easier. Finally, with the fall of the Soviet Union, the expertise of thousands of scientists knowledgeable in germ warfare may be available to the highest bidder.

We have made important strides during the past few years in preparing our Nation to meet this threat. There is much to be proud of in our response to the attacks of September 11, as well as the response to the recent anthrax outbreaks in Florida. But additional steps

are needed, and they are needed now. To better prepare our Nation, the Administration, local and State officials, public health departments, and our front line medical response teams must have additional resources and support. I believe the best way to accomplish this is to provide additional funds toward the priorities outlined in the Public Health Threats and Emergencies Act and to better arm America to fight against bioterrorism.

Senator KENNEDY and I, and our colleagues, look forward to working with the Administration and those who serve on the Appropriations Committees to provide the funds necessary to fill the gaps in our current biodefense and surveillance systems and to take additional steps to prevent the use of bioweapons and fully prepare our communities to respond. So that the Senate is strongly on record in favor of these efforts, I look forward to working with all of my colleagues to have this Sense of the Senate Resolution considered on an appropriate vehicle in the very near future.

Mr. KENNEDY. Mr. President, today I join my distinguished colleague, Senator BILL FRIST, and many other colleagues in the Senate to introduce a resolution stating our strong support for strengthening America's defenses against bioterrorism.

As our forces continue their actions over Afghanistan, we can expect that our enemies will try to strike against our country again. We must close the gaps in our ability to deal with the possibility of bioterrorism on American soil. Just as we support our armed forces overseas, we should support our front line defenses against bioterrorism—our public health and medical professionals.

We want to reassure all Americans that much has already been done to assure their safety from such an attack, and to minimize the spread of biological agents if an attack does occur. The kind of heroism we witnessed from average Americans on September 11 with Americans caring for and protecting their fellow citizens would take place once again in responding to a bioterrorist threat.

But every day we delay in expanding our capabilities exposes innocent Americans to needless danger. We cannot afford to wait.

Our first priority must be to prevent an attack from ever occurring. That means moving quickly to enhance our intelligence capacity and our ability to infiltrate terrorist cells, wherever they may exist. It also means using the renewed partnership between the United States and Russia to make sure that dangerous biological agents do not fall into the hands of terrorists. We've worked with Russia to prevent the spread of nuclear weapons, and we must work together now to prevent the spread of biological weapons.

We must also enhance America's preparedness for a bioterrorist attack. Our citizens need not live their lives in fear of a biological attack, but building strong defenses is the right thing to do.

Unlike the assaults on New York and Washington, a biological attack would not be accompanied by explosions and police sirens. In the days that followed, victims of the attack would visit their family doctor or the local emergency room, complaining of fevers, aches in the joints or perhaps a sore throat. The actions taken in those first few days will do much to determine how severe the consequences of the attack will be.

The keys to responding effectively to a bioterrorist attack lie in three key concepts: immediate detection, immediate treatment and immediate containment.

To improve detection, we should improve the training of doctors to recognize the symptoms of a bioterrorist attack, so that precious hours will not be lost as doctors try to diagnose their patients. As we've seen in recent days, patients with anthrax and other rarely encountered diseases are often initially diagnosed incorrectly. In addition, public health laboratories need the training, the equipment and the personnel to identify biological weapons as quickly as possible.

In Boston, a recently installed electronic communication system will enable physicians to report unusual symptoms rapidly to local health officials, so that an attack could be identified quickly. Too often, however, as a CDC report has stated: ''Global travel and commerce can move microbes around the world at jet speed, yet our public health surveillance systems still rely on a 'Pony Express' system of paper-based reporting and telephone calls.''

To improve the treatment of victims of a bioterrorist attack, we must strengthen our hospitals and emergency medical plans. Boston, New York and a few other communities have plans to convert National Guard armories and other public buildings into temporary medical facilities, and other communities need to be well prepared too. Even cities with extensive plans need more resources to ensure that those plans will be effective when they are needed.

To improve containment, we must make certain that federal supplies of vaccines and antibiotics are available quickly to assist local public health officials in preventing the disease from spreading.

Developing new medical resources for the future is also essential. Scientists recently reported that they had determined the complete DNA sequence of the microbe that causes plague. This breakthrough may allow new treatments and vaccines to be developed against this ancient disease scourge. We should use the remarkable skills of our universities and biotechnology companies to give us new and better treatments in the battle against bioterrorism.

September 11 was a turning point in America's history. Our challenge now is to do everything we can to learn from that tragic day, and prepare effectively for the future.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1861. Mr. BREAUX proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes.

SA 1862. Mr. TORRICELLI submitted an amendment intended to be proposed to amendment SA 1855 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1447) supra; which was ordered to lie on the table.

SA 1863. Mr. MURKOWSKI (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1447, supra.

SA 1864. Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill S. 1447, supra; which was ordered to lie on the table.

SA 1865. Mr. HOLLINGS (for Mr. INOUYE) proposed an amendment to the bill S. 1447, supra.

SA 1866. Mr. HOLLINGS (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 1447, supra.

SA 1867. Mr. HOLLINGS (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 1447, supra.

SA 1868. Mr. HOLLINGS (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 1447, supra.

SA 1869. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1447, supra; which was ordered to lie on the table.

SA 1870. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1447, supra; which was ordered to lie on the table.

SA 1871. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill S. 1447, supra; which was ordered to lie on the table.

SA 1872. Mr. LIEBERMAN (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1447, supra; which was ordered to lie on the table.

SA 1873. Mr. MCCAIN (for Mr. KOHL) submitted an amendment intended to be proposed by him to the bill S. 1447, supra.

SA 1874. Mr. SMITH, of New Hampshire (for himself, Mr. MURKOWSKI, Mr. BURNS, Mr. THURMOND, and Mr. CRAPO) proposed an amendment to the bill S. 1447, supra.

SA 1875. Mr. BURNS (for himself, Mr. MCCONNELL, Mr. DEWINE, and Mrs. BOXER) proposed an amendment to the bill S. 1447, supra.

SA 1876. Mr. MCCAIN (for Mr. DOMENICI) proposed an amendment to the bill S. 1447, supra.

SA 1877. Mr. MCCAIN (for Mr. CLELAND) proposed an amendment to the bill S. 1447, supra.

SA 1878. Mr. MCCAIN (for Mr. THOMPSON) proposed an amendment to the bill S. 1447, supra.

SA 1879. Mr. MCCAIN (for Mr. LIEBERMAN (for himself and Mr. DURBIN)) proposed an amendment to the bill S. 1447, supra.

SA 1880. Mr. HOLLINGS (for Mrs. MURRAY (for himself, Mr. BYRD, and Mr. SHELBY)) proposed an amendment to the bill S. 1447, supra.

SA 1881. Mr. MCCAIN proposed an amendment to the bill S. 1447, supra.

SA 1882. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1447, supra; which was ordered to lie on the table.

SA 1883. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1447, supra; which was ordered to lie on the table.

SA 1884. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1447, supra; which was ordered to lie on the table.

SA 1885. Mr. HARKIN (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1447, supra ; which was ordered to lie on the table.

SA 1886. Mr. MCCAIN (for Mr. ENZI (for himself and Mr. DORGAN)) proposed an amendment to the bill S. 1447, supra.

SA 1887. Mr. MCCAIN (for Mrs. HUTCHISON) proposed an amendment to the bill S. 1447, supra.

SA 1888. Mr. MCCAIN (for Mrs. HUTCHISON) proposed an amendment to the bill S. 1447, supra.

SA 1889. Mr. MCCAIN (for Mr. INHOFE) proposed an amendment to the bill S. 1447, supra.

SA 1890. Mr. MCCAIN (for Mr. INHOFE) submitted an amendment intended to be proposed by Mr. MCCAIN to the bill S. 1447, supra.

SA 1891. Mr. HOLLINGS (for Mr. FEINGOLD) proposed an amendment to the bill S. 1447, supra.

SA 1892. Mr. HOLLINGS (for himself and Mr. MCCAIN) proposed an amendment to the bill S. 1447, supra.

SA 1893. Mr. MCCAIN (for Mr. INHOFE) proposed an amendment to the bill S. 1447, supra.

SA 1894. Mr. HOLLINGS (for Mr. LEAHY) proposed an amendment to the bill S. 1447, supra.

SA 1895. Mr. HOLLINGS (for himself and Mr. MCCAIN) proposed an amendment to the bill S. 1447, supra.

SA 1896. Mr. WARNER (for himself and Mr. ALLEN) proposed an amendment to the bill S. 1447, supra.

SA 1897. Mr. MCCAIN (for Mr. JEFFORDS) proposed an amendment to amendment SA 1858 submitted by Mr. HOLLINGS and intended to be proposed to the bill (S. 1447) supra.

SA 1898. Mr. ALLEN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1532, to provide for the payment of emergency extended unemployment compensation; which was referred to the Committee on Finance.

SA 1899. Mr. FEINGOLD proposed an amendment to the bill S. 1510, to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.

SA 1900. Mr. FEINGOLD proposed an amendment to the bill S. 1510, supra.

SA 1901. Mr. FEINGOLD proposed an amendment to the bill S. 1510, supra.

TEXT OF AMENDMENTS

SA 1861. Mr. BREAUX proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . LESS-THAN-LETHAL WEAPONRY FOR FLIGHT DECK CREWS.

(a) NATIONAL INSTITUTE OF JUSTICE STUDY.—The National Institute of Justice shall assess the range of less-than-lethal weaponry available for use by a flight deck crewmember temporarily to incapacitate an individual who presents a clear and present danger to the safety of the aircraft, its passengers, or individuals on the ground and report its findings and recommendations to the Secretary of Transportation within 90 days after the date of enactment of this Act.

Section 44903 of title 49, United States Code, is amended by adding at the end the following:

''(h) AUTHORITY TO ARM FLIGHT DECK CREW WITH LESS-THAN-LETHAL WEAPONS.—

''(1) IN GENERAL.—If the Secretary, after receiving the recommendations of the National Institute of Justice, determines, with the approval of the Attorney General and the Secretary of State, that it is appropriate and necessary and would effectively serve the public interest in avoiding air piracy, the Secretary may authorize members of the flight deck crew on any aircraft providing air transportation or intrastate air transportation to carry a less-than-lethal weapon while the aircraft is engaged in providing such transportation.

''(2) USAGE.—If the Secretary grants authority under paragraph (1) for flight deck crew members to carry a less-than-lethal weapon while engaged in providing air transportation or intrastate air transportation, the Secretary shall—

''(A) prescribe rules requiring that any such crew member to trained in the proper use of the weapon; and

''(B) prescribe guidelines setting forth the circumstances under which such weapons may be used.''.

SA 1862. Mr. TORRICELLI submitted an amendment intended to be proposed to amendment SA 1855 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 1447) to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 20 of the amendment, insert ''employment that involves the provision of transportation to or from an airport,'' after ''an airport,''.

SA 1863. Mr. MURKOWSKI (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . AGE AND OTHER LIMITATIONS.

(a) GENERAL.—Notwithstanding any other provision of law, beginning on the date that is 6 months after the date of enactment of this Act—

(1) section 121.383(c) of title 14, Code of Federal Regulations, shall not apply;

(2) no certificate holder may use the services of any person as a pilot on an airplane engaged in operations under part 121 of title 14, Code of Federal Regulations, if that person is 63 years of age or older; and

(3) no person may serve as a pilot on an airplane engaged in operations under part 121 of title 14, Code of Federal Regulations, if that person is 63 years of age or older.

(b) CERTIFICATE HOLDER.—For purposes of this section, the term ''certificate holder'' means a holder of a certificate to operate as an air carrier or commercial operator issued by the Federal Aviation Administration.

(c) RESEERVATION OF SAFETY AUTHORITY.—Nothing in this section is intended to change the authority of the Federal Aviation Administration to take steps to ensure the safety of air transportation operations involving a pilot who has reached the age of 60, including its authority—

(1) to require such a pilot to under go additional or more stringent medical, cognitive, or proficiency testing in order to retain certification; or

(2) to establish crew pairing standards for crews with such a pilot.

SA 1864. Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following new section:

SEC. ___. POSSESSION OF HANDGUNS AND OTHER WEAPONS BY COCKPIT CREW OF COMMERCIAL AIRCRAFT.

(a) AUTHORITY.—

(1) IN GENERAL.—Chapter 449 of title 49, United States Code, is amended by adding at the end of subchapter I the following new section:

''§ 44917. Aircraft cockpit protection

''(a) FIREARMS.—A pilot, co-pilot, or navigator of a commercial aircraft may carry a handgun aboard the aircraft if the pilot, co-pilot, or navigator, respectively, has passed the background investigation required under subsection (b) and has been trained and certified under subsection (c).

''(b) BACKGROUND INVESTIGATIONS.—The Secretary of Transportation shall, in consultation with other appropriate Federal agencies, prescribe standards for training and conducting background investigations of pilots, co-pilots, and navigators of aircraft to ensure they are qualified and adequately prepared to use a handgun or other weapon they are authorized to carry aboard a commercial aircraft.

''(c) TRAINING.—

''(1) INITIAL TRAINING.—Before carrying a handgun or other weapon aboard a commercial aircraft, the pilot, co-pilot, or navigator of the aircraft shall complete a weapons training program approved by the Secretary of Transportation and be certified as having successfully completed the program.

''(2) REFRESHER TRAINING.—To ensure continued proficiency in the weapons-related skills on which trained in a program approved under paragraph (1), a pilot, co-pilot, or navigator shall annually complete refresher training in such skills at a training facility designated by the Secretary and be certified as having completed the refresher training.

''(3) PARTICULAR WEAPONS TRAINING.—To be approved under paragraph (1), a program shall include training in the use and maintenance of each particular weapon authorized to be carried aboard an aircraft under this section. The certification of completion of training shall include a statement certifying the completion of training on each such weapon.

