SENATE—*Tuesday, October 23, 2001*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. BYRD).

PRAYER

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

Trust in the Lord with all your heart, and lean not on your own understanding; in all your ways acknowledge Him, and He shall direct your paths.—Proverbs 3:5–6.

Let us pray:

Gracious God, You only ask from us what You generally and generously offer to give to us. You initiate this conversation we call prayer because You want to bless us with exactly what we will need to live faithful, confident, productive, joyous lives today. You are for us and not against us. Help us to live the hours of today knowing You are beside, are on our side, and offer us unlimited strength and courage besides. You will provide us insight and inspiration to confront and solve the problems we face. You will give us peace when our hearts are distressed by the turbulence of our times. You will comfort us when we are afraid and need Your peace. You will make us overcomers when we feel overwhelmed. In response we relinquish our imagined control over people and circumstances. We thank You for the power of faith that we feel surging into our minds and hearts. We trust in You, dear God, for You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002—MOTION TO PROCEED

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the motion to proceed to H.R. 2506, which the clerk will report.

The legislative clerk read as follows:

A motion to proceed to the bill (H.R. 2506) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes.

The PRESIDENT pro tempore. The Senator from Nevada.

MEASURE PLACED ON THE CALENDAR—S. 1564

Mr. REID. I understand S. 1564 is at the desk and is due for its second reading.

The PRESIDENT pro tempore. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (S. 1564) to convey lands to the University of Nevada at Las Vegas Research Foundation for a research park and technology center.

Mr. REID. Mr. President, I object to further proceedings. I understand it has been read a second time.

The PRESIDENT pro tempore. Objection to further proceedings having been made, the bill will go on the calendar of general orders.

SCHEDULE

Mr. REID. Mr. President, we are going to vote at 10 o'clock this morning on cloture on the motion to proceed to foreign operations appropriations. The Senate will recess from 12:30 to 2:15 today for the weekly party conferences.

Because of Senators not being able to come to their offices today, I want to make an announcement that tomorrow morning we are going to have our weekly prayer breakfast in S–115. The breakfast will be led by Imam Yusuf Saleem, who is the resident Imam of Mas Jid Muhummad and the National Education Director for the Muslim American Society. Also, he is going to offer the prayer here tomorrow morning to open our Senate.

Mr. President, as I indicated, we are going to vote at 10 o'clock on a motion to proceed to this most important piece of legislation. This is now the third week the legislation has been held up. The filibusters for this bill alone have been more than 2 weeks. It is very important legislation dealing with issues about which the country must be concerned, especially with all that is going on in the world.

I say to my friends on the other side of the aisle who think they will get some advantage as a result of this filibuster in relation to judges, we are going to go ahead and process these. Senator LEAHY is fully aware of the need to approve judges. For example, at 2:15 today, if the minority has no objection, we will vote on four district court judges, Federal district court judges.

We are moving along as quickly as possible. I don't think it takes a rocket scientist, for lack of a better description, to understand that Senator LEAHY and the Judiciary Committee have been working under some tremendous constraints. First of all, after September 11 several weeks were spent coming up with legislation dealing with antiterrorism. It goes without saying that last week, in spite of all the difficulties involved, Senator LEAHY held, back here, an emergency markup in the President's Room. Then later in the day he held a meeting to have a hearing on various judges. It was held in S–128.

If Senator LEAHY were in some way trying to avoid having judges approved and holding hearings, he has every excuse in the world, I think. But instead of doing that, he prevailed upon the chairman of the Appropriations Committee, the Presiding Officer today, to use the appropriations room to do these hearings.

So I think there may be more to this—this is my personal belief—than simply judges. It seems to me perhaps there is some effort to not have any more appropriations bills; that there may be some effort to have a big bill, an omnibus bill that the President would try to work on with the leadership—whatever that means—on occasion.

I hope the Presiding Officer—I know I will—will keep a close eye on this. We should be very careful. We have had experiences in the past where these large bills were not good for the country. They are not good for my State. They are not good for the country.

As I say, I think there may by more to this than simply judges because Senator LEAHY is moving judges as quickly as we can, more quickly than the times really allow. So I hope the people on the other side allow us to go forward on this bill. We have other important appropriations bills we should be doing—Agriculture, to mention just one.

Is there going to be an effort by the minority to hold up the Defense appropriations bill, or do they want a big lump of appropriations matters sent to the President in one form?

I hope we will be allowed to take up this bill. This is an extremely important measure to assist our war-related efforts. The President just returned from China where he met with leaders of 21 different nations where he talked to them about things that are needed to help them.

I traveled with Senator Simon and others to Uzbekistan a number of years ago. We were taken to the Aral Sea—a sea that dried up as a result of very bad practices by the former Soviet Union.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

It is the fourth largest sea in the world. The shoreline is now 80 miles from where it used to be. Weather patterns have changed in that part of the world.

On the second page of the Post: One of the islands in that great sea was used for development of biological weapons.

We are going to help Uzbekistan rid that island of anthrax. That is going to take money. That money is in this bill. I do not know how they proposed to do that without the specific appropriations to allow it to happen.

The full Senate, with the permission of the minority, is going to vote on four judicial nominations this afternoon. I hope everyone will understand there is a time and place for everything. This certainly does not appear to be the time to continue a filibuster on this most important legislation.

The PRESIDENT pro tempore. Under the previous order, there will now be 30 minutes for debate equally divided between the chairman and ranking member, or their designees.

Mr. REID. Mr. President, I ask unanimous consent that the time I used be counted as time against the majority's time on the 30 minutes.

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

The Senator from Wyoming.

Mr. THOMAS. Mr. President, before I yield to my friend from Kentucky, I wanted to say that I think all of us join with the Senator from Nevada in suggesting that we need to move forward. The fact is, we have a reason for not moving. We need a commitment to move more quickly. In spite of all the excuses and all the reasons, we haven't moved quickly. We are very much behind. We have a good many vacancies that need to be filled. I just have to say that there is a way to solve it—by committing ourselves to doing this very quickly.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I am pleased to hear the Senator from Nevada indicate that we might be able to confirm four district judges this afternoon. I can't speak for the minority leader, but I assume he would think that would be a wonderful idea and would be a step in the right direction.