''(4) INSTRUCTORS AND FACILITIES.—The Secretary of Transportation shall require that, to the maximum extent practicable, the training under this section be provided by instructors approved by the Secretary in facilities throughout the United States that are

designated by the Secretary for the purposes of this section.

''(d) DEPUTATION OF PILOTS.—

''(1) IN GENERAL.—For any action taken by a pilot, co-pilot, or navigator of a commercial aircraft in the protection of the security of the cockpit of the aircraft, the pilot, co-pilot, or navigator, as the case may be, shall be treated as having taken that action as a law enforcement officer of the United States.

''(2) APPLICABILITY ONLY TO TRAINED CREW MEMBERS.—Paragraph (1) applies only to a pilot, co-pilot, or navigator of an aircraft who has been trained and certified under subsection (c).

''(e) CONSULTATION REQUIREMENT.—The Secretary of Transportation shall consult with the heads of other departments and agencies of the United States in prescribing standards under subsection (b) and carrying out the Secretary's responsibilities under subsection (c). The Secretary shall determine which officials are appropriate for consultation under this subsection.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 44915 the following new item:

''44917. Aircraft cockpit protection.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section 44916 of title 19, United States Code, as added by subsection (a).

SA 1865. Mr. HOLLINGS (for Mr. INOUYE) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . MAIL AND FREIGHT WAIVERS.

During a national emergency affecting air transportation or intrastate air transportation, the Secretary of Transportation, the Secretary of Transportation, after consultation with the Aviation Security Coordination Council, may grant a complete or partial waiver of any restrictions on the carriage by aircraft of freight, mail, emergency medical supplies, personnel, or patients on aircraft, imposed by the Department of Transportation (or other Federal agency or department) that would permit such carriage of freight, mail, emergency medical supplies, personnel, or patients on flights, to, from, or within States with extraordinary air transportation needs or concerns if the Secretary determines that the waiver is in the public interest, taking into consideration the isolation of and dependence on air transportation of such States. the Secretary may impose reasonable limitations on any such waivers.

SA 1866. Mr. HOLLINGS (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

On page 17, line 16, after the period insert ''The Secretary shall ensure that the training curriculum is developed in consultation with Federal law enforcement agencies with expertise in terrorism, self-defense, hijacker psychology, and current threat conditions.''.

SA 1867. Mr. HOLLINGS (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

On page 17, line 23, insert ''**AND PROPERTY**'' after ''**PASSENGER**''.

On page 18, line 5, after ''mail,'' insert ''cargo, carry-on and checked baggage and other articles,''.

SA 1868. Mr. HOLLINGS (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . SAFETY AND SECURITY OF ON-BOARD SUPPLIES.

(a) IN GENERAL.— The Secretary of Transportation shall establish procedures to ensure the safety and integrity of all supplies, including catering and passenger amenities, placed aboard aircraft providing passenger air transportation or intrastate air transportation.

(b) MEASURES.—In carrying out subsection (a), the Secretary may require—

(1) security procedures for suppliers and their facilities;

(2) the sealing of supplies to ensure easy visual detection of tampering; and

(3) the screening of personnel, vehicles, and supplies entering secured areas of the airport or used in servicing aircraft.

SA 1869. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

Section 48114(b) of title 49, United States Code, as added by section 20 of the bill, is amended to read as follows:

''(b) AMOUNT OF FEE.—Air carriers shall remit $2.50 for each passenger enplanement. The Secretary may authorize air carriers to collect and remit up to $5.00 for each passenger enplanement to offset the costs of providing aviation security services, including providing air marshals.''.

SA 1870. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

( ) ADDITIONAL MATTERS REGARDING RESEARCH AND DEVELOPMENT.—

(1) ADDITIONAL PROGRAM REQUIREMENTS.—Subsection (a) of section 44912 of title 49, United States Code, is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

''(4)(A) In carrying out the program established under this subsection, the Administrator shall designate an individual to be responsible for engineering, research, and development with respect to security technology under the program.

''(B) The individual designated under subparagraph (A) shall use appropriate systems engineering and risk management models in making decisions regarding the allocation of funds for engineering, research, and development with respect to security technology under the program.

''(C) The individual designated under subparagraph (A) shall, on an annual basis, submit to the Research, Engineering and Development Advisory Committee a report on activities under this paragraph during the preceding year. Each report shall include, for the year covered by such report, information on—

''(i) progress made in engineering, research, and development with respect to security technology;

''(ii) the allocation of funds for engineering, research, and development with respect to security technology; and

''(iii) engineering, research, and development with respect to any technologies drawn from other agencies, including the rationale for engineering, research, and development with respect to such technologies.''.

(2) REVIEW OF THREATS.—Subsection (b)(1) of that section is amended—

(A) by redesignating subparagraphs (A) through (F) as subparagraphs (B) through (G), respectively; and

(B) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

''(A) a comprehensive systems analysis (employing vulnerability analysis, threat attribute definition, and technology roadmaps) of the civil aviation system, including—

''(i) the destruction, commandeering, or diversion of civil aircraft or the use of civil aircraft as a weapon; and

''(ii) the disruption of civil aviation service, including by cyber attack;''.

(3) SCIENTIFIC ADVISORY PANEL.—Subsection (c) of that section is amended to read as follows:

''(c) SCIENTIFIC ADVISORY PANEL.—(1) The Administrator shall establish a scientific advisory panel, as a subcommittee of the Research, Engineering, and Development Advisory Committee, to review, comment on, advise the progress of, and recommend modifications in, the program established under subsection (a) of this section, including the need for long-range research programs to detect and prevent catastrophic damage to commercial aircraft, commercial aviation facilities, commercial aviation personnel and passengers, and other components of the commercial aviation system by the next generation of terrorist weapons.

''(2)(A) The advisory panel shall consist of individuals who have scientific and technical expertise in—

''(i) the development and testing of effective explosive detection systems;

''(ii) aircraft structure and experimentation to decide on the type and minimum weights of explosives that an effective explosive detection technology must be capable of detecting;

''(iii) technologies involved in minimizing airframe damage to aircraft from explosives; and

''(iv) other scientific and technical areas the Administrator considers appropriate.

''(B) In appointing individuals to the advisory panel, the Administrator should consider individuals from academia and the national laboratories, as appropriate.

''(3) The Administrator shall organize the advisory panel into teams capable of undertaking the review of policies and technologies upon request.

''(4) Not later than 90 days after the date of the enactment of the Aviation Security Act, and every two years thereafter, the Administrator shall review the composition of the advisory panel in order to ensure that the expertise of the individuals on the panel is suited to the current and anticipated duties of the panel.''.

SA 1871. Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill S. 1447, to improve

aviation security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AVAILABILITY OF PASSENGER FACILITY FEES AND AIRPORT IMPROVEMENT PROGRAM FUNDS FOR SECURITY COSTS AND OTHER COSTS.

(a) AVAILABILITY.—Notwithstanding any other provision of law, any public agency that controls a commercial service airport may, during the one-year period beginning on the date of the enactment of this Act, use amounts referred to in subsection (b) as follows:

(1) For costs in connection with security at the airport.

(2) For the service of outstanding debt obligations of the public agency with respect to the airport.

(b) COVERED AMOUNTS.—The amounts referred to in this subsection for a public agency are as follows:

(1) Amounts collected by the public agency as passenger facility fees under section 40117 of title 49, United States Code.

(2) Amounts available to the public agency from the Airport and Airway Trust Fund.

SA 1872. Mr. LIEBERMAN (for himself, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, insert the following:

TITLE ____—DEPLOYMENT AND USE OF SECURITY TECHNOLOGIES

Subtitle A—Expanded Deployment and Utilization of Current Security Technologies and Procedures

SEC. ____01. EXPANDED DEPLOYMENT AND UTILIZATION OF CURRENT SECURITY TECHNOLOGIES AND PROCEDURES.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require that employment investigations, including criminal history record checks, for all individuals described in section 44936(a) of title 49, United States Code who are existing employees, at airports regularly serving an air carrier holding a certificate issued by the Secretary of Transportation, should be completed within 6 months. The Administrator shall devise an alternative method for background checks for a person applying for any airport security position who has lived in the United States less than 5 years and shall have such alternative background check in place within 6 months of the date of enactment of this Act.

(b) EXPLOSIVE DETECTION.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall deploy and oversee the usage of existing bulk explosives detection technology already at airports for checked baggage. Not later than 60 days after the date of enactment of this Act, the Administrator shall establish confidential goals for—

(A) deploying by a specific date all existing bulk explosives detection scanners purchased but not yet deployed by the Federal Aviation Administration;

(B) a specific percentage of checked baggage to be scanned by bulk explosives detection machines within 6 months, and annual goals thereafter with an eventual goal of scanning 100 percent of checked baggage; and

(C) the number of new bulk explosives detection machines that will be purchased by the Federal Aviation Administration for deployment at the Federal Aviation Administration-identified midsized airports within 6 months.

(2) USE OF FUNDS.—For purposes of carrying out this subtitle, airport operators may use funds available under the Airport Improvement Program described in chapter 471 of title 49, United States Code, to reconfigure airport baggage handling areas to accommodate the equipment described in paragraph (1), if necessary. Not later than 12 months after the date of enactment of this Act, and annually thereafter, the Administrator shall report, on a confidential basis, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, the Government Accounting Office, and the Inspector General of the Department of Transportation, regarding the goals and progress the Administration is making in achieving those goals described in paragraph (1).

(3) AIRPORT DEVELOPMENT.—Section 47102(3)(B) of title 49, United States Code, is amended—

(A) by striking ''and'' at the end of clause (viii);

(B) by striking the period at the end of clause (ix) and inserting ''; and''; and

(C) by inserting after clause (ix) the following new clause:

''(x) replacement of baggage conveyor systems, and reconfiguration of terminal luggage areas, that the Secretary determines are necessary to install bulk explosive detection devices.''.

(c) BAG MATCHING SYSTEM.—The Administrator of the Federal Aviation Administration shall require air carriers to improve the passenger bag matching system. Not later than 60 days after the date of enactment of this Act, the Administrator shall establish goals for upgrading the Passenger Bag Matching System, including interim measures to match a higher percentage of bags until Explosives Detection Systems are used to scan 100 percent of checked baggage. The Administrator shall report, on a confidential basis, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, the Government Accounting Office, and the Inspector General of the Department of Transportation, regarding the goals and the progress made in achieving those goals within 12 months after the date of enactment of this Act.

(d) COMPUTER-ASSISTED PASSENGER PRESCREENING.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require air carriers to expand the application of the current Computer-Assisted Passenger Prescreening System (CAPPS) to all passengers, regardless of baggage. Passengers selected under this system shall be subject to additional security measures, including checks of carry-on baggage and person, before boarding.

(2) REPORT.—The Administrator shall report back to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives within 3 months of the date of enactment of this Act on the implementation of the expanded CAPPS system.

Subtitle B—Short-Term Assessment and Deployment of Emerging Security Technologies and Procedures

SEC. ____11. SHORT-TERM ASSESSMENT AND DEPLOYMENT OF EMERGING SECURITY TECHNOLOGIES AND PROCEDURES.

Section 44903 of title 49, United States Code, is amended by adding at the end the following:

''(i) SHORT-TERM ASSESSMENT AND DEPLOYMENT OF EMERGING SECURITY TECHNOLOGIES AND PROCEDURES.

(1) IN GENERAL.—The Deputy Secretary for Transportation Security shall recommend to airport operators, within 6 months after the date of enactment of this Act, commercially available measures or procedures to prevent access to secure airport areas by unauthorized persons. As part of the 6-month assessment, the Deputy Secretary for Transportation Security shall—

(A) review the effectiveness of biometrics systems currently in use at several United States airports, including San Francisco International;

(B) review the effectiveness of increased surveillance at access points;

(C) review the effectiveness of card- or keypad-based access systems;

(D) review the effectiveness of airport emergency exit systems and determine whether those that lead to secure areas of the airport should be monitored or how breaches can be swiftly responded to; and

(E) specifically target the elimination of the ''piggy-backing'' phenomenon, where another person follows an authorized person through the access point.

The 6-month assessment shall include a 12-month deployment strategy for currently available technology at all category X airports, as defined in the Federal Aviation Administration approved air carrier security programs required under part 108 of title 14, Code of Federal Regulations. Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall conduct a review of reductions in unauthorized access at these airports.

(2) 90-DAY REVIEW.—

(A) IN GENERAL.—The Deputy Secretary for Transportation Security, as part of the Aviation Security Coordination Council, shall conduct a 90-day review of—

(i) currently available or short-term deployable upgrades to the Computer-Assisted Passenger Prescreening System (CAPPS); and

(ii) deployable upgrades to the coordinated distribution of information regarding persons listed on the ''watch list'' for any Federal law enforcement agencies who could present an aviation security threat.

(B) DEPLOYMENT OF UPGRADES.—The Deputy Secretary for Transportation Security shall commence deployment of recommended short-term upgrades to CAPPS and to the coordinated distribution of ''watch list'' information within 6 months after the date of enactment of this Act. Within 18 months after the date of enactment of this Act, the Deputy Secretary for Transportation Security shall report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives, the Government Accounting Office, and the Inspector General of the Department of Transportation, on progress being made in deploying recommended upgrades.

(3) STUDY.—The Deputy Secretary for Transportation Security shall conduct a study of options for improving positive identification of passengers at check-in counters

and boarding areas, including the use of biometrics and ''smart'' cards. Within 6 months after the date of enactment of this Act, the Deputy Secretary shall report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives on the feasibility and costs of implementing each identification method and a schedule for requiring air carriers to deploy identification methods determined to be effective.

Subtitle C—Research and Development of Aviation Security Technology

SEC. ___21. RESEARCH AND DEVELOPMENT OF AVIATION SECURITY TECHNOLOGY.