I am in a curious position of being the ranking member on the Subcommittee on Foreign Operations supporting the underlying bill and thinking it is necessary that it be passed sometime soon. At the same time, as a member of the Judiciary Committee, I am terribly concerned about the slow pace of the confirmation of judges. This is a serious situation.

Just last week we lost another judge. Charles Wolle of the Southern District of Iowa announced he was taking a senior status. The vacancy situation has now risen to 109, which is 13 percent of the Federal bench. That means more than 1 of every 10 seats is unfilled.

As we all know, justice delayed is justice denied. If there isn't a judge on the bench, there isn't a way to get justice. Unfortunately, we still don't have any specific commitments from our friends on the other side of the aisle to move ahead. As of this moment, only eight judges have been confirmed this entire year. Therefore, I urge my colleagues on this side of the aisle to vote exactly as they did 1 week and 1 day ago on this issue until we can get some resolution of where we are headed to deal with the issue of justice being denied by substantial vacancies in the Federal judiciary.

There have been a number of different fallacies that have been put forward by my friends on the other side of the aisle related to this whole situation.

Fallacy No. 1: That we shouldn't oppose cloture because this bill contains money for embassy security.

There is no embassy security money in this bill. That is in the Commerce-Justice-State appropriations bill.

Fallacy No. 2: That somehow it is actually President Bush's fault that there are not more than eight judges confirmed.

That is not only incorrect but it is decidedly unfair. President Bush submitted to the Senate more nominees at a faster pace than any President in recent memory. He submitted his first batch of nominees in May—3 months earlier than President Clinton. By the August recess, the President had submitted 44 judicial nominees, which is a historic high—more nominees before August than any President ever. Fallacy No. 3 is another attempt to shift blame to the President.

Our friends on the other side of the aisle assert that the paperwork on the President's nominees isn't complete. That is also incorrect.

As of last week, the paperwork was done on at least 14 circuit court nominees and on at least 15 district court nominees. That is 29 nominees who are right now ready to go.

Fallacy No. 4: That our lack of progress on judges is due to the change in control of the Senate and the time it took to get a new organizing resolution.

That, too, is false. After the change of Senate control and before the organizing resolution was finally adopted, nine different Senate committees held 16 different nomination hearings for 44 different nominees before reorganization was completed. And one of those committees even held a markup during the reorganization period.

By contrast, during the same period, the Judiciary Committee did not hold a single confirmation hearing for any of the 39 judicial and executive branch nominees who were then pending.

Let's go over that one more time.

During the period of reorganization, nine different Senate committees held 16 different nomination hearings for 44 different nominees before the reorganization was completed. One of those committees even held a markup during the reorganization period.

By contrast, during the same period, the Judiciary Committee did not hold a single confirmation hearing for any of the 39 judicial and executive branch nominees who were then pending.

My colleagues, it is clear that none of these reasons that have been put forth have any merit. We have to look elsewhere. I submit that one reason we haven't made better progress is inefficiency. As I have said, while we have had some hearings, we have not come close to getting the most out of the hearings. In fact, it seems as if we have gotten the least out of the most.

From 1999 to 2000, the Judiciary Committee averaged 4.2 judicial nominees per hearing. This year, by contrast, we were averaging only 1.4 judicial nominees per hearing.

We had a hearing but we didn't have people there to testify. That is a pace that is three times as slow as in the past.

I was glad to hear that the chairman put four judges in last week's confirmation hearings. I am pleased to hear the assistant majority leader say that we will confirm four of those nominees today. I hope we will do that. But that sort of effort which we have made to date leaves us way behind.

I think it is clear that we can do a lot better on judges. It is not too late for us to act on the remaining 36 pre-August nominees.

In the last three administrations in the first year all but one of the nominees submitted prior to the August recess were confirmed before the end of the year. In the last three administrations, looking at the first year, all of the nominees submitted before the August recess but one were confirmed before the end of the year. Admittedly, many of those nominees were confirmed in the latter part of the year.

It is not too late for us to achieve the same standard that was achieved in each of the last three Presidential administrations.

I see my friend from Arizona is here who has really been our leader in an effort to get judges confirmed. I want to make sure he has adequate time.

Mr. President, how much time do I have remaining?

The PRESIDENT pro tempore. Four minutes twenty-two seconds.

Mr. MCCONNELL. I yield the remainder of my time to the Senator from Arizona.

The PRESIDENT pro tempore. The Senator from Arizona is recognized for 4 minutes 22 seconds.

Mr. KYL. Thank you, Mr. President. I will not take the entire time.

I marvel at how directly the rule of law in the United States is connected to this attack on the United States and how the judges play a crucial role in that, which simply brings home to me again the urgency of getting these judicial nominations confirmed so these judges can take their place on the bench.

I just finished a meeting with a group of victims' advocates who are preparing to deal with the problems that have resulted or will result from the terrible tragedy of September 11 and its aftermath. There will undoubtedly be a lot of trials. There will undoubtedly be a lot of people prosecuted, even if the primary perpetrators are not brought to justice in American courts but brought to justice in other ways. But there are cases pending right now all over this country against people who peripherally were involved, and questions about who the victims are and how those victims will be treated in court by judges are now beginning to bubble up, as they did at the time of the Oklahoma City bombing case and other tragedies.

It reminds me again of what distinguishes the United States from these other people. In the West generally, and in the United States specifically, the rule of law is everything to us. Ultimately, the judges are the arbiters of that law. We have an obligation, as the Senate, to act upon these nominations of the President, either to confirm them or to reject them, but to give the President our advice and consent. That is our constitutional responsibility. We abdicate that responsibility if we put it off either because we are too busy doing other things or because, for political reasons, we do not want to confirm more of Bush's nominees than were confirmed in the Clinton administration, or some similar kind of political consideration. That would be wrong.

I hope my colleagues will help us bring these nominees to the floor and get them confirmed. At the conclusion of today, if I understand the comments of my colleague correctly, we will have reached a sum total of 12 confirmations for the entire year. That is woefully inadequate. There are 36 nominees pending whose nominations were made prior to the August recess. Surely we can act upon all of them.

The final point I will make is there has been some suggestion that in some cases paperwork is not done. Do not be deceived by this, my colleagues. We have a moving goalpost problem here. After all of the paperwork has been completed for weeks, new questions are submitted by colleagues, thereby creating the situation in which they can say: Well, not all the paperwork is in. There has to be an end to that at some point. The new questions have to be terminated, and it is time to have a vote.