(a) FUNDING.—To augment the programs authorized in section 44912(a)(1) of title 49, United States Code, there is authorized to be appropriated an additional $50,000,000 for each of fiscal years 2002 through 2006 and such sums as are necessary for each fiscal year thereafter to the Federal Aviation Administration, for research, development, testing, and evaluation of the following technologies which may enhance aviation security in the future. Grants to industry, academia, and Government entities to carry out the provisions of this section shall be available for fiscal years 2002 and 2003 for—

(1) the acceleration of research, development, testing, and evaluation of explosives detection technology for checked baggage, specifically, technology that is—

(A) more cost-effective for deployment for explosives detection in checked baggage at small- to medium-sized airports, and is currently under development as part of the Argus research program at the Federal Aviation Administration;

(B) faster, to facilitate screening of all checked baggage at larger airports; or

(C) more accurate, to reduce the number of false positives requiring additional security measures;

(2) acceleration of research, development, testing, and evaluation of new screening technology for carry-on items to provide more effective means of detecting and identifying weapons, explosives, and components of weapons of mass destruction, including advanced x-ray technology;

(3) acceleration of research, development, testing, and evaluation of threat screening technology for other categories of items being loaded onto aircraft, including cargo, catering, and duty-free items;

(4) acceleration of research, development, testing, and evaluation of threats carried on persons boarding aircraft or entering secure areas, including detection of weapons, explosives, and components of weapons of mass destruction;

(5) acceleration of research, development, testing and evaluation of integrated systems of airport security enhancement, including quantitative methods of assessing security factors at airports selected for testing such systems;

(6) expansion of the existing program of research, development, testing, and evaluation of improved methods of education, training, and testing of key airport security personnel; and

(7) acceleration of research, development, testing, and evaluation of aircraft hardening materials, and techniques to reduce the vulnerability of aircraft to terrorist attack.

(b) GRANTS.—Grants awarded under this subtitle shall identify potential outcomes of the research, and propose a method for quantitatively assessing effective increases in security upon completion of the research program. At the conclusion of each grant, the grant recipient shall submit a final report to the Federal Aviation Administration that shall include sufficient information to permit the Administrator to prepare a cost-benefit analysis of potential improvements to airport security based upon deployment of the proposed technology. The Administrator shall begin awarding grants under this subtitle within 90 days of the date of enactment of this Act.

(c) BUDGET SUBMISSION.—A budget submission and detailed strategy for deploying the identified security upgrades recommended upon completion of the grants awarded under subsection (b), shall be submitted to Congress as part of the Department of Transportation's annual budget submission.

(d) DEFENSE RESEARCH.—There is authorized to be appropriated $20,000,000 to the Federal Aviation Administration to issue research grants in conjunction with the Defense Advanced Research Projects Agency. Grants may be awarded under this section for—

(1) research and development of longer-term improvements to airport security, including advanced weapons detection;

(2) secure networking and sharing of threat information between Federal agencies, law enforcement entities, and other appropriate parties;

(3) advances in biometrics for identification and threat assessment; or

(4) other technologies for preventing acts of terrorism in aviation.

SA 1873. Mr. MCCAIN (for Mr. KOHL) submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert:

SEC. ___. ENHANCED SECURITY FOR AIRCRAFT.

(a) SECURITY FOR LARGER AIRCRAFT.—

(1) PROGRAM REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall commence implementation of a program to provide security screening for all aircraft operations conducted with respect to any aircraft having a maximum certified takeoff weight of more than 12,500 pounds that is not operating as of the date of the implementation of the program under security procedures prescribed by the Administrator.

(2) WAIVER.—

(A) AUTHORITY TO WAIVE.—The Administrator may waive the applicability of the program under this section with respect to any aircraft or class of aircraft otherwise described by this section if the Administrator determines that aircraft described in this section can be operated safely without the applicability of the program to such aircraft or class of aircraft, as the case may be.

(B) LIMITATIONS.—A waiver under subparagraph (A) may not go into effect—

(i) unless approved by the Secretary of Transportation; and

(ii) until 10 days after the date on which notice of the waiver has been submitted to the appropriate committees of Congress.

(3) PROGRAM ELEMENTS.—The program under paragraph (1) shall require the following:

(A) The search of any aircraft covered by the program before takeoff.

(B) The screening of all crew members, passengers, and other persons boarding any aircraft covered by the program, and their property to be brought on board such aircraft, before boarding.

(4) PROCEDURES FOR SEARCHES AND SCREENING.—The Administrator shall develop procedures for searches and screenings under the program under paragraph (1). Such procedures may not be implemented until approved by the Secretary.

(b) SECURITY FOR SMALLER AIRCRAFT.—

(1) PROGRAM REQUIRED.—Not later than one year after the date of the enactment of this Act, the Administrator shall commence implementation of a program to provide security for all aircraft operations conducted with respect to any aircraft having a maximum certified takeoff weight of 12,500 pounds or less that is not operating as of the date of the implementation of the program under security procedures prescribed by the Administrator. The program shall address security with respect to crew members, passengers, baggage handlers, maintenance workers, and other individuals with access to aircraft covered by the program, and to baggage.

(2) REPORT ON PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report containing a proposal for the program to be implemented under paragraph (1).

(c) BACKGROUND CHECKS FOR ALIENS ENGAGED IN CERTAIN TRANSACTIONS REGARDING AIRCRAFT.—

(1) REQUIREMENT.—Notwithstanding any other provision of law and subject to paragraph (2), no person or entity may sell, lease, or charter any aircraft to an alien, or any other individual specified by the Secretary for purposes of this subsection, within the United States unless the Attorney General issues a certification of the completion of a background investigation of the alien, or other individual, as the case may be, that meets the requirements of section 44939(b) of title 49, United States Code, as added by section 13 of this Act.

(2) EXPIRATION.—The prohibition in paragraph (1) shall expire as follows:

(A) In the case of an aircraft having a maximum certified takeoff weight of more than 12,500 pounds, upon implementation of the program required by subsection (a).

(B) In the case of an aircraft having a maximum certified takeoff weight of 12,500 pounds or less, upon implementation of the program required by subsection (b).

(3) ALIEN DEFINED.—In this subsection, the term ''alien'' has the meaning given that term in section 44939(f) of title 49, United States Code, as so added.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Commerce of the House of Representatives.

SA 1874. Mr. SMITH of New Hampshire (for himself, Mr. MURKOWSKI, Mr. BURNS, Mr. THURMOND, and Mr. CRAPO) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. . FLIGHT DECK SECURITY.

(a) TITLE.—This Section may be cited as the 'Flight Deck Security Act of 2001'.

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

(1) On September 11, 2001, terrorists hijacked four civilian aircraft, crashing two of the aircraft into the towers of the World

Trade Center in New York, New York, and a third into the Pentagon outside Washington, District of Columbia.

(2) Thousands of innocent Americans and citizens of other countries were killed or injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders.

(3) These attacks destroyed both towers of the World Trade Center, as well as adjacent buildings, and seriously damaged the Pentagon.

(4) These attacks were by far the deadliest terrorist attacks ever launched against the United States and, by targeting symbols of America, clearly were intended to intimidate our Nation and weaken its resolve.

(5) Armed pilots, co-pilots, and flight engineers with proper training will be the last line of defense against terrorists by providing cockpit security and aircraft security.

(6) Secured doors separating the flight deck from the passenger cabin have been effective in deterring hijackings in other nations and will serve as a deterrent to future contemplated acts of terrorism in the United States.

(c) AVIATION SAFETY AND THE SUPPRESSION OF TERRORISM BY COMMERCIAL AIRCRAFT.—

(1) POSSESSION OF FIREARMS ON COMMERCIAL FLIGHTS.—The FAA is authorized to permit a pilot, co-pilot, or flight engineer of a commercial aircraft who has successfully completed the requirements of section (c)(2) of this Act, or who is not otherwise prohibited by law from possessing a firearm, from possessing or carrying a firearm approved by the FAA for the protection of the aircraft under procedures or regulations as necessary, to ensure the safety and integrity of flight.

(2) FEDERAL PILOT OFFICERS.—

(A) In addition to the protections provided by the section (c)(1) of this Act, the FAA shall also establish a voluntary program to train and supervise commercial airline pilots.

(B) Under the program, the FAA shall make available appropriate training and supervision for all such pilots, which may include training by private entities.

(C) The power granted to such persons shall be limited to enforcing Federal law in the cockpit of commercial aircraft and, under reasonable circumstances the passenger compartment to protect the integrity of the commercial aircraft and the lives of the passengers.

(D) The FAA shall make available appropriate training to any qualified pilot who requests such training pursuant to this Act.

(E) The FAA may prescribe regulations for purposes of this section.

(d) REPORTS TO CONGRESS.—Not later than six months after the date of the enactment of this Act, and every six months thereafter, the Secretary of Transportation shall submit to Congress a report on the effectiveness of the requirements in this section in facilitating commercial aviation safety and the suppression of terrorism by commercial aircraft.''.

SA 1875. Mr. BURNS (for himself, Mr. MCCONNELL, Mr. DEWINE, AND Mrs. BOXER) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes, as follows:

On Page 4, strike lines 10, 11, and 12.

On Page 4, line 13, strike ''(B)'' and insert ''(A)''.

On Page 4, line 18, strike ''(C)'' and insert ''(B)''.

On Page 4, line 22, insert ''and'' after the semicolon.

On Page 4, beginning with line 23, strike through line 5 on page 5.

On Page 5, line 6, strike ''(E)'' and insert ''(C)''.

On Page 5, between lines 13 and 14, insert the following:

(b) ATTORNEY GENERAL RESPONSIBILITIES.—The Attorney General of the United States—

(1) is responsible for day-to-day Federal security screening operations for passenger air transportation or intrastate air transportation under sections 44901 and 44935 of title 49, United States Code;

(2) shall work in conjunction with the Administrator of the Federal Aviation Administration with respect to any actions or activities that may affect aviation safety or air carrier operations;

(3) is responsible for hiring and training personnel to provide security screening at all United States airports involved in passenger air transportation or intrastate air transportation, in conjunction with the Secretary of Transportation, Secretary of Defense, and the heads of other appropriate Federal agencies and departments; and

(4) shall actively cooperate and coordinate with the Secretary of Transportation, the Secretary of Defense, and the heads of other appropriate Federal agencies and departments with responsibilities for national security and criminal justice enforcement activities that are related to aviation security through the Aviation Security Coordination Council. On page 5, line 14, strike ''(b)'' and insert ''(c)''.

On page 6, line 4, strike ''(c)'' and insert ''(d)''.

On page 10, between lines 6 and 7, insert the following:

(a) AIR MARSHALS UNDER ATTORNEY GENERAL GUIDELINES.—The Attorney General shall prescribe guidelines for the training and deployment of individuals authorized, with the approval of the Attorney General, to carry firearms and make arrests under section 44903(d) of title 49, United States Code. The Secretary of Transportation shall administer the air marshal program under that section in accordance with the guidelines prescribed by the Attorney General.

On page 10, line 7, strike ''(a)IN GENERAL.—'' and insert ''(b) DEPLOYMENT.—''.

On page 10, line 23, strike ''(b) Deployment.—'' and insert ''(c)TRAINING, SUPERVISION, AND FLIGHT ASSIGNMENT.—''.

On page 11, line 14, strike ''(c)'' and insert ''(d)''.

On page 11, line 20, strike ''(d)'' and insert ''(e)''.

On page 12, line 3, strike ''(e)'' and insert ''(f)''.

On page 12, line 4, before ''Secretary'' insert ''Attorney General and the)''.

On page 12, line 22, before ''Secretary'' insert ''Attorney General and the''.

On page 12, line 24, strike ''the Secretary'' and insert ''they''.

On page 13, line 3, strike ''(f)'' and inset ''(g)''.

On page 18, beginning in line 2, strike ''Secretary of Transportation, in consultation with the Attorney General,'' and insert ''Attorney General, in consultation with the secretary of Transportation,''.

On page 18, line 11, strike ''Secretary'' and insert ''Attorney General''.

On page 18, beginning in line 17, strike ''Secretary of Transportation, in consultation with the Attorney General'' and insert ''Attorney General''.

On page 18, line 25, strike ''Secretary'' and insert ''Attorney General''.

On page 19, line 4, strike ''Secretary'' and insert ''Attorney General''.

On page 19, line 7, strike ''Secretary'' and insert ''Attorney General''.

On page 19, beginning in line 12, strike ''Secretary of Transportation, with the approval of the Attorney General,'' and insert ''Attorney General''.

On page 20, line 9, strike ''Secretary'' and insert ''Attorney General''.

On page 20, beginning in line 12, strike ''Secretary, in consultation with the Attorney General,'' and insert ''Attorney General, in consultation with the Secretary of Transportation,''.

On page 20, beginning in line 14, strike ''Secretary'' and insert ''Attorney General''.

On page 21, beginning in line 3, strike ''Secretary and''.

On page 21, line 12, strike ''Administrator'' and insert ''Attorney General''.

On page 21, line 19, strike ''Administrator'' and insert ''Attorney General''.

On page 21, line 23, strike ''Administrator'' and insert ''Attorney General or the Secretary of Transportation''.

On page 22, line 4, strike ''Administrator'' and insert ''Attorney General''.

On page 22, beginning in line 7, strike ''Secretary of Transportation'' and insert ''Attorney General''.

On page 22, line 9, strike ''the Attorney General or''.

On page 22, strike lines 13 through 22.

On page 22, line 23, strike ''(c) TRANSITION.—the Secretary of transportation'' and insert ''(b) TRANSITION.—the Attorney General''.

On page 23, line 3, strike ''Secretary'' and insert ''Attorney General''.

On page 23, line 6, strike ''Secretary'' and insert ''Attorney General''.

On page 23, beginning in line 18, strike ''Secretary of Transportation, in consultation with the Attorney General,'' and insert ''Attorney General, in consultation with the Secretary of Transportation,''.

On page 23, line 23, strike ''Secretary'' and insert ''Attorney General''.

On page 24, line 20, strike ''Secretary'' and insert ''Attorney General''.

On page 24,, beginning in line 21, strike ''Secretary'' and insert ''Attorney General''.

On page 25, line 3, Strike ''Secretary'' and insert ''Attorney General''.

On page 25, line 11, strike ''Secretary'' and insert ''Attorney General''.

On page 25, beginning in line 14, strike ''Secretary'' and insert ''Attorney General''.

On page 26, line 3, strike ''Secretary'' and insert ''Attorney General''.

On page 26, line 15 strike ''Secretary'' and insert ''Attorney General''.

On page 29, beginning in line 1, strike ''Secretary'' and insert ''Attorney General''.

On page 29, line 20, strike ''Secretary'' and insert ''Attorney General''.

On page 29, beginning in line 23, strike ''Secretary of Transportation'' and insert ''Attorney General''.

On page 29, beginning in line 25, strike ''the Attorney General, or''.

On page 30, line 6, strike ''Secretary'' and insert ''Attorney General''.

On page 30, line 14, strike ''Secretary'' and insert ''Attorney General''.

On page 30, beginning in line 21, strike ''Secretary'' and insert ''Attorney General''.

On page 31, beginning in line 5, strike ''Secretary of Transportation'' and insert ''Attorney General''.

On page 31, line 9, strike ''Secretary'' and insert ''Attorney General''.

On page 31, line 22, strike ''Secretary'' and insert ''Attorney General''.

On page 32, line 1, strike ''Secretary of Transportation'' and insert ''Attorney General''.

On page 32, beginning in line 4, strike ''Secretary of Transportation'' and insert ''Attorney General''.

On page 32, line 7, strike ''Secretary'' and insert ''Attorney General''.

On page 32, line 11, strike ''Secretary of Transportation'' and insert ''Attorney General''.

On page 33, line 3, strike ''Secretary of Transportation'' and insert ''Attorney General''.

On page 33, beginning in line 5, strike ''Secretary'' and insert ''Attorney General''.

On page 33, line 9, strike ''Secretary'' and insert ''Attorney General''.

On page 33, line 13, strike ''Secretary'' and insert ''Attorney General''.

On page 33, line 16, strike ''Secretary'' and insert ''Attorney General''.

On page 33, line 19, strike ''Secretary'' and insert ''Attorney General''.

On page 33, line 22, strike ''Secretary'' and insert ''Attorney General''.

On page 34, line 15, strike ''Transportation'' and insert ''Justice''.

On page 34, line 17, strike ''Secretary'' and insert ''Attorney General''.

On page 34, line 21, strike ''Secretary'' and insert ''Attorney General''.

On page 33, line 22, strike ''Secretary'' and insert ''Attorney General''.

On page 35, line 4, insert ''(a) IN GENERAL.—'' before ''Section''.

On page 35, between lines 19 and 20, insert the following:

(b) COORDINATION WITH ATTORNEY GENERAL.—Section 44912(b) of title 49, United States Code, is amended by adding at the end the following:

''(3) Beginning on the date of enactment of the Aviation Security Act, the Administrator shall conduct all research related to screening technology and procedures in conjunction with the Attorney General.''.

SA 1876. Mr. MCCAIN (for Mr. DOMENICI) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert the following:

( ) ADDITIONAL MATTERS REGARDING RESEARCH AND DEVELOPMENT.—

(1) ADDITIONAL PROGRAM REQUIREMENTS.—Subsection (a) of section 44912 of title 49, United States Code, is amended—

(A) by redesignating paragraph (4) as paragraph (5); and

(B) by inserting after paragraph (3) the following new paragraph (4):

''(4)(A) In carrying out the program established under this subsection, the Administrator shall designate an individual to be responsible for engineering, research, and development with respect to security technology under the program.

''(B) The individual designated under subparagraph (A) shall use appropriate systems engineering and risk management models in making decisions regarding the allocation of funds for engineering, research, and development with respect to security technology under the program.

''(C) The individual designated under subparagraph (A) shall, on an annual basis, submit to the Research, Engineering and Development Advisory Committee a report on activities under this paragraph during the preceding year. Each report shall include, for the year covered by such report, information on—

''(i) progress made in engineering, research, and development with respect to security technology;

''(ii) the allocation of funds for engineering, research, and development with respect to security technology; and

''(iii) engineering, research, and development with respect to any technologies drawn from other agencies, including the rationale for engineering, research, and development with respect to such technologies.''.

(2) REVIEW OF THREATS.—Subsection (b)(1) of that section is amended—

(A) by redesignating subparagraphs (A) through (F) as subparagraphs (B) through (G), respectively; and

(B) by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

''(A) a comprehensive systems analysis (employing vulnerability analysis, threat attribute definition, and technology roadmaps) of the civil aviation system, including—

''(i) the destruction, commandeering, or diversion of civil aircraft or the use of civil aircraft as a weapon; and

''(ii) the disruption of civil aviation service, including by cyber attack;''.

(3) SCIENTIFIC ADVISORY PANEL.—Subsection (c) of that section is amended to read as follows:

''(c) SCIENTIFIC ADVISORY PANEL.—(1) The Administrator shall establish a scientific advisory panel, as a subcommittee of the Research, Engineering, and Development Advisory Committee, to review, comment on, advise the progress of, and recommend modifications in, the program established under subsection (a) of this section, including the need for long-range research programs to detect and prevent catastrophic damage to commercial aircraft, commercial aviation facilities, commercial aviation personnel and passengers, and other components of the commercial aviation system by the next generation of terrorist weapons.

''(2)(A) The advisory panel shall consist of individuals who have scientific and technical expertise in—

''(i) the development and testing of effective explosive detection systems;

''(ii) aircraft structure and experimentation to decide on the type and minimum weights of explosives that an effective explosive detection technology must be capable of detecting;

''(iii) technologies involved in minimizing airframe damage to aircraft from explosives; and

''(iv) other scientific and technical areas the Administrator considers appropriate.

''(B) In appointing individuals to the advisory panel, the Administrator should consider individuals from academia and the national laboratories, as appropriate.

''(3) The Administrator shall organize the advisory panel into teams capable of undertaking the review of policies and technologies upon request.

''(4) Not later than 90 days after the date of the enactment of the Aviation Security Act, and every two years thereafter, the Administrator shall review the composition of the advisory panel in order to ensure that the expertise of the individuals on the panel is suited to the current and anticipated duties of the panel.''.

SA 1877. Mr. MCCAIN (for Mr. CLELAND) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. AMENDMENTS TO AIRMEN REGISTRY AUTHORITY.

Section 44703(g) of title 49, United States Code, is amended—

(1) in the first sentence of paragraph (1)—

(A) by striking ''pilots'' and inserting ''airmen''; and

(B) by striking the period and inserting ''and related to combating acts of terrorism.''; and

(2) by adding at the end, the following new paragraphs:

''(3) For purposes of this section, the term 'acts of terrorism' means an activity that involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State, and appears to be intended to intimidate or coerce a civilian population to influence the policy of a government by intimidation or coercion or to affect the conduct of a government by assassination or kidnaping.

''(4) The Administrator is authorized and directed to work with State and local authorities, and other Federal agencies, to assist in the identification of individuals applying for or holding airmen certificates.''.

SA 1878. Mr. MCCAIN (for Mr. THOMPSON) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

Insert at the appropriate place the following:

SEC. . RESULTS-BASED MANAGEMENT.

(a) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end of the following:

§ Performance Goals and Objectives

(a) SHORT TERM TRANSITION.—

(1) IN GENERAL.—Within 60 days of enactment, the Deputy Secretary for Transportation Security shall, in consultation with Congress—

(A) establish acceptable levels of performance for aviation security, including screening operations and access control, and

(B) provide Congress with an action plan, containing measurable goals and milestones, that outlines how those levels of performance will be achieved.

(2) BASICS OF ACTION PLAN.—The action plan shall clarify the responsibilities of the Department of Transportation, the Federal Aviation Administration and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

''(b) LONG-TERM RESULTS-BASED MANAGEMENT.—

(1) PERFORMANCE PLAN AND REPORT.—

(A) PERFORMANCE PLAN.—

(i) Each year, consistent with the requirements of the Government Performance and Results Act of 1993 (GPRA), the Secretary and the Deputy Secretary for Transportation Security shall agree on a performance plan for the succeeding 5 years that establishes measurable goals and objectives for aviation security. The plan shall identify action steps necessary to achieve such goals.

(ii) In addition to meeting the requirements of GPRA, the performance plan shall clarify the responsibilities of the Secretary, the Deputy Secretary for Transportation Security and any other agency or organization that may have a role in ensuring the safety and security of the civil air transportation system.

(iii) The performance plan shall be available to the public. The Deputy Secretary for

Transportation Security may prepare a nonpublic appendix covering performance goals and indicators that, if revealed to the public, would likely impede achievement of those goals and indicators.

(B) PERFORMANCE REPORT.—

(i) Each year, consistent with the requirements of GPRA, the Deputy Secretary for Transportation Security shall prepare and submit to Congress an annual report including an evaluation of the extent goals and objectives were met. The report shall include the results achieved during the year relative to the goals established in the performance plan.

(ii) The performance report shall be available to the public. The Deputy Secretary for Transportation Security may prepare a nonpublic appendix covering performance goals and indicators that, if revealed to the public, would likely impede achievement of those goals and indicators.

§ **Performance Management System**

(a) ESTABLISHING A FAIR AND EQUITABLE SYSTEM FOR MEASURING STAFF PERFORMANCE.—The Deputy Secretary for Transportation Security shall establish a performance management system which strengthens the organization's effectiveness by providing for the establishment of goals and objectives for managers, employees, and organizational performance consistent with the performance plan.

(b) ESTABLISHING MANAGEMENT ACCOUNTABILITY FOR MEETING PERFORMANCE GOALS.—

(i) Each year, the Secretary and Deputy Secretary for Transportation Security shall enter into an annual performance agreement that shall set forth organizational and individual performance goals for the Deputy Secretary.

(ii) Each year, the Deputy Secretary for Transportation Security and each senior manager who reports to the Deputy Secretary for Transportation Security shall enter into an annual performance agreement that sets forth organization and individual goals for those managers. All other employees hired under the authority of the Deputy Secretary for Transportation Security shall enter into an annual performance agreement that sets forth organization and individual goals for those employees.

(c) COMPENSATION FOR THE DEPUTY SECRETARY FOR TRANSPORTATION SECURITY.—

(i) IN GENERAL.—The Deputy Secretary for Transportation Security is authorized to be paid at an annual rate of pay payable to level II of the Executive Schedule.

(ii) BONUSES OR OTHER INCENTIVES.—In addition, the Deputy Secretary for Transportation Security may receive bonuses or other incentives, based upon the Secretary's evaluation of the Deputy Secretary's performance in relation to the goals set forth in the agreement. Total compensation cannot exceed the Secretary's salary.

(d) COMPENSATION FOR MANAGERS AND OTHER EMPLOYEES.—

(i) IN GENERAL.—A senior manager reporting directly to the Deputy Secretary for Transportation Security may be paid at an annual rate of basic pay of not more than the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code.

(ii) BONUSES OR OTHER INCENTIVES.—In addition, senior managers can receive bonuses or other incentives based on the Deputy Secretary for Transportation Security's evaluation of their performance in relation to goals in agreements. Total compensation cannot exceed 125 percent of the maximum rate of base pay for the Senior Executive Service. Further, the Deputy Secretary for Transportation Security shall establish, within the performance management system, a program allowing for the payment of bonuses or other incentives to other managers and employees. Such a program shall provide for bonuses or other incentives based on their performance.

(e) PERFORMANCE-BASED SERVICE CONTRACTING.—To the extent contracts, if any, are used to implement this act, the Deputy Secretary for Transportation Security shall, to the extent practical, maximize the use of performance-based service contracts. These contracts should be consistent with guidelines published by the Office of Federal Procurement Policy.

SA 1879. Mr. McCAIN (for Mr. LIEBERMAN (for himself and Mr. DURBIN)) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the end of the bill, insert the following:

TITLE —DEPLOYMENT AND USE OF SECURITY TECHNOLOGIES

Subtitle A—Expanded Deployment and Utilization of Current Security Technologies and Procedures

SEC. 01. EXPANDED DEPLOYMENT AND UTILIZATION OF CURRENT SECURITY TECHNOLOGIES AND PROCEDURES.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require that employment investigations, including criminal history record checks, for all individuals described in Section 44936(a) of title 49, United States Code who are existing employees, at airports regularly serving an air carrier holding a certificate issued by the Secretary of Transportation, should be completed within 9 months unless such individuals have had such investigation and check within 5 years of date of enactment of this Act. The Administrator shall devise an alternative method for background checks for a person applying for any airport security position who has lived in the United States less than 5 years and shall have such alternative background check in place as soon as possible. The Administrator shall work with the International Civil Aviation Organization and with appropriate authorities of foreign governments in devising such alternative method.

(b) EXPLOSIVE DETECTION.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall deploy and oversee the usage of existing bulk explosives detection technology already at airports for checked baggage. Not later than 60 days after the date of enactment of this Act, the Administrator shall establish confidential goals for—

(A) deploying by a specific date all existing bulk explosives detection scanners purchased but not yet deployed by the Federal Aviation Administration;

(B) a specific percentage of checked baggage to be scanned by bulk explosives detection machines within 6 months, and annual goals thereafter with an eventual goal of scanning 100 percent of checked baggage; and

(C) the number of new bulk explosives detection machines that will be purchased by the Federal Aviation Administration for deployment at the Federal Aviation Administration-identified midsized airports within 6 months.

(2) USE OF FUNDS.—For purposes of carrying out this subtitle, airport operators may use funds available under the Airport Improvement Program described in chapter 471 of title 49, United States Code, to reconfigure airport baggage handling areas to accommodate the equipment described in paragraph (1), if necessary. Not later than 12 months after the date of enactment of this Act, and annually thereafter, the Administrator shall report, on a confidential basis, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, the Government Accounting Office, and the Inspector General of the Department of Transportation, regarding the goals and progress the Administration is making in achieving those goals described in paragraph (1).