So I urge my colleagues to help us get these nominations to the floor, find a time to vote on them, and get the votes done so we can fill the vacant court positions with these important judges.

Remember, there are 42 judges identified as emergency nominations. They have been emergencies from the beginning of the year. So we have to fulfill our responsibilities as the Senate and take action on these nominations. Until we are able to do that, it is our view that we should call a timeout on other certain portions of the Senate business so we have the ability to take up those nominations and bring them to the floor.

I hope my colleagues will permit us to take up those nominations and will defeat the motion to proceed on the appropriations bill. The ranking member of that committee, Senator MCCONNELL, has made the point that we can afford, at this point, to lay that aside temporarily to take up these judges and then return to that business.

I thank the Chair.

The PRESIDENT pro tempore. The Senator from Nevada, Mr. REID.

Mr. REID. Mr. President, last Thursday I went into some detail outlining what has happened since we have taken control of the Senate. We have moved judges expeditiously. The average time for an appellate judge during the short time we have been in control of the Senate has been 100 days. Theirs was 345 days. It seems to me the questions they have raised are fallacy one, two, and, three, things they are making up.

The fact is, some Republicans seem to be in utter fear that Democrats will treat Republican nominees as unfairly as they treated Democratic nominees. The fact is, since July, when the Senate control shifted, the Democratic Senate has treated and will treat Republican nominees fairly. It is not payback time.

Democrats have no intention of perpetuating the shameful ways the Republican Senate treated President Clinton's nominees. We will consider nominations thoroughly and in a timely way. Maybe some Republican Senators believe the public will not know or care that they have taken the bill to fund U.S. foreign interests as their hostage.

The American people deserve to know what is at stake when the Senate is kept from acting on a foreign operations appropriations bill, especially when it is clearer than ever that our security is linked to events outside our borders.

This bill contains $5 billion in aid to Israel, Egypt, and Jordan, allies that are crucial to short-term and long-term stability in the Middle East. There is $175 million in this bill to strengthen surveillance and response to outbreaks of infectious disease overseas. These are the same programs that help give us early warning of some of the world's deadliest infections, now just an air flight or postal stamp away, including anthrax and other agents using bioterrorism. It is foolish and absurd to hold these funds hostage.

There is $327 million in this bill for nonproliferation and antiterrorism efforts to help other nations strengthen the security of their borders and their nuclear, biological, and chemical weapons facilities, as well as programs to get rid of landmines, a serious problem, for example, in Afghanistan where there are believed to be as many as 100 million landmines. There is $450 million for steps to combat HIV/AIDS, the worst global health crisis in half a millennium. Each day this bill is being held up, another 17,000 people are infected with AIDS.

There is $3.9 billion in this bill for military assistance aid to NATO allies and to countries of eastern Europe and central Asia. We are asking these nations for overflight and refueling rights for aircraft and other support for Air Force personnel who are risking their lives in the war on terrorism.

There are hundreds of millions of dollars to be used to help fight poverty, help provide basic education, health care, jobs, sanitation, housing, and other efforts in the poorest countries, steps that help eradicate the breeding grounds for terrorists.

For them to tell us we can do it later is pure poppycock. I think it is very clear that the whole effort is to make sure we have no further appropriations bills. I think the judges thing is only a diversion. Other things in the bill include $856 million in export assistance to help U.S. firms claim markets for products abroad. Certainly that is needed now.

We need to move this legislation. I think it is as clear as the light of day what is happening here; that is, there is an effort, using judges as an excuse, not to move forward on appropriations bills. I think it is bad. It is bad policy. It is bad for the country, and I think it is shameful.

Mr. President, I end by saying global leadership means acting as a leader. We have tried to support the President's priorities in every facet of his campaign against terrorism. We have maintained a steady schedule of hearings and have confirmed twice as many judges as in the same period of time during the previous two administrations, even though we have been in control only 4 months.

Alongside the added imperative of passing the antiterrorism bill, we have continued to hold hearings on judicial nominations and bring them to the Senate floor. At a time when we have tried to support the President's priorities in every way, it is unfortunate that so soon after September 11 the Republican leadership seems to care more, in this case, about its partisan political priorities.

That is what is happening, plain and simple. Of all times to be holding up the business of the Senate and this country, when our office buildings are closed because of anthrax and the U.S. military is fighting half a world away, it is more obvious than ever that the U.S. influence is needed around the world. It is petty, shortsighted, and dangerous. We can have the best foreign policies, but without the funds to implement them, what good are they?

I hope my friends on the other side of the aisle will take a different approach today. It appears, though, they are not going to vote to proceed to this bill.

The PRESIDING OFFICER (Mr. CARPER). Who seeks time?

The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, is there time remaining on this side?

The PRESIDING OFFICER. All time has expired on your side. There is 1 minute 15 seconds on the Democratic side, the majority side.

Mr. REID. Mr. President, I yield back that time and ask that the vote proceed.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

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 the debate on the motion to proceed to H.R. 2506, the Foreign Operations Appropriations bill:

Pat Leahy, Harry Reid, Tom Daschle, Ben Nelson of Nebraska, Kent Conrad, Zell Miller, Byron L. Dorgan, Russell D. Feingold, Paul Wellstone, Joseph Lieberman, Debbie Stabenow, Bill Nelson of Florida, Max Cleland, Patty Murray, Mark Dayton, Jack Reed, Barbara Mikulski, Herb Kohl.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 2506, an act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, 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.

Mr. STEVENS (when his name was called). Present.

Mr. NICKLES. I announce that the Senator from Oklahoma (Mr. INHOFE) and the Senator from Ohio (Mr. VOINOVICH) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 50, nays 47, as follows:

1[Rollcall Vote No. 306 Leg.]