(3) AIRPORT DEVELOPMENT.—Section 47102(3)(B) of title 49, United States Code, is amended—

(A) by striking ''and'' at the end of clause (viii);

(B) by striking the period at the end of clause (ix) and inserting ''; and''; and

(C) by inserting after clause (ix) the following new clause:

''(x) replacement of baggage conveyor systems, and reconfiguration of terminal luggage areas, that the Secretary determines are necessary to install bulk explosive detection devices.''.

(c) BAG MATCHING SYSTEM.—The Administrator of the Federal Aviation Administration shall require air carriers to improve the passenger bag matching system. Not later than 60 days after the date of enactment of this Act, the Administrator shall establish goals for upgrading the Passenger Bag Matching System, including interim measures to match a higher percentage of bags until Explosives Detection Systems are used to scan 100 percent of checked baggage. The Administrator shall report, on a confidential basis, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, the Government Accounting Office, and the Inspector General of the Department of Transportation, regarding the goals and the progress made in achieving those goals within 12 months after the date of enactment of this Act.

(d) COMPUTER-ASSISTED PASSENGER PRESCREENING.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require air carriers to expand the application of the current Computer-Assisted Passenger Prescreening System (CAPPS) to all passengers, regardless of baggage. Passengers selected under this system shall be subject to additional security measures, including checks of carry-on baggage and person, before boarding.

(2) REPORT.—The Administrator shall report back to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives within 3 months of the date of enactment of this Act on the implementation of the expanded CAPPS system.

Subtitle B—Short-Term Assessment and Deployment of Emerging Security Technologies and Procedures

SEC. ___11. SHORT-TERM ASSESSMENT AND DEPLOYMENT OF EMERGING SECURITY TECHNOLOGIES AND PROCEDURES.

Section 44903 of title 49, United States Code, is amended by adding at the end the following:

(i) SHORT-TERM ASSSESSMENT AND DEPLOYMENT OF EMERGING SECURITY. TECHNOLOGIES AND PROCEDURES.

(1) IN GENERAL.—The Deputy Secretary for Transportation Security shall recommend to airport operators, within 6 months after the date of enactment of this Act, commercially available measures or procedures to prevent access to secure airport areas by unauthorized persons. As part of the 6-month assessment, the Deputy Secretary for Transportation Security shall—

(A) review the effectiveness of biometrics systems currently in use at several United States airports, including San Francisco International;

(B) review the effectiveness of increased surveillance at access points;

(C) review the effectiveness of card- or keypad-based access systems;

(D) review the effectiveness of airport emergency exit systems and determine whether those that lead to secure areas of the airport should be monitored or how breaches can be swiftly responded to; and

(E) specifically target the elimination of the ''piggy-backing'' phenomenon, where another person follows an authorized person through the access point.

The 6-month assessment shall include a 12-month deployment strategy for currently available technology at all category X airports, as defined in the Federal Aviation Administration approved air carrier security programs required under part 108 of title 14, Code of Federal Regulations. Not later than 18 months after the date of enactment of this Act, the Secretary of Transportation shall conduct a review of reductions in unauthorized access at these airports.

(2) 90-DAY REVIEW.—

(A) IN GENERAL.—The Deputy Secretary for Transportation Security, as part of the Aviation Security Coordination Council, shall conduct a 90-day review of—

(i) currently available or short-term deployable upgrades to the Computer-Assisted Passenger Prescreening System (CAPPS); and

(ii) deployable upgrades to the coordinated distribution of information regarding persons listed on the ''watch list'' for any Federal law enforcement agencies who could present an aviation security threat.

(B) DEPLOYMENT OF UPGRADES.—The Deputy Secretary for Transportation Security shall commence deployment of recommended short-term upgrades to CAPPS and to the coordinated distribution of ''watch list'' information within 6 months after the date of enactment of this Act. Within 18 months after the date of enactment of this Act, the Deputy Secretary for Transportation Security shall report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives, the Government Accounting Office, and the Inspector General of the Department of Transportation, on progress being made in deploying recommended upgrades.

(3) STUDY.—The Deputy Secretary for Transportation Security shall conduct a study of options for improving positive identification of passengers at check-in counters and boarding areas, including the use of biometrics and ''smart'' cards. Within 6 months after the date of enactment of this Act, the Deputy Secretary shall report to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Transportation and Infrastructure of the House of Representatives on the feasibility and costs of implementing each identification method and a schedule for requiring air carriers to deploy identification methods determined to be effective.''

Subtitle C—Research and Development of Aviation Security Technology

SEC. ___21. RESEARCH AND DEVELOPMENT OF AVIATION SECURITY TECHNOLOGY.

(a) FUNDING.—To augment the programs authorized in section 44912(a)(1) of title 49, United States Code, there is authorized to be appropriated an additional $50,000,000 for each of fiscal years 2002 through 2006 and such sums as are necessary for each fiscal year thereafter to the Federal Aviation Administration, for research, development, testing, and evaluation of the following technologies which may enhance aviation security in the future. Grants to industry, academia, and Government entities to carry out the provisions of this section shall be available for fiscal years 2002 and 2003 for—

(1) the acceleration of research, development, testing, and evaluation of explosives detection technology for checked baggage, specifically, technology that is—

(A) more cost-effective for deployment for explosives detection in checked baggage at small- to medium-sized airports, and is currently under development as part of the Argus research program at the Federal Aviation Administration;

(B) faster, to facilitate screening of all checked baggage at larger airports; or

(C) more accurate, to reduce the number of false positives requiring additional security measures;

(2) acceleration of research, development, testing, and evaluation of new screening technology for carry-on items to provide more effective means of detecting and identifying weapons, explosives, and components of weapons of mass destruction, including advanced x-ray technology;

(3) acceleration of research, development, testing, and evaluation of threat screening technology for other categories of items being loaded onto aircraft, including cargo, catering, and duty-free items;

(4) acceleration of research, development, testing, and evaluation of threats carried on persons boarding aircraft or entering secure areas, including detection of weapons, explosives, and components of weapons of mass destruction;

(5) acceleration of research, development, testing and evaluation of integrated systems of airport security enhancement, including quantitative methods of assessing security factors at airports selected for testing such systems;

(6) expansion of the existing program of research, development, testing, and evaluation of improved methods of education, training, and testing of key airport security personnel; and

(7) acceleration of research, development, testing, and evaluation of aircraft hardening materials, and techniques to reduce the vulnerability of aircraft to terrorist attack.

(b) GRANTS.—Grants awarded under this subtitle shall identify potential outcomes of the research, and propose a method for quantitatively assessing effective increases in security upon completion of the research program. At the conclusion of each grant, the grant recipient shall submit a final report to the Federal Aviation Administration that shall include sufficient information to permit the Administrator to prepare a cost-benefit analysis of potential improvements to airport security based upon deployment of the proposed technology. The Administrator shall begin awarding grants under this subtitle within 90 days of the date of enactment of this Act.

(c) BUDGET SUBMISSION.—A budget submission and detailed strategy for deploying the identified security upgrades recommended upon completion of the grants awarded under subsection (b), shall be submitted to Congress as part of the Department of Transportation's annual budget submission.

(d) DEFENSE RESEARCH.—There is authorized to be appropriated $20,000,000 to the Federal Aviation Administration to issue research grants in conjunction with the Defense Advanced Research Projects Agency. Grants may be awarded under this section for—

(1) research and development of longer-term improvements to airport security, including advanced weapons detection;

(2) secure networking and sharing of threat information between Federal agencies, law enforcement entities, and other appropriate parties;

(3) advances in biometrics for identification and threat assessment; or

(4) other technologies for preventing acts of terrorism in aviation.

SA 1880. Mr. HOLLINGS (for Mrs. MURRAY (for herself, Mr. BYRD, and Mr. SHELBY)) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

On page 43, line 19, add the words ''annual appropriations for'' after the words ''offset'';

On page 43, line 20, strike the sentence beginning with the word ''The'' and ending with the word ''expended.'' on line 23;

On page 43, at the end of line 25, insert the following new subsection:

(c) USE OF FEES.—A fee collected under this section shall be used solely for the costs associated with providing aviation security services and may be used only to the extent provided in advance in an appropriation law.

SA 1881. Mr. MCCAIN proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

On page 32, beginning with line 9, strike through line 2 on page 35 and insert the following:

(d) SCREENER PERSONNEL.—Notwithstanding any other provision of law, the Secretary of Transportation may employ, appoint, discipline, terminate, and fix the compensation, terms, and conditions of employment of such a number of individuals as the Secretary determines to be necessary to carry out the passenger security screening functions of the Secretary under section 44901 of title 49, United States Code.

(e) STRIKES PROHIBITED.—An individual employed as a security screener under section 44901 of title 49, United States Code, is prohibited from participating in a strike or asserting the right to strike pursuant to section 7311(3) or 7116(b)(7) of title 5, United States Code.

SA 1882. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

In section 21, strike the heading and insert the following:

SEC. 19. REIMBURSEMENT OF STATES FOR THE COSTS OF STATE USE OF THE NATIONAL GUARD TO PROVIDE AIRPORT SECURITY SERVICES.

(a) AUTHORITY.—The Secretary of the Army or the Secretary of the Air Force shall

reimburse a State for the cost incurred by the State in the use of the Army National Guard or Air National Guard, respectively, of the State, not in Federal service, in support of activities to protect persons or property at any airport in the State from an act of terrorism or a threat of attack by a hostile force during the period of the national emergency declared by the President on September 14, 2001.

(b) COVERED ACTIVITIES.—This section applies with respect to activities at an airport referred to in subsection (a) as follows:

(1) Security patrol of the perimeter of airport property.

(2) Protection of the security of airport aprons.

(3) Screening and clearing of delivery vehicles.

(4) Screening and clearing of passengers and property for transportation on aircraft.

(5) Monitoring and reinforcing security personnel provided by air carriers at the airport security checkpoints.

(6) Any other activities described in subsection (a).

SEC. 20. DEFINITIONS.

SA 1883. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LIMITATIONS ON LIABILITY.

(a) Definitions.—Section 402 of the September 11th Victim Compensation Fund of 2001 (Public Law 107–42) is amended by adding at the end the following new paragraph:

''(9) PROPERTY OWNER.—The term 'property owner' means the Port Authority of New York and New Jersey and any other person with a property interest in the World Trade Center, whether fee simple, leasehold, or easement, direct or indirect.''.

(b) LIMIT OF PROPERTY OWNERS LIABILITY.—Section 408 of the September 11th Victim Compensation Fund of 2001 is amended—

(1) in subsection (a)—

(A) by striking ''Notwithstanding'' and inserting:

''(1) AIR CARRIER LIABILITY.—Notwithstanding''; and

(B) by adding at the end the following new paragraph:

''(2) OTHER LIMITATIONS OF LIABILITY.—Notwithstanding any other provision of law, liability for all claims, whether for compensatory or punitive damages or for contribution of indemnity, arising from the terrorist-related aircraft crashes of September 11, 2001, against any property owner shall not be in an amount greater than the limits of liability insurance coverage available to the property owner.''; and

(2) in the heading, by striking ''AIR CARRIER''.

(c) SUBROGATION.—Section 409 of the September 11th Victim Compensation Fund of 2001 is amended by inserting before the end period the following: '', subject to the limitations described in section 408.

SA 1884. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

On page 23, between lines 8 and 9, insert the following:

SEC. ___. INCREASED SCREENING OF CHECKED BAGGAGE.

(a) EXPANSION OF THE COMPUTER ASSISTED PASSENGER PRESCREENING SYSTEM (CAPPS).—

(1) IN GENERAL.—Subchapter I of chapter 449 of title 49, United States Code, is amended by inserting after section 44901 the following new section:

''§ 44901a. Expansion of CAPPS

''(a) IN GENERAL.—Not later than 90 days after the date of enactment of the Aviation Security Act, the Administrator of the Federal Aviation Administration shall promulgate guidelines to increase the selection of passengers through the Computer Assisted Passenger Prescreening System (CAPPS) and shall incorporate the database described in section 44911(g)(1) into the CAPPS. The guidelines shall not include race or national origin as criteria.

''(b) REQUIREMENTS.—

''(1) POSITIVE MATCHING.—Passengers selected through the CAPPS shall be required to provide positive passenger-bag match and their property shall be screened by an explosive detection system or, in the case of an airport where an explosive detection system is unavailable, by an equivalent system, a trace explosive detection system, or by a hand-search.

''(2) SCREENING OF CHECKED BAGGAGE THROUGH EXPLOSIVE DETECTION SYSTEMS.—

''(A) DEPLOYMENT.—The Secretary of Transportation, in coordination with the Attorney General of the United States, shall be responsible for the deployment and maintenance of certified explosive detection systems at small, medium, and large hub airports.

''(B) PREFERENCE FOR AMERICAN-MADE SYSTEMS.—In selecting explosive detection systems, the Secretary shall give preference to systems produced by United States companies.

''(C) DEADLINES FOR IMPLEMENTATION.—

''(i) Not later than January 1, 2005, the Secretary shall ensure that at the 100 largest airports all property to be transported in the hold of commercial passenger aircraft is scanned by an explosive detection system.

''(ii) Not later than January 1, 2008, the Secretary shall ensure that at small, medium, and large hub airports all property to be transported in the hold of commercial passenger aircraft is scanned by an explosive detection system or a trace explosive detection system.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 44901 the following new item:

''44901a. Expansion of CAPPS.''.

(b) REPORT TO CONGRESS.—Not later than 60 days after the date of enactment of this Act, and annually thereafter, the Secretary of Transportation shall submit to Congress a report regarding the screening of checked baggage through explosive detection systems. The initial report shall contain the following:

(1) A date by which the Department of Transportation shall ensure that all checked baggage is screened through an explosive detection system or a trace explosive detection system.