YEAS—50

Akaka	Dorgan	Lieberman
Baucus	Durbin	Lincoln
Bayh	Edwards	Mikulski
Biden	Feingold	Miller
Bingaman	Feinstein	Murray
Boxer	Graham	Nelson (FL)
Breaux	Harkin	Nelson (NE)
Byrd	Hollings	Reed
Cantwell	Inouye	Reid
Carnahan	Jeffords	Rockefeller
Carper	Johnson	Sarbanes
Cleland	Kennedy	Schumer
Clinton	Kerry	Stabenow
Conrad	Kohl	Torricelli
Corzine	Landrieu	Wellstone
Dayton	Leahy	Wyden
Dodd	Levin	

NAYS—47

Allard	Ensign	McConnell
Allen	Enzi	Murkowski
Bennett	Fitzgerald	Nickles
Bond	Frist	Roberts
Brownback	Gramm	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Campbell	Hagel	Smith (NH)
Chafee	Hatch	Smith (OR)
Cochran	Helms	Snowe
Collins	Hutchinson	Specter
Craig	Hutchison	Thomas
Crapo	Kyl	Thompson
Daschle	Lott	Thurmond
DeWine	Lugar	Warner
Domenici	McCain	

ANSWERED ''PRESENT''—1

Stevens

NOT VOTING—2

Inhofe Voinovich

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 47, and 1 Senator responded ''present.'' Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. DASCHLE. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on the motion to proceed to H.R. 2506, the foreign operations appropriations bill.

The PRESIDING OFFICER. The motion is entered.

Mr. DASCHLE. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I am increasingly concerned about the situation. We have sent two appropriations bills to the President for his signature, which leaves us with 11 appropriations bills to go. Several of these appropriations bills are in conference between the two Houses. Of course, the situation affecting the conferences is one that is well known, but I would hope that we could find a way to break this logjam in the Senate and get these appropriations bills moving.

We are well into our third CR. It is now October 23. Thanksgiving is fast approaching, and what do the American people see in this Senate? We appear to be dallying. We have work to do. We have a very emergent situation in this country. People look to us for leadership.

Why can we not get on with our Appropriations Committee work? I would like for someone to tell me. I am waiting for an answer. We have appropriations bills that are ready to go, and I beg my colleagues to let us get on with the appropriations bills. If we cannot move forward on the foreign ops bill, let us try to move forward on some other appropriations bill. There are others awaiting action.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. BYRD. I yield.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I voted ''present'' because, as a partner of my good friend from West Virginia in Appropriations, we do not have time for any further delay. The Agriculture bill would be acceptable, as far as I am concerned. I have not checked with our leader, but I do think the Senate should move forward on another bill as soon as possible. We are very constrained because of the loss of our physical facilities in Dirksen. There are some bills that could move forward in the interim.

I have said before that in my judgment we have to get these bills to the President by November 6 if we are going to be able to leave by November 16 for Thanksgiving because the President must have his 10 days to review the bill. Hopefully, there will not be any vetoes, but it is possible.

I join the Senator from West Virginia in urging the joint leadership to find a way to allow us to take up another bill. I do believe the Agriculture bill is ready, and it is possible we could move on it very rapidly. I am hopeful we will find a spirit of comity and find a way to limit amendments on these bills and let us catch up.

The problem with the conferences is the House facilities are still tied up by the investigations concerning anthrax, but I hope we can find some way to handle that, too.

I do not believe these are crime scene investigations that are necessary to determine whether anthrax is present and might threaten our people, which is one thing, but to deter us from going about our business because someone might call our facilities crime scenes, I think is wrong. I thank the President of the Senate for yielding to me.

Mr. LEAHY. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD. Yes, I yield.

Mr. LEAHY. Mr. President, first, I thank the Senator from West Virginia. Last week, when it seemed as if everybody, except the Senator from West Virginia, the Senator from South Dakota, the Senator from Mississippi, and the Senator from Alaska were bailing out of this place, the Senator from West Virginia was very kind to let me use his office for a hearing. I say this for the benefit of the Senator from Alaska, who is present, that we can find space for these things. We had, I

believe, five judges for whom we held hearings. While everybody else was leaving, the Senator from West Virginia made his office available so we could hold those hearings.

I do want to thank the one Republican who came for part of those hearings to help us out with the hearings. Of course, I thank the distinguished Senators from New York and Massachusetts and others on the Democratic side who stayed during the hearings.

As the Senator from West Virginia knows—and he knows these appropriations bills better than anybody else, but for those who might not know—this foreign operations bill has, of course, $5 million for our Middle East Camp David partners: Israel, Egypt, and Jordan. It also has one item that people may not be aware of: $175 million to strengthen surveillance and response to outbreaks of infectious diseases overseas, a very interesting part because the Ebola plague or anything else is only an airplane flight away from our shores, and we have this money to alert us about anything that is coming from overseas, including anthrax and other matters that might be an airplane ride or a postage stamp away from our shores. We have $175 million that we put in before these attacks, but we cannot get it to the President for signature.

We also have $327 million for antiterrorism efforts helping other nations strengthen the security of their borders and their nuclear and biological and chemical weapons programs. I know the President has been telling these other nations we will get the money to them, but it is stuck in this bill. And the $450 million for steps to combat HIV and AIDS—each day this bill is being held up, another 17,000 people are infected with AIDS.

We have $3.9 billion in military assistance included for a number of those countries in eastern Europe and central Asia that we are asking to help us in overflight and refueling. We have a whole lot of money saying the check is in the mail but, of course, we cannot send it. We have a billion dollars in refugee and disaster aid to deal with the humanitarian crisis around the world from Afghanistan to Sudan, also money the President wants to use but we cannot move forward with it.

We have hundreds of millions of dollars to reduce poverty and disease in countries where the Osama bin Ladens of the world tried to foment resentment against the United States. We have money to help those countries but, of course, it is held up.

I mention that not because the Senator from West Virginia does not know. I daresay there is nobody in the administration, the Congress, or anywhere else who knows every jot and tittle of these bills the way the Senator from West Virginia does, but I thought I would let some of the other Members know and the White House know all the various things the President has promised and we are holding up by not going forward with this bill.

I thank the distinguished Senator from West Virginia for his help because he has been like the granite quarries of Vermont. He stands rock solid, as he always has.

Ms. LANDRIEU. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD. I will be happy to yield.

Ms. LANDRIEU. I wish to congratulate our leaders, both our majority leader and minority leader, for the excellent way they have handled the quite difficult situation we are in. As a Chair of a committee that has a finished bill which has passed in committee and is ready for floor action, I thank the Senator from West Virginia for urging us to move our bills.

I also assure him that the District of Columbia appropriations bill is ready to come to the floor, and I would be willing to work with him and with the leader to limit amendments so we could have votes on some of the items where there is disagreement, but there are not many items, and to remind everyone that Senator DEWINE and I have worked very closely, particularly on a provision to reform and strengthen the court system in D.C. to protect children who are in foster care, to strengthen the District's school system which is so important.