(2) An estimate of the costs that will be incurred in ensuring the screening of all checked baggage.

(3) A plan for deploying all explosive detection systems purchased by the Federal Aviation Administration before the date of enactment of this Act that are not in use on such date.

SA 1885. Mr. HARKIN (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 1447, to improve aviation security, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GENERAL AVIATION SMALL BUSINESS GRANTS.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (3) the following:

''(4) GENERAL AVIATION SMALL BUSINESS GRANTS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, the Administration shall, upon application, make grants to general aviation small business concerns for direct and incremental losses incurred by such small business concerns as a result of the Federal ground stop order issued by the Secretary of Transportation on September 11, 2001, or any such subsequent order issued by the Department of Transportation that adversely affects General Aviation Small Business.

''(B) GRANT AMOUNTS.—

''(i) IN GENERAL.—A grant under subparagraph (A) shall be made in an amount equal to the amount of direct and incremental losses incurred by a general aviation small business concern during the period beginning on September 11, 2001, and ending on December 31, 2001, to the extent that such losses are not compensated for by insurance or otherwise.

''(ii) MAXIMUM GRANT.—The amount of a grant under this paragraph shall not exceed $6,000,000.

''(iii) WAIVER AUTHORITY.—The Administrator may, at the discretion of the Administrator, waive the aggregate grant amounts established under clause (ii).

''(iv) DOCUMENTATION.—The amount of the grant payable may not exceed the incremental loss that the business demonstrates to the satisfaction of the Administrator, using sworn financial statements or other appropriate data.

''(C) NO DISASTER DECLARATION REQUIRED.—For purposes of assistance under this paragraph, no declaration of a disaster area shall be required.

''(D) EXTENDED APPLICATION PERIOD.—Notwithstanding any other provision of law, the Administrator shall accept applications of assistance under this program until September 10, 2002, with respect to small business concerns adversely affected by the terrorist attacks perpetrated against the United States on September 11, 2001.

''(E) AUDITS.—The Small Business Administration may audit financial statements or other appropriate data of any business receiving assistance under this paragraph for not more than 3 years after the grant has been finalized. The business shall provide any requests for information that the Administration may request while conducting such audit.

''(F) DEFINITIONS.—As used in this paragraph—

''(i) the term 'general aviation small business concern' means a small business concern that is a regular provider of general aviation services, such as aircraft rentals, crop dusting, flight training instruction, repair, and other fixed based services; and

''(ii) the term 'incremental loss' does not include any loss that the Administration determines would have been incurred if the terrorist attacks on the United States that occurred on September 11, 2001, had not occurred.''.

(b) FUNDING.—There is authorized to be appropriated, and there is appropriated, $400,000,000 to carry out section 7(b)(4) of the Small Business Act, as added by this Act.

(c) CLERICAL AMENDMENTS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended in the undesignated matter at the end—

(1) by striking '', (2), and (4)'' and inserting ''and (2)''; and

(2) by striking '', (2), or (4)'' and inserting ''(2)''.

SA 1886. Mr. MCCAIN (for Mr. ENZI (for himself and Mr. DORGAN)) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

On page 15, line 2, after the period insert the following: ''The Federal Aviation Administration, in consultation with the appropriate State or local government law enforcement authorities, shall reexamine the safety requirements for small community airports to reflect reasonable level of threat to those individual small community airports, including the parking of passenger vehicles within 300 feet of the airport terminal building with respect to that airport.''

SA 1887. Mr. MCCAIN (for Mrs. HUTCHISON) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

On page 35, between lines 2 and 3, insert the following:

(e) BACKGROUND CHECKS FOR EXISTING EMPLOYEES.—

(1) IN GENERAL.—Section 44936 of title 49, United States Code, is amended—

(A) by inserting ''is or'' before ''will'' in subsection (a)(1)(B)(i); and

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) apply with respect to individuals employed on or after the date of enactment of the Aviation Security Act in a position described in sub-paragraph (A) or (B) of section 44936(a)(1) of title 49, United States Code. The Secretary of Transportation may provide by order for a phased-in implementation of the requirements of section 44936 of that title made applicable to individuals employed in such positions at airports on the date of enactment of this Act.

SA 1888. Mr. MCCAIN (for Mrs. HUTCHISON) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

On page 18, line 1, strike ''**passengers**'' and insert ''**passengers, individuals with access to secure areas,**''.

On page 18, line 10, after the period, insert ''The Secretary, in consultation with the Attorney General, shall provide for the screening of all persons, including airport, air carrier, foreign air carrier, and airport concessionaire employees, before they are allowed into sterile or secure area of the airport, as determined by the Secretary.

''The screening of airport, air carrier, foreign air-carrier, and airport concessionaire employees, and other nonpassengers with access to secure areas, shall be conducted in the same manner as passenger screenings are conducted, except that the Secretary may authorize alternative screening procedures for personnel engaged in providing airport or aviation security at an airport.''.

SA 1889. Mr. MCCAIN (for Mr. INHOFE) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the end of the bill, insert following:

SEC. . USE OF FACILITIES.

(a) EMPLOYMENT REGISTER.—Notwithstanding any other provision of law, the Secretary of Transportation shall establish and maintain an employment register.

(b) TRAINING FACILITY.—The Secretary of Transportation may, where feasible, use the existing Federal Aviation Administration's training facilities to design, develop, or conduct training of security screening personnel.

SA 1890. Mr. MCCAIN (for Mr. INHOFE) submitted an amendment intended to be proposed by Mr. MCCAIN to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

Strike the section heading for section 14 and insert the following:

SEC. 14. REPORT ON NATIONAL AIR SPACE RESTRICTIONS PUT IN PLACE AFTER TERRORIST ATTACKS THAT REMAIN IN PLACE.

(a) REPORT.—Within 30 days of the enactment of this Act, the President shall submit to the committees of Congress specified in subsection (b) a report containing—

(1) a description of each restriction, if any, on the use of national airspace put in place as a result of the September 11, 2001, terrorist attacks that remains in place as of the date of the enactment of this Act; and

(2) a justification for such restriction remaining in place.

(b) COMMITTEES OF CONGRESS.—The committees of Congress specified in this subsection are the following:

(1) The Select Committee on Intelligence of the Senate.

(2) The Permanent Select Committee on Intelligence of the House of Representatives.

(3) The Committee on Commerce, Science, and Transportation of the Senate.

(4) The Committee on Transportation. Infrastructure of the House of Representatives.

SA 1891. Mr. HOLLINGS (for Mr. FEINGOLD) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

Strike the section heading for section 14 and insert the following:

SEC. 14. VOLUNTARY PROVISION OF EMERGENCY SERVICES DURING COMMERCIAL FLIGHTS.

(a) PROGRAM FOR PROVISION OF VOLUNTARY SERVICES.—

(1) PROGRAM.—The Secretary of Transportation shall carry out a program to permit qualified law enforcement officers, firefighters, and emergency medical technicians to provide emergency services on commercial air flights during emergencies.

(2) REQUIREMENTS.—The Secretary shall establish such requirements for qualifications of providers of voluntary services under the program under paragraph (1), including training requirements, as the Secretary considers appropriate.

(3) CONFIDENTIALITY OF REGISTRY.—If as part of the program under paragraph (1) the Secretary requires or permits registration of law enforcement officers, firefighters, or emergency medical technicians who are willing to provide emergency services on commercial flights during emergencies, the Secretary shall take appropriate actions to ensure that the registry is available only to appropriate airline personnel and otherwise remains confidential.

(4) CONSULTATION.—The Secretary shall consult with appropriate representatives of the commercial airline industry, and organizations representing community-based law enforcement, firefighters, and emergency medical technicians, in carrying out the program under paragraph (1), including the actions taken under paragraph (3).

(b) PROTECTION FROM LIABILITY.—

(1) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following new section:

''§ 44939. Exemption of volunteers from liability

''(a) IN GENERAL.—An individual shall not be liable for damages in any action brought in a Federal or State court that arises from an act or omission of the individual in providing or attempting to provide assistance in the case of an inflight emergency in an aircraft of an air carrier if the individual meets such qualifications as the Secretary shall prescribe for purposes of this section.

''(b) EXCEPTION.—The exemption under subsection (a) shall not apply in any case in which an individual provides, or attempts to provide, assistance described in that paragraph in a manner that constitutes gross negligence or willful misconduct.''.

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

''44939. Exemption of volunteers from liability.''.

(c) CONSTRUCTION REGARDING POSSESSION OF FIREARMS.—Nothing in this section may be construed to require any modification of regulations of the Department of Transportation governing the possession of firearms while in aircraft or air transportation facilities or to authorize the possession of a firearm in an aircraft or any such facility not authorized under those regulations.

SEC. 15. DEFINITIONS.

SA 1892. Mr. HOLLINGS (for himself and Mr. MCCAIN) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

On page 1, in the matter appearing after line 5, strike the item relating to section 1 and insert the following:

Sec. 1. Short title; table of contents.

On page 4, line 23, strike ''hiring and training'' and insert ''hiring, training, and evaluating''.

On page 8, beginning with line 18, strike through line 20 on page 9 and insert the following:

(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) issue an order (without regard to the provisions of chapter 5 of title 5, United States Code)—

(A) prohibiting access to the flight deck of aircraft engaged in passenger air transportation or intrastate air transportation except to authorized personnel;

(B) requiring the strengthening of the flight deck door and locks on any such aircraft operating in air transportation or intrastate air transportation that has a rigid door in the bulkhead between the flight deck and the passenger area to ensure that the door cannot be forced open from the passenger compartment;

(C) requiring that such flight deck doors remain locked while any such aircraft is in flight except when necessary to permit the flight deck crew access sand egress; and

(D) prohibiting the possession of a key to any such flight door by any member of the flight crew who is not assigned to the flight deck; and

(2) take such other action, including modification of safety and security procedures, as may be necessary to ensure the safety and security of the aircraft.

On page 10, line 9, insert closing quotation marks after ''(1)'' the second place it appears.

On page 10, line 20, insert opening quotation marks before ''(3)''.

On page 15, line 17, insert a semicolon before the closing quotation marks.

On page 16, beginning in line 18, strike ''EMPLOYMENT INVESTIGATIONS AND RESTRICTIONS.—'' and insert ''AIRPORT SECURITY PILOT PROGRAM.—''

On page 18, line 9, strike ''an'' and insert ''a''.

On page 18, line 10, strike ''215'' and insert ''2105''.

On page 21, beginning in line 22, strike through line 7 on page 22 and insert the following:

(b) DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.—Section 512 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century is amended—

(1) by striking ''purposes of'' in subsection (b)(1)(A) and inserting ''pupsoses of (i)'';

(2) by striking ''transportation'' in subsection (b)(1)(A) and inserting ''transportation, and (ii) regulate the provisions of security screening services under section 44901(c) of title 49, United States Code;'';

(3) by striking ''NOT FEDERAL RESPONSIBILITY'' in the heading of subsection (b)(3)b);

(4) by striking ''shall not be responsible for providing'' in subsection (b)(3)(B) and inserting ''may provide'';

(5) by striking ''flight.'' in subsection (c)(2) and inserting ''flight and security screening functions under section 44901(c) of title 49, United States Code.'';

(6) by striking ''General'' in subsection (e) and inserting ''General, in consultation with the Secretary of Transportation,''; and

(7) by striking subsection (f).

On page 31, line 20, strike ''(2)Section'' and ''(2) Section''.

On page 31, after line 25, insert the following:

(3) Section 44936(a)(1)(E) is amended by striking clause (iv).

On page 32, line 20, insert ''under section 44901 of title 49, United States Code,'' after ''screener''.

On page 32, strike line 23, and insert ''5, United States Code.''.

On page 33, line 2, insert ''any other'' before ''provision''.

On page 36, line 8, ''alien'' insert ''or other individual''.

On page 38, line 25, strike ''Congress'' and insert ''Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure''.

On page 39, line 6, strike ''Congress'' and insert ''Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure''.

On page 41, between lines 8 and 9, insert the following:

(5) The use of technology that will permit enhanced instant communications and information between airborne passenger aircraft and appropriate individuals or facilities on the ground.

On page 43, line 3, insert ''to the maximum extent practicable'' before ''the best'..

On page 43, line 9, strike ''to certify'' and insert ''on''.

In amendment No. 1881, on page 1, line 5, insert ''Federal service for'' after ''of''.

SA 1893. Mr. McCAIN (for Mr. INHOFE) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert the following new section:

SEC. . IMPLEMENTATION OF CERTAIN DETECTION TECHNOLOGIES.

(a) IN GENERAL.—Not later than September 30, 2002, the Assistant Administrator for Civil Aviation Security shall review and make a determination on the feasibility of implementing technologies described in subsection (b).

(b) TECHNOLOGIES DESCRIBED.—The technologies described in this subsection are technologies that are—

(1) designed to protect passengers, aviation employees, air cargo, airport facilities, and airplanes; and

(2) material specific and able to automatically and non-intrusively detect, without human interpretation and without regard to shape or method of concealment, explosives, illegal narcotics, hazardous chemical agents, and nuclear devices.

SA 1894. Mr. HOLLINGS (for Mr. LEAHY) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . REPORT.

Not later than 120 days after the date of enactment of this Act, the Attorney General shall report to the House Committee on the Judiciary, the Senate Committee on the Judiciary, the House Committee on Transportation and Infrastructure, and the Senate Committee on Commerce, Science, and Transportation on the new responsibilities of the Department of Justice for aviation security under this Act.

SA 1895. Mr. HOLLINGS (for himself and Mr. MCCAIN) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

On page 1, in the matter appearing after line 5, strike the item relating to section 1 and insert the following:

Sec. 1. Short title; table of contents.

On page 4, line 23, strike ''hiring and training'' and insert ''hiring, training, and evaluating''.