Most importantly, today there is money in this bill for security measures for the District of Columbia. That is very important as we work on our emergency plans regionally as well as coordinate what is happening in the postal situation today, and the Capitol complex.

I thank the Senator from West Virginia for bringing this to our attention and, as one of the Chairs on our side, I am most certainly willing to work with him as to any suggestions he might have to move our bill, have limited debate, limited time and move this support bill through the process in an expedited fashion.

Mr. BYRD. I thank the distinguished Senator from Louisiana for her comments.

Mr. President, I have been increasingly concerned we are moving toward an omnibus appropriations bill. I am afraid if we continue on this path we are going to end up with an omnibus CR in which a good many or most of the agencies of this Government will be operating probably on the same level of appropriations they received for fiscal year 2001.

Mr. STEVENS. Mr. President, in time of war to have the administration be tied to a CR, to have interpretations by lawyers throughout the Government as to what they can and cannot do, I think is putting the country in a straitjacket. I happened to have been chief counsel of a department in the Eisenhower days, and it is impossible for administrators to proceed during a period of emergency under what we call a continuing resolution. We must have individual bills and we must have them cleared, particularly in the areas where there is great concern in the country.

I think agriculture is one, defense is another, but clearly we should not be operating under a CR, in my judgment. It is impossible to proceed under the concept of having to have every single dollar checked against a question of whether it was involved in the last year. A CR is really continuing the problems of the past fiscal year into the next fiscal year. At a time of war we should not have that happen.

So I urge we move separately on the bills and get them done as quickly as possible, I say to the Senator. I think we should get our caucuses today at noon to make a pledge to the leader that we are ready to proceed as rapidly as we can to get these bills done.

Mr. BYRD. I thank my friend on the Appropriations Committee.

Mr. President, I do not intend to hold the floor much longer. But I appeal to all Senators to work together to get these appropriations bills up before the Senate, and let's act upon them. We should not go home with an omnibus bill, an omnibus CR.

I don't know what the problem is, but I do know we need to get on with the appropriations bills. I don't see why appropriations should be held up because of nominations. I don't have any dog in that fight. I am ready to vote for nominations. I am ready to go on to the appropriations. But we simply can't hold up the appropriations bills like we are doing. It would seem to me Senators ought to get together on both sides of the aisle and work out this problem. For those who are concerned about nominations, I don't think appropriations should be held up because of nominations. What does the one have to do with the other? Many of these appropriations bills have been on the calendar now for more than 3 months, and they are just sitting there.

So I appeal to our Members on both sides of the aisle to try to work together and let's get on with the appropriations bills. We are just marking time. We are not doing any good. The people out there, they are not concerned about our little problems—nominations versus appropriations. What does the one have to do with the other?

We are going to be held responsible for the fact that we are not working; we are not acting; we are not getting things done. What about our Rangers who are facing great odds and great problems in Afghanistan; what would they think of the way we are operating and acting?

What do the people back home expect us to do? They expect us to get things done. These agencies are operating

without any knowledge of whether or not they are going to have funding above this year's level. They don't know. They can't plan for programs and projects that are very important to the American people, very important to this cause in which we find ourselves engaged.

Mr. DASCHLE. Will the Senator from West Virginia be so kind as to yield for a unanimous consent request?

Mr. BYRD. Yes, I yield the floor.

Mr. DASCHLE. I thank the Senator from West Virginia. Again, as Senator LEAHY and others have done, I applaud him and thank him for the admonition he has shared with all of us this morning. The importance of getting these bills cannot be overemphasized. The importance of recognizing this particular bill could not be overemphasized.

We are fighting a war. This is helping fund that war. The longer we delay the funding of that war, the more complicated our circumstances and, frankly, the more problematic, it would seem to me, the message to those on the front lines.

So I applaud the Senator from West Virginia and the Senator from Alaska. I hope we can clarify this matter. I, frankly, do not see the linkage either, and I am not going to be susceptible to that linkage.

The administration has to make its decision about whether it wants these bills completed or not. If they are not prepared to weigh in, there is only so much I can do as well.

We will do the best we can. I thank the chairman of the Judiciary Committee for his work on nominations. He had hearings last week. We are going to have four Judiciary Committee votes on nominations on judges this afternoon—I was prepared to have them this morning—and that would not have happened were it not for the leadership of the Senator from Vermont, who has worked on these matters and I thank him for that.

It is in that regard that I want to propound a unanimous consent request. He is in the Chamber, but I will make sure our colleagues are aware the Republican leader and I have discussed this matter. I would make the request at this time.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. DASCHLE. Mr. President, as in executive session, I ask unanimous consent that at 2:15 today the Senate proceed to executive session and consider the following nominations: Calendar Nos. 472 through 475; that the Senate immediately vote on each nominee with the first vote being for the usual time, and subsequent votes being 10 minutes in length; that upon the disposition of these nominations the President be immediately notified of the Senate's action, that any statements thereon be printed in the RECORD, and the Senate then return to legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I had thought there would be five judges in this group. These are, I believe, four district judges. There was a hearing and I thought there was a plan to report out a circuit judge, but I notice she is not on this list. I inquire about the nominee—I believe a woman for whom a hearing had been held, for the fifth circuit. What happened on that nomination?

Mr. DASCHLE. Mr. President, I yield to the Senator from Vermont to answer that question.

Mr. LEAHY. To answer that question, there are some—this is a nominee I have a feeling will go through all right but some questions have been asked. The answers are not back. For all we know, they may have been mailed in to the Judiciary Committee office. We don't know.

As the Republican leader knows, we have been somewhat stymied moving papers around here. But this is one where a Senator had asked a question. I notified Senator HATCH. I thought it would be a lot easier to get the questions answered than to bring the name up. Once they are answered, I expect the nominee to go through easily. That follows the tradition our committee has followed for 25 years under both Republicans and Democrats. If they have a question, we put them on the docket, I hope the question would be answered, and she would be on the next Exec.

I hope we will get back into our offices so we can find out if that material is there.

Mr. LOTT. I withdraw my objection, Mr. President.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DASCHLE. I now ask unanimous consent it be in order to ask for the yeas and nays on each of the nominees with one show of seconds.

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

Mr. DASCHLE. As in executive session, I now ask for the yeas and nays on the nominations.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. If the Senator will yield for a moment, I also point out the U.S. attorney of North Carolina, U.S. attorney of Michigan, other U.S. attorneys—of North Carolina, one of Arkansas, one of Mississippi, one of Missouri, one of Nevada, one of Maryland, one of West Virginia, one of Louisiana, one of Illinois, one of Washington, one of West Virginia—are also cleared. That could be done, I assume, on a voice vote. They are all nominated by President Bush. The vast majority of them were recommended by Republican Senators. They have all been cleared, and they are ready to go.

Mr. DASCHLE. I thank the Senator from Vermont. We will attempt to schedule votes on those nominees as well. As you say, it may not require a rollcall. If that is the case, perhaps we could do those as well today.

For the interest and information of all Senators, beginning at 2:15 then, this afternoon we will have four rollcall votes. The first will be 15 minutes, followed by a subsequent 10-minute vote on the three remaining judicial nominees.

So Senators ought to be here, stay on the floor, and vote so we can expedite these votes at that time.

I also say it is my desire to move to proceed to the foreign operations appropriations bill unless there is a colleague on the Senate floor. This will not be a matter that will be taken lightly. If for whatever reason Senators choose to leave the floor, and there is an opportunity for me to make that motion, it will be made.

I warn Senators about that possibility between now and the hour of 2:15 this afternoon. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, before the Senator from Vermont leaves, I noted there are two nominations on the calendar: Thomas E. Johnston of West Virginia to be United States Attorney for the Northern District of West Virginia, and Karl K. Warner, II, to be United States Attorney for the Southern District of West Virginia. Have these been cleared?

Mr. LEAHY. I have just checked this morning. I am hoping they are going to be cleared by the end of the day, I tell the distinguished senior Senator from West Virginia.

Again, as he knows, he having let us use his office as temporary quarters for hearings, we have been operating under some difficulty. A lot of our paperwork is in the Judiciary Committee rooms in Dirksen or in my office in the Russell Building. Normally, I could answer his question immediately.

I asked this morning that we make sure they are cleared. I know they want to get them in West Virginia. I know they have been approved by the distinguished senior Senator from West Virginia and by his colleague. I am hoping that we can have them cleared quickly.

Incidentally, nominations were reported last Thursday after most of the Capitol closed down. We were still able to get a quorum because of the Members who stayed in town so we could report them, even though we had recommendations from the other side to

get out of here. I appreciate those Senators who stayed so we could get that quorum and get them out.

Again, I appreciate the Senator from West Virginia in allowing us the use of his office. We had a number of judicial nominations that came up. Virtually all Republican Senators took the time to come to introduce their judicial nominees. I appreciate that, too.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I see the distinguished chairman of the Judiciary Committee. We had some hearings last week and some movement toward judicial confirmations, for which I am happy. I am glad one judicial nominee from Alabama was one of those which was moved. Of course, there was no controversy, I believe, about any of those nominees. Traditionally, it has not been necessary to have a big hearing if everybody is happy and respectful of the nominees. That is the way it has always been. If people have questions and concerns, they come.

I think it is a good thing that we are seeing some movement. But I would like to see more. That is why we have not been able to have an agreement on the foreign ops bill. I think that bill could move at any time we could get a fairly reasonable consensus on processing nominees.

I know there is a nominee from Alabama who is unanimously rated as well qualified by the ABA in a district which has had two of the three judges vacant for over 2 years. It is probably the No. 1 critical district in the country. We critically need a hearing on that judge.

We have others who are pending. In fact, President Bush nominated 11 individuals on May 11, a highly qualified group. But only three of those have received a hearing, and only two have been confirmed out of that group.

We have a growing backlog. We confirmed some judges. We went down from 110 vacancies to 108, I believe.

Mr. LEAHY. Mr. President, will the Senator yield? I don't want to interrupt him.

Mr. SESSIONS. Please.

Mr. LEAHY. I can actually speak about those better than he can because I have heard his speech enough times.

I believe the Senator mentioned a judgeship from Alabama that was qualified last week. I am sorry the Senator from Alabama was unable to be there. I do appreciate him being there for the markup earlier. I thank our colleague, Senator SHELBY, for his fine words about the nominee. We are trying to move that nominee from Alabama very quickly. We are doing that to try to help the other Senator from Alabama, Mr. SESSIONS. We will keep on the pace, and someday we can go past, if we ever get our offices back.

Mr. SESSIONS. I thank the chairman. I remember so vividly how aggressive he was to make sure President Clinton's nominees were moved promptly. I can give his speech because I have heard it many times. Basically, his complaint was that the Republican majority, under Chairman HATCH at that time, was not moving Federal judges effectively enough. At that time, when we finished this last Congress and President Clinton was in his last days, there were 67 vacancies in the Federal courts. He said that was unacceptable, and he thought it should have been lower than that, although there were only 41 nominees.

President Clinton submitted only 41 nominees for the 67 vacancies, which was what was left. There were 41 nominees unconfirmed when President Clinton left office. Now we are pushing probably 60 nominees. And the vacancies have gone from 67 to 108. It may now be back up to 109, even though we confirmed 2.

You can constantly have judges out of the 800 or so taking retirement. As you do, if you do not have a constant flow of nominees being confirmed, the vacancy rate grows. Senator LEAHY declared that the 67 vacancies we had last year was a crisis in the judiciary, and there was something awful about that. I thought we were moving pretty fast. Frankly, 60 or so vacancies is about the standard. It is hard to get it below that because when a judge retires, then the President has to decide who he would like to consider for nomination. There have to be background checks on them and ABA reports. It takes some time to move forward.

But when the number gets up to nearly twice that to 108 or 109, 110 vacancies, then we have a bigger problem. I think we ought to be able to keep that number close to the 60.

We are not moving fast enough. I think all of us agree. I know former Chairman HATCH feels strongly about this, as do others. We need to see what we can do to reach an accord.

There is some suggestion—I am not one who necessarily thinks we will do so—that we will be finishing up a little earlier this year than normal. That means we may not have more than 4 weeks or so left. If we are going to do just a couple of judges a week, we are going to end up with well over 100 or so vacancies when we leave this time. That is too many. We could do a better job of moving the nominees for which there is no objection to nominees that have bipartisan support—nominees that received ''qualified'' and ''well-qualified'' ratings.