On page 8, beginning with line 18, strike through line 20 on page 9 and insert the following:

(a) IN GENERAL.—As soon as possible after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) issue an order (without regard to the provisions of chapter 5 of title 5, United States Code)—

(A) prohibiting access to the flight deck of aircraft engaged in passenger air transportation or intrastate air transportation except to authorized personnel;

(B) requiring the strengthening of the flight deck door and locks on any such aircraft operating in air transportation or intrastate air transportation that has a rigid door in a bulk-head between the flight deck and the passenger area to ensure that the door cannot be forced open from the passenger compartment;

(C) requiring that such flight deck doors remain locked while any such aircraft is in flight except when necessary to permit the flight deck crew access and egress; and

(D) prohibiting the possession of a key to any such flight deck door by any member of the flight crew who is not assigned to the flight deck; and

(2) take such other action, including modification of safety and security procedures, as may be necessary to ensure the safety and security of the aircraft.

On page 10, line 9, insert closing quotation marks after ''(1)'' the second place it appears.

On page 10, line 20, insert opening quotation marks before ''(3)'',

On page 15, line 17, insert a semicolon before the closing quotation marks.

On page 16, beginning in line 18, strike ''EMPLOYMENT INVESTIGATIONS AND RESTRICTIONS.—'' and insert ''AIRPORT SECURITY PILOT PROGRAM.——''

On page 18, line 9, strike ''an'' and insert ''a''.

On page 18, line 10, strike ''215'' and insert ''2105''.

On page 21, beginning with line 22, strike through line 6 on page 22 and insert the following:

(b) DEPUTIZING OF STATE AND LOCAL LAW ENFORCEMENT OFFICERS.—Section 512 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century is amended—

(1) by striking ''purpose of'' in subsection (b)(1)(A) and inserting ''purpose of (i)'';

(2) by striking ''transportation;'' in subsection (b)(1)(A) and inserting ''transportation, and (ii) regulate the provisions of security screening services under section 44901(c) of title 49, United States Code;'';

(3) by striking ''NOT FEDERAL RESPONSIBILITY'' in the heading of subsection (b)(3)(b);

(4) by striking ''shall not be responsible for providing'' in subsection (b)(3)(B) and inserting ''may provide'';

(5) by striking ''flight.'' in subsection (c)(2) and inserting ''flight and security screening functions under section 44901(c) of title 49, United States Code.'';

(6) by striking ''General'' in subsection (e) and inserting ''General, in consultation with the Secretary of Transportation,''; and

(7) by striking subsection (f).

On page 31, after line 25, insert the following:

(3) Section 44936(a)(1)(E) is amended by striking clause (iv).

On page 32, line 20, insert ''under section 44901 of title 49, United States Code,'' after ''screener''.

On page 32, strike line 23, and insert ''5, United States Code.''.

On page 33, line 2, insert ''any other'' before ''provision''.

On page 36, line 8, after ''alien'' insert ''or other individual''.

On page 38, line 25, strike ''congress'' and insert ''Senate Committee on Commerce,

Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure''.

On page 39, line 6, strike ''Congress'' and insert ''Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure''.

On page 41, between lines 8 and 9, insert the following:

(5) the use of technology that will permit enhanced instant communications and information between airborne passenger aircraft and appropriate individuals or facilities on the ground.

On page 43, line 3, insert ''to the maximum extent practicable'' before ''the best''.

On page 43, line 9, strike ''to certify'' and insert ''on''.

In amendment No. 1881, on page 1, line 5, insert ''Federal service for'' after ''of''.

SA 1896. Mr. WARNER (for himself and Mr. ALLEN) proposed an amendment to the bill S. 1447, to improve aviation security, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. PAYMENT FOR LOSSES RESULTING FROM LIMITATIONS ON USE OF RONALD REAGAN WASHINGTON NATIONAL AIRPORT FOLLOWING TERRORIST ATTACKS.

(a) IN GENERAL.—Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available immediately by the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38) that are available for obligation, $65,648,183 shall be available to the Secretary of Transportation for payment to the Metropolitan Washington Airports Authority (MWAA) and concessionaires at Ronald Reagan Washington National Airport for losses resulting from the closure, and subsequent limitations on use, of the airport following the September 11, 2001, terrorist attacks and subsequent reopening of other United States airports after September 13, 2001.

(b) ALLOCATION OF FUNDS.—The amount available under subsection (a) shall be allocated as follows:

(1) $37,816,093 shall be available for payment for losses of the Metropolitan Washington Airports Authority that occurred as a result of the closure of Ronald Reagan Washington National Airport after September 13, 2001.

(2) $27,832,090 shall be available for payment for losses of concessionaires at Ronald Reagan Washington National Airport that occurred as a result of the closure of Ronald Reagan Washington National Airport after September 13, 2001.

(c) APPLICATION.—A concessionaire at Ronald Reagan Washington National Airport seeking payment under this section for losses described in subsection (a) shall submit to the Secretary an application for payment in such form and containing such information as the Secretary shall require. The application shall, at a minimum, substantiate the losses incurred by the concessionaire described in subsection (a).

SA 1897. Mr. MCCAIN (for Mr. JEFFORDS) proposed an amendment to amendment SA 1858 submitted by Mr. HOLLINGS and intended to be proposed to the bill (S. 1447) to improve aviation security, and for other purposes; as follows:

In amendment No. 1858 on page 1, line 8, insert ''or an individual discharged or furloughed from commercial airline cockpit crew position'' after ''age,''.

SA 1898. Mr. ALLEN (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 1532, to provide for the payment of emergency extended unemployment compensation; which was referred to the Committee on Finance; as follows:

In section 173(a)(4) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)(4)), as added by section 8(a), strike ''subsection (f)'' and insert ''subsections (f) and (g)''.

In section 173(a)(4) of the Workforce Investment Act of 1998 (29 U.S.C. 1918(a)(4)), as added by section 8(a), strike the period and insert '', and to independently owned businesses and proprietorships.''.

In section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918), as amended by section 8(b), add after subsection (f) the following:

''(g) GOVERNMENT INTERVENTION SUPPLEMENTS.—

''(1) PERSONAL INCOME.—Using funds made available under subsection (a)(4), a State may provide personal income compensation to a dislocated worker described in such subsection if—

''(A) the worker is unable to work due to direct Federal Government intervention leading to—

''(i) closure of the facility at which the worker was employed, prior to the intervention; or

''(ii) a restriction on how business may be conducted at the facility; and

''(B) the facility is located within an area is which a major disaster or emergency was declared as described in section 7(3)(A)(i) of the Emergency Extended Unemployment Compensation Act of 2001.

''(2) BUSINESS INCOME.—Using funds made available under subsection (a)(4), a State may provide business income compensation to an independently owned business or proprietorship if—

''(A) the business or proprietorship is unable to earn revenue due to direct Federal intervention leading to—

''(i) closure of the facility at which the business or proprietorship was located, prior to the intervention; or

''(ii) a restriction on how customers may access the facility; and

''(B) the facility is located within an area is which a major disaster or emergency was declared as described in section 7(3)(A)(i) of the Emergency Extended Unemployment Compensation Act of 2001.''.

SA 1899. Mr. FEINGOLD proposed an amendment to the bill S. 1510, to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes; as follows:

On page 42, line 25, insert ''or other'' after ''contractual''.

On page 43, line 2, strike ''for'' and insert ''permitting''.

On page 43, line 8, insert ''transmitted to, through, or from the protected computer'' after ''computer trespasser''.

On page 43, line 20, insert ''does not last for more than 96 hours and'' after ''such interception''.

SA 1900. Mr. FEINGOLD proposed an amendment to the bill S. 1510, to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes; as follows:

On page 21, line 14, insert ''except that, in such circumstances, the order shall direct that the surveillance shall be conducted only when the target's presence at the place where, or use of the facility at which, the electronic surveillance is to be directed has been ascertained by the person implementing the order and that the electronic surveillance must be directed only at the communication of the target,'' after ''such other persons''.

SA. 1901. Mr. FEINGOLD proposed an amendment to the bill S. 1510, to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes; as follows:

Strike section 215 and insert the following:

SEC. 215. ACCESS TO BUSINESS RECORDS UNDER FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) IN GENERAL.—Section 502 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1862) is amended—

(1) in subsection (a), by striking ''authorizing a common carrier'' and all that follows through ''to release records'' and inserting ''requiring a business to produce any tangible things (including books, records, papers, documents, and other items)'';

(2) in subsection (b)(2)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(C) the records concerned are not protected by any Federal or State law governing access to the records for intelligence or law enforcement purposes.''; and

(3) in subsection (d), by striking ''common carrier, public accommodation facility, physical storage facility, or vehicle rental facility'' each place it appears and inserting ''business''.

(b) CONFORMING AMENDMENT.—The text of section 501 of that Act (50 U.S.C. 1861) is amended to read as follows:

''SEC. 501. In this title, the terms 'agent of a foreign power', 'foreign intelligence information', 'international terrorism', and 'Attorney General' have the meanings given such terms in section 101.''.

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 Thursday, October 18, 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 investigative report of the Thirtymile Fire and the prevention of future fire fatalities.

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. 20510.

For further information, please contact John Watts of the Committee staff at (202) 224–5488.

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, October 24, 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. 20510.

For further information, please contact Kira Finkler of the Committee staff at (202) 224–8164.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet during the session of the Senate on Thursday, October 11, 2001, at 2:30 P.M., in open session to consider the nominations of Linton F. Brooks to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration; Marvin R. Sambur to be Assistant Secretary of the Air Force for Acquisition; William Winkenwerder, Jr. to be Assistant Secretary of Defense for Health Affairs; Everett Beckner to be Deputy Administrator for Defense Programs, National Nuclear Security Administration; and Mary L. Walker to be General Counsel of the Air Force.

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

COMMITTEE ON FINANCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, October 11, 2001 at 2:30 pm to hear testimony on S. 685, ''Strengthening Working Families Act of 2001.''

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, October 11, 2001 at 9:30 am to consider the nomination of Mark W. Everson to be Controller, Office of Federal Financial Management, Office of Management and Budget.

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

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, AND FISHERIES

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Subcommittee on Oceans, Atmosphere, and Fisheries of the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, October 11, 2001, at 9:30 am, on role of the Coast Guard and NOAA in strengthening security against maritime threats.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space of the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, October 11, 2001, at 2:30 pm, on needs of fire services in responding to terrorism.

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

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. I ask unanimous consent Janelle Sagness, an intern in my office, be granted the privilege of the floor during today's deliberations.

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

FOREIGN OPERATIONS EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002—MOTION TO PROCEED

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 147, H.R. 2506, the foreign operations appropriations bill.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

Mr. REID. Mr. President, on behalf of Senator DASCHLE, and in light of the objection, I now move to proceed to Calendar No. 147, H.R. 2506, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 147, H.R. 2506, the foreign operations appropriations bill, 2002:

Harry Reid, Patrick Leahy, Richard J. Durbin, Ron Wyden, Barbara A. Mikulski, Daniel K. Akaka, Russell D. Feingold, Jack Reed, Zell Miller, Tim Johnson, Paul S. Sarbanes, Jean Carnahan, Daniel K. Inouye, Barbara Boxer, Ernest F. Hollings, Patty Murray, Edward M. Kennedy.

Mr. REID. Mr. President, I ask unanimous consent that cloture vote on the motion to proceed occur at 5:30 p.m., Monday, October 15, and that the mandatory quorum under rule XXII be waived.

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

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 433 and 438 through 451; that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements thereon be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Patrick Francis Kennedy, of Illinois, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations for U.N. Management and Reform.

DEPARTMENT OF JUSTICE

John L. Brownlee, of Virginia, to be United States Attorney for the Western District of Virginia for the term of four years.

Timothy Mark Burgess, of Alaska, to be United States Attorney for the District of Alaska for the term of four years.

Harry Sandlin Mattice, Jr., of Tennessee, to be United States Attorney for the Eastern District of Tennessee for the term of four years.

Robert Garner McCampbell, of Oklahoma, to be United States Attorney for the Western District of Oklahoma for the term of four years.

Matthew Hansen Mead, of Wyoming, to be United States Attorney for the District of Wyoming for the term of four years.

Michael W. Mosman, of Oregon, to be United States Attorney for the District of Oregon for the term of four years.

John W. Suthers, of Colorado, to be United States Attorney for the District of Colorado for the term of four years.

Susan W. Brooks, of Indiana, to be United States Attorney for the Southern District of Indiana for the term of four years.

Todd Peterson Graves, of Missouri, to be United States Attorney for the Western District of Missouri for the term of four years.

Terrell Lee Harris, of Tennessee, to be United States Attorney for the Western District of Tennessee for the term of four years.

David Claudio Iglesias, of New Mexico, to be United States Attorney for the District of New Mexico for the term of four years.

Charles W. Larson, Sr., of Iowa, to be United States Attorney for the Northern District of Iowa for the term of four years.

Steven M. Colloton, of Iowa, to be United States Attorney for the Southern District of Iowa for the term of four years.

Gregory Gordon Lockhart, of Ohio, to be United States Attorney for the Southern District of Ohio for the term of four years.

NOMINATION OF JOHN L. BROWNLEE

Mr. WARNER. Mr. President, it is a pleasure for me to take the opportunity today to say a few words about an outstanding young American who the President has nominated and the Senate has confirmed to be the U.S. Attorney for the Western District of the Commonwealth of Virginia.

John Brownlee is exceptionally well-qualified to serve in this position. He is a graduate of Washington and Lee University and the Law School of the College of William and Mary. Following his graduation from law school, John served for two years as a law clerk for the Honorable Sam Wilson, Chief U.S. District Judge for the Western District of Virginia. He served four years as an Assistant U.S. Attorney here in the District of Columbia where he gained extensive experience as a federal prosecutor. John also has experience in the private sector as an attorney with the law firm of Woods, Rogers and Hazlegrove in Roanoke, Virginia.

I have known this outstanding young man for almost eighteen years and have followed his career development with great interest. John is very capable and dedicated, with extraordinary character and high moral standards. A graduate of the ROTC program at Washington & Lee University, where he also lettered in varsity football each year, John entered the U.S. Army upon graduation as an infantry officer. He also volunteered for and graduated from the Army's Airborne and Ranger training programs.