We believe that is the way we ought to go. I also say in addition to the foreign operations appropriations bill, there are a lot of important pieces of legislation that come before this Senate. There are a lot of things that need to be moved. There are a lot of appropriations bills that we could be debating and discussing.

I suggest we keep working with the majority leader and the chairman of the Judiciary Committee. Let's see if we can't get some sort of commitment to give an extra effort to reduce somewhat the number of judges who are pending but have not been confirmed and get that number down, or else I think those of us on this side have to conclude that we have some sort of slowdown going on. I think it is the right thing for us to ask. It is a just thing to ask.

If it is a vacancy rate that far exceeds that which occurred under President Clinton's time in office, the very same people who were critical of this Congress moving President Clinton's nominees for judges are now creating a much larger vacancy rate.

I believe we can do better. I know we can. I know we can move the noncontroversial judges better than we are doing.

I urge us to spend some extra time on that. If so, we will be able to eliminate this hurdle that is creating a problem with the foreign operations appropriations bill. Hopefully, we will have a good bill that we can all support. Hopefully, we will have an agreement that is fair and just and reasonable which would allow more nominees to be moved.

I am sure we are not going to be able to get our vacancy rate down to the level of the 1960s, which is where it ought to be. But we ought to be able to get it moving down well under 100 in some sort of agreement that could be reached.

That is my observation and my concern at this time.

I yield the floor.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Nevada.

Mr. REID. Mr. President, we have a number of nominations that are on the Executive Calendar. This evening we are going to try to move a number of these nominations, beginning on page 3. We ask every Senator and every staff member to make sure they review these. If there are problems that a Senator has, they should make contact with leadership offices and/or the cloakroom and indicate that they have some problem with some of these nominees. Otherwise, we are going to try to approve a number of them this evening. We have on the Executive Calendar a number of names we would normally send out with a hot line.

There is nobody in the office to listen to the hotline, so we would ask everyone to specifically look at the Executive Calendar and determine if there are any people they do not wish to clear, or if they have any questions, whatever the question might be.

We have heard, on a number of occasions the last several days during this

filibuster, they hope something can be done to arrive at some agreement so as to move judges.

I think the good faith of the majority has been shown by our literally voting on every judge that has come through the committee and has been marked up and reported to the floor. It would have been easy for us the past several weeks, during these extended filibusters on several bills, to just hold all these judges and vote on them at one time later on, as was done to us when we were in the minority; but we have decided not to do that. As soon as they are ready, we are moving them forward. The record is replete with the case we have made, indicating that we are doing the very best we can under very difficult circumstances.

There is no need to belabor the point, other than to say we took control of the Senate in June. During the first 6 months of this session, there was not a single confirmation hearing held, not a single one, which is in keeping with what has gone on in the past.

In the past, for example, in the 6½ years the Republicans chaired the Judiciary Committee, from 1995 to 2001—34 months; that is almost 3 years—during that period of time, they held no confirmation hearings for judicial nominations and for 30 months they held a single confirmation hearing.

So we are moving forward. We have six office buildings—three in the House, three in the Senate—closed down. Staff is having a very difficult time working, as has been laid out in this Chamber on a number of occasions.

Senator LEAHY, in spite of that, held an emergency meeting in the President's Room in the Capitol. They went to the Appropriations meeting room and held a hearing there on judges. He reported out of the President's Room these four judges we are going to vote on today.

I have to say, if this case were being tried by a jury, the jury would be out 5 minutes and we would win. This is a case where if this were given to a jury, we would win easily. The jury is the American people. We are going to win this. We are doing the right thing. We are moving the judges as quickly as we can. In spite of the September 11 terrorism attack and the anthrax attack, we are still moving the judges as quickly as we can.

What is being done by the minority is they are holding up appropriations bills. We are going to vote again on a motion to proceed to this foreign operations appropriations bill.

Just 8 days ago, the entire Republican side voted to block consideration of the foreign operations appropriations bill, which funds U.S. foreign policy. It was not because they disagree with what is in the bill supposedly, since it was written by Senator LEAHY and Senator MCCONNELL. These two Senators worked on this bill. Supposedly, it is a bipartisan bill which responds to the concerns and interests of both Democrats and Republicans, as well as the President's foreign policy priorities.

No, the Republican leadership did not oppose the bill itself. Instead, they said it was because of the Judiciary Committee which Senator LEAHY chairs. They say they have not acted quickly enough on judicial nominations. That is a very serious accusation.

I have been a prosecutor, and I have defended lots of people charged with crimes—not so serious crimes and really serious crimes, such as murder. So I take seriously our responsibility of the Federal judiciary. In fact, after reporting out four more judges last Thursday, we have acted three times as fast in approving nominees as was done during the first 9½ months of the first Bush administration or the Clinton administration.

Today we are going with the unanimous consent agreement that has been entered. We are going to confirm four more judges. For the minority to suggest we are moving too slowly is a bit, I guess, like the orphan accused of killing his parents and who then begs for the court's mercy because he is an orphan.

When the Republicans controlled the Senate during the Clinton administration, they created many of the judicial vacancies they are complaining about today, as has been indicated by the Senator from Alabama.

Some of President Clinton's nominees languished for years. Many qualified nominees, because of the impact this had on their ability to lead normal lives, withdrew. They withdrew from their law practices, waiting for a hearing, waiting to be confirmed. They withdrew their names after waiting years. Some of them said: We cannot wait any longer. They did not want to subject their families to further unfairness.

We know about all this. We know that. We are not going to be unfair. We have a record that indicates maybe it should be payback time, but it is not. We are not going to treat the Republicans as they treated us. That is already evidenced by what has been done.

Some on the other side might fear that they are going to be treated as we were treated, but that is not the case. The fact is, since July when the Senate control shifted, the Democratic Senate has treated and will treat Republican nominees fairly. I repeat, we have no intention of perpetuating the shameful ways the Republicans treated President Clinton's nominees. We have and we will consider these nominees fairly and act on them in a timely way.

Maybe some Republican Senators believe the public will not know or care that they have taken the bill that funds U.S. foreign interests as hostage. That is their hostage this week—and last week.

I was happy to see the senior Senator from Alaska—the former chairman of the committee, now the ranking member of the committee—vote ''present.'' It appears quite clearly that he does not like what is going on, as indicated in his statements he made afterwards.