John's 4-year military career was primarily as an officer in the Army's 3rd Infantry, the ''Old Guard'', where he served initially as a Rifle Platoon Leader and later commanded the prestigious Army Drill Team. While on duty at Ft. Myer, Virginia, John also served as a military social aide to President George H.W. Bush and, through night courses, earned a Masters Degree in Business Administration. John continues to serve his country as a Major in the Army Reserve.

John and his lovely wife, Lee Ann along with their two year old daughter, Thompson Ann, currently live in Roanoke. Lee Ann is a news anchor for Channel 10 and one of the most popular personalities in southwest Virginia.

John was appointed Acting U.S. Attorney on August 30, 2001. He is already hard at work as the Chief Law Enforcement Officer in the Western District. John has already tried and won his first case as the U.S. Attorney.

I am particularly proud of this young man, having watched him develop over many years. As many of my colleagues know, John is the son of Les Brownlee, the Republican Staff Director of the Armed Services Committee, who has worked for me and the Armed Services Committee for almost 18 years. So, it is with a great deal of pride and personal pleasure that I have urged my colleagues to support unanimously the confirmation of John L. Brownlee as the U.S. Attorney for the Western District of the Commonwealth of Virginia.

Mr. President, I yield the floor.

NOMINATION OF GREGORY LOCKHART

Mr. DEWINE. Mr. President, I am pleased that today we have confirmed Greg Lockhart to be U.S. Attorney for the Southern District of Ohio. I am in full and strong support of this nomination.

I have known Greg Lockhart for over 25 years. I know from my personal experiences working with Greg that he is an extremely well qualified nominee, who possesses great integrity and personal virtue.

Greg's experience is extensive. He served in the U.S. Air Force for three years from 1966 to 1969, including service in Vietnam. Following his military service, he attended Wright State University, where he graduated in 1973. He then earned a law degree from Ohio State University in 1976. He's been a career prosecutor ever since.

I worked with Greg first in Xenia, when he was the legal advisor to the Xenia and Fairborn police departments and I was serving as Greene County prosecutor. I hired him to be assistant county prosecutor in 1978. He became an assistant U.S. attorney in 1987. While in this position, Greg served as Organized Crime Drug Enforcement Task Force (OCDETF) prosecutor for two years, with duties including the prosecution of all violations of federal law, such as contract fraud, murder, firearms, drugs, money laundering, and organized crime. Additionally, Greg has handled the civil defense of all manner of lawsuits brought against the United States, including medical and tort claims, discrimination, the training of agents and appellate practice.

There is no doubt in my mind that Greg Lockhart has the qualifications and skills necessary to serve in this post. With 25 years of experience as a prosecutor, Greg will fill this position in a pragmatic, tempered, and thoughtful way. I thank my colleagues for joining me in supporting this nomination.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR THE FISCAL YEAR 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.J. Res. 68, a 1-week continuing resolution, just received from the House, which is at the desk.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 68) making further continuing appropriations for the fiscal year 2002, and for other purposes.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. REID. Mr. President, I ask unanimous consent that the joint resolution be read a third time, passed, 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 joint resolution (H.J. Res. 68) was read the third time and passed.

NATIONAL CHARACTER COUNTS WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H. Con. Res. 204 and the Senate proceed to its immediate consideration.

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

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 204) expressing the sense of Congress regarding

the establishment of National Character Counts Week.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DODD. Mr. President, I rise in support of the resolution introduced by myself and my friend and colleague from New Mexico, Senator DOMENICI, to establish National Character Counts Week. This resolution has passed during each of the last four Congresses with broad, bi-partisan support. This year, in addition to Senator DOMENICI and myself, the resolution has 45 cosponsors, divided almost equally between Democrats and Republicans. This resolution passed the House on September 24, 2001, and we hope that it will pass the Senate today by unanimous consent.

Our schools may be built with the bricks of reading and math, and science and history, but bricks need mortar, and character is that mortar in our children's education. Dr. Martin Luther King exhorted us to judge each other not by the color of our skin, but by the content of our character. We must do all that we can to help families and schools ensure that the character of which Dr. King spoke is sound.

That is why Senator DOMENICI and I supported grants for character education partnerships in the Elementary and Secondary Education Act in 1994, and again this year. That is why we have been so pleased by the President's support for character education. And, that is why we urge our colleagues in the Senate to support this resolution today.

Character education provides students a context within which to learn. If we view education simply as imparting cold facts to our children, then we will miss a critical opportunity to develop the character of future generations. Character education must be part of a seamless garment of learning.

For example, at Waterford High School, in Connecticut, math students designed an access ramp for children and others who use wheelchairs. The students learned about math, but also about caring and inclusion.

At Butler Elementary School, in Groton, CT, principals and teachers developed the Respect Every Day program. The program is not an additional required subject. Rather, it is a part of every subject. And, in Enfield, Connecticut, at Prudence Crandall Elementary School, teachers use the Teaching Children to Get Along program, which teaches students to treat others with courtesy, and to be assertive, but not angry, when dealing with problems such as bullying and teasing.

The Connecticut Department of Education, on behalf of many state organizations, has issued a Call to Action letter, outlining a program to improve the school climate in Connecticut schools. And, the Connecticut Education Association has developed its own character education program that teaches kids about not bullying and other behaviors that can disrupt schools and make it difficult for children to learn.

Just last week, there was a wonderful article in the Washington Post, about Mt. Rainier Elementary School, in Maryland, only a few miles from the Capitol. At Mt. Rainier, the theme of peace is woven throughout the curriculum, and is central to the school's effort to teach children to be responsible for their actions and to respect themselves, fellow students, and adults.

A banner over the school entrance reads ''Mt. Rainier: A Peaceful School.'' Each week, students learn a different word for peace, often it is the word for peace in a foreign language, teaching students that peace must be universal. And, students are rewarded for good behavior. Last year, the school celebrated 160 consecutive Peace Days—a Peace Day is a day without a fight—with a parade, complete with a marching band, banners, and a cheering crowd. There's an old line that football coaches get paid more than teachers, because people don't come to watch teachers teach—but, apparently, that's not true at Mt. Rainier.

Mt. Rainier's message, and the message of character education generally, is more important now, than ever. Mt. Rainier's principal, Phil Catania, said that he and his staff want to make sure that whatever is happening on the outside, Mt. Rainier is a place where children can be safe and happy, and learn that anger and violence need not win out in the end.

A month ago, that would have been about the difference between what happens in school and what happens in some of the children's neighborhoods. Tragically, today, it also is about the terrible attacks on New York, the Pentagon, and Pennsylvania. Principal Catania also has said that he thinks that Mt. Rainier's program is helping students cope with those events.

So, I urge my colleagues to support this resolution, to encourage parents, schools, and communities to make character education a part of their children's daily lives, so that their children, like those in Connecticut, and Mt. Rainier, MD, and around our country, can serve as beacons of hope in troubled times, and act to end troubled times, as well.

Mr. DOMENICI. Mr. President, I rise today with my friend, Senator DODD, to applaud the passage of a concurrent resolution regarding National Character Counts Week, H. Con. Res. 204.

I would also like to thank Congressmen LAMAR SMITH and BOBBY SCOTT for all of their hard work and leadership on this issue.

The resolution says the week of October 15 through 21 of this year, and October 14 through 20 of next year, will be known across the country as ''National Character Counts Week.''

I am pleased with our timing because just this past January, I listened with great pleasure to President Bush's inaugural address, as he basically ticked off the tenants of good character underscoring American life. The President's speech was clearly a message about character and its importance in American life.

In his speech, the President touched on many of the elements of good character. I found it especially telling when the President emphasized the necessity of teaching every child these principles and the duty of every citizen to uphold these very same principles.

Ironically, nearly a century ago another President, Theodore Roosevelt, said the following about character: ''Character, in the long run, is the decisive factor in the life of an individual and of nations alike.''

I would submit that character truly does transcend time as well as religious, cultural, political, and socioeconomic barriers.

I believe President Bush's renewed focus on character sends a wonderful message to Americans, and will help those of us involved in character education reinvigorate our efforts to get communities and schools involved.

I say that because a number of years ago we started this approach to character education called ''Character Counts.'' Senators Nunn, DODD and I first introduced the resolution that has now passed the Senate on innumerable occasions. The resolution simply declares that for all of America, one week during the year will be known as ''National Character Counts Week.''

Frankly, we hear a lot about how we should help our young people growing up in this often difficult society, However, I believe the key is finding those ideas and programs that work.

We all understand that there are certain people who have the primary responsibility to care for our children like mothers, fathers, siblings, and grandparents. We are not in any way talking about negating that responsibility of raising a child with good values.

However, we have found the teachers in our schools have been yearning for something they could teach our children that for some reason had been eliminated from both the public and private school agenda curriculum. It is sometimes referred to as character education.

I choose to speak about the ''Character Counts'' program that is being used in many public schools in our country, and certainly in my State of New Mexico where teachers embrace six pillars of character.

The values comprising the Six Pillars are everyday concepts that Americans across this land wish their children

would have and hope America will keep. They are simply: trustworthiness, respect, responsibility, fairness, caring, and citizenship. They transcend political and social barriers and are central to the ideals on which this Nation was built.

As a matter of fact, I think they are central and basic to any nation that survives for any long period of history. As Plato once said:

> A country without character is a country that's doomed and the only way a country can have character is if the individual citizens in the country have character.

I could speak for all of my allotted time on the 200,000 New Mexico schoolchildren in public, private and parochial schools learning about good character. About 90 percent of the grade school children, and a significant portion of the others, are now participating in character education programs that simply and profoundly bring them into contact with each of these Pillars one month at a time.

So if you walk the halls of a grade school in Albuquerque, you might see a sign outside that says, ''This Is Responsibility Month.'' And all the young people will be discussing the concept of responsibility in their classrooms, and they will put up posters saying, ''Responsibility Counts.''

At the end of that month they may have an assembly where responsibility will be discussed by all the kids, and awards will be given to those demonstrating the most responsibility. The next month it might be ''respect.'' The month after that it might be ''caring.''

I would submit the concept is working wherever it is being tried. A good example can be seen in the changes that occurred at the Garfield Middle School in Albuquerque. The 570 students at Garfield received their first lessons on the Six Pillars in October of 1994.

During the first 20 days of that school year, there were 91 recorded incidents of physical violence. One year later, during the same period, there were 26 such incidents. I believe this remarkable difference is evidence that students do respond to Character Counts.

In New Mexico, the Character Counts movement has spread from the classroom to the boardroom. Recently, a group of business professionals resolved to explore ways to implement the Six Pillars in all their business relationships in an effort to spread these values throughout the community.

Through their efforts, parents have an opportunity to participate in Character Counts along side their kids, thereby reinforcing lessons learned in school. Promoting the Six Pillars at work also improves productivity and morale on the job, and it pays incalculable dividends in job and customer satisfaction.

I could go on for quite some time talking about Character Counts in New Mexico. The bottom line is that I believe it is working in New Mexico and other parts of the country.

Consequently, I think we need to salute the efforts already underway and encourage even more character education across our country.

So today, Senator DODD and I are here to applaud the passage of the resolution and hopefully our renewed effort will bring together even more communities to ensure that character education is a part of every child's life.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 204) was agreed to.

The preamble was agreed to.

ORDERS FOR MONDAY, OCTOBER 15, 2001

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 3:30 p.m., Monday, October 15; that on Monday, immediately following the prayer and the pledge, the Journal of proceedings be deemed 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; that there then be a period of morning business with Senators permitted to speak therein for up to 10 minutes each, and that at 4:30 p.m., the Senate resume consideration on the motion to proceed to the foreign operations appropriations bill, with the time until 5:30 p.m. equally divided and controlled in the usual form.

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

ADJOURNMENT UNTIL 3:30 P.M. MONDAY, OCTOBER 15, 2001

Mr. REID. Mr. President, if there is no further business to come before the Senate this morning, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:09 a.m., adjourned until Monday, October 15, 2001, at 3:30 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate October 11, 2001:

THE JUDICIARY

BARRINGTON D. PARKER, JR., OF CONNECTICUT, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT.

MICHAEL P. MILLS, OF MISSISSIPPI, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF MISSISSIPPI.

THE FOLLOWING CONFIRMATIONS OCCURRED AFTER 12:00 A.M.

DEPARTMENT OF STATE

PATRICK FRANCIS KENNEDY, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

JOHN L. BROWNLEE, OF VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF VIRGINIA FOR THE TERM OF FOUR YEARS.

TIMOTHY MARK BURGESS, OF ALASKA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF ALASKA FOR THE TERM OF FOUR YEARS.

HARRY SANDLIN MATTICE, JR., OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS.

ROBERT GARNER MCCAMPBELL, OF OKLAHOMA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS.

MATTHEW HANSEN MEAD, OF WYOMING, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF WYOMING FOR THE TERM OF FOUR YEARS.

MICHAEL W. MOSMAN, OF OREGON, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF OREGON FOR THE TERM OF FOUR YEARS.

JOHN W. SUTHERS, OF COLORADO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF COLORADO FOR THE TERM OF FOUR YEARS.

SUSAN W. BROOKS, OF INDIANA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF INDIANA FOR THE TERM OF FOUR YEARS.

TODD PETERSON GRAVES, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS.

TERRELL LEE HARRIS, OF TENNESSEE, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF TENNESSEE FOR THE TERM OF FOUR YEARS.

DAVID CLAUDIO IGLESIAS, OF NEW MEXICO, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEW MEXICO FOR THE TERM OF FOUR YEARS.

CHARLES W. LARSON, SR., OF IOWA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS.

STEVEN M. COLLOTON, OF IOWA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS.

GREGORY GORDON LOCKHART, OF OHIO, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF OHIO FOR THE TERM OF FOUR YEARS.