We are in a time of war, and we are going to have a continuing resolution—meaning that every line in that continuing resolution will have to be reviewed by some lawyer to find out if it is more than was done the preceding year. It does not sound as though that is the right way to go.

The American people deserve to know what is at stake when the Senate is kept from acting on this bill, especially when it is clearer than ever that our security is linked to events outside our borders—and then for people on the other side to stand and say, let them go a little more quickly than they did and we will work something out.

As of next week, there will be 3 weeks left until Thanksgiving. We are running out of time to do things. This foreign operations appropriations bill, as bipartisan as it is, will have amendments offered on it. We cannot whip through this bill in a matter of a couple hours. Agriculture appropriations—the same thing. They are holding up the work of the country.

What does this bill contain? We have talked in generalities, and I talked a little bit specifically earlier today, but let's talk about what is in this bill.

We have three countries that have really been good to America in recent years—Egypt, Jordan, and Israel—but they need our help. These are countries that depend on our assistance. And these are not gifts. We do not write them out a check and throw them money and say, spend it any way you want. Most of the money goes for them to purchase American products. That is what foreign aid is about in modern-day America.

So not only does it hurt those countries that are not getting this money, these vouchers, these opportunities to buy American products; it is hurting American companies. Who are these countries? Israel, Egypt, and Jordan, allies that are crucial to the stability of the Middle East.

I read an interview last night of President Mubarak. It was very impressive. It was in Newsweek magazine—a question—and then his answer. I was so impressed, among other things, when they asked him about Arafat.

He specifically said: Arafat has bad people around him. He mentioned a person's name. This is a gutsy guy. I was impressed. We know he has criticized Israel. He did in this same Newsweek article, when questioned. He said that President Sharon has made promises to him and he hasn't kept them.

But Mubarak has been good for America. We are holding up money going to Egypt.

A couple weeks ago I had the pleasure of meeting just a few feet from here with the King of Jordan, King Abdallah. I, of course, cared a lot about his father. I liked his father a great deal. This young man has assumed the leadership of his country in very tough times. The majority of the people in Jordan are Palestinians. He is an American ally. His country is favorably disposed to America. It is a country that has made great progress but still has a long way to go. They are dependent upon our helping them. This bill is being held up.

Sure, we can, as Chairman BYRD said, write an omnibus bill and lump it all in and maybe they will get some of what they need. This bill was worked on for months, making sure that Egypt and Jordan get what they need, not what was in last year's bill.

That is what is being held up here—not today, not yesterday, but all last week and part of the week before.

There is specifically in this bill, as a result of what has been going on since September 11, $175 million to strengthen surveillance and response to outbreaks of infectious diseases overseas. These are the programs that help give us early warning against some of the world's deadliest infections, now just an air flight or a postage stamp away, including anthrax and other agents used in bioterrorism. It is especially foolish and absurd to hold these funds hostage when our own citizens are now the targets of such attacks.

Two postal workers died with anthrax poisoning. What we are asking is that $175 million be set aside to strengthen surveillance and response to outbreaks of infectious disease overseas. That is in this bill. If they have some big omnibus bill, is that money going to get where it is supposed to? Of course not.

This bill should not be held up. It is being held up, and that is wrong. We have almost $330 million in this bill for nonproliferation and antiterrorism efforts to help other nations strengthen the security of their borders against nuclear, biological, and chemical weapons facilities as well as programs to get rid of landmines. Landmines are a serious problem all over the world. They are a problem in Afghanistan.

I traveled a number of years ago, just to give an example, to Angola. Angola in Africa had the potential of South Africa. It had natural resources such as oil and diamonds. It was part of the jungle we studied as kids where these African animals roamed. It was good for agriculture, potentially a strong country. But it has been involved in a civil war.

There are 10 million people in Angola. There are 20 million landmines. There are two landmines for every person in Angola. If there was a bustling business when Senator Simon and I and a number of other Senators traveled there a number of years ago, the business was artificial limbs, mostly of women and children. That is where this money is going.

We are held up over Senator LEAHY not moving judges fast enough. No one criticizes the fact that he is moving them. Our three office buildings are closed. On the floor there was a question asked by the minority leader, Senator LOTT: Where is the appellate judge, the circuit judge? Senator LEAHY said: One of the Senators—I know the Senator's name—on the committee asked a question and wanted it answered. The question may be answered. It may be in the mail. But we have not gotten the mail. I haven't gotten mail since they found the stuff in Senator DASCHLE's office. No one else has. The answer might be out there someplace. Maybe we could get the woman—it is a female judge—to fax the answer, call, if she knew where to call or where to fax. No one is criticizing Senator LEAHY for not moving. They are saying he is not moving fast enough.

As I mentioned earlier today, the second page of the Washington Post newspaper talks about the United States going to help Uzbekistan. Uzbekistan was one of the first countries to step forward. They have a relatively small border with Afghanistan. They stepped forward and said: Yes, you can use our airbases. We have now, I understand, over 1,000 soldiers on the ground there—not just airmen but soldiers. They said: Yes, you can use our land.

One of the things I am so glad we are going to help them with is, according to the newspaper, there is an island loaded with anthrax. The Soviet Union used this island for testing biological agents. They dumped lots and lots of anthrax on this island. The island at one time was safe. It was in the middle of the Aral Sea, the third or fourth largest sea in the whole world. But the Soviet Union diverted water from that area to grow cotton and therefore dried up this sea.

I went to where the shore used to be and where it now is. You can drive 80 to 90 miles on the dirt and see hulls of ships along the way. The sea has receded that far. The place that used to be an island is no longer an island. You can drive to the anthrax.

One of the things in this legislation is money to allow this Government, the United States, to help Uzbekistan, as indicated we want to do on page 2 of the Washington Post newspaper today.

We are not dealing with that. We are concerned about Senator LEAHY moving judges quickly. We could go through the statistical analysis again. I am sure no one wants to be bored, but it is all in the CONGRESSIONAL RECORD of Thursday where we established that we have done a good job in the short time we have had control of the Judiciary Committee.

This bill has $450 million for steps to combat HIV/AIDS. In Africa today, about 7,000 people will die of AIDS. Tomorrow 7,000 more will die. Thursday, 7,000 more will die. Friday, 7,000 more will die. Seven days a week—weekends are not taken off—they continue to die in Africa because of AIDS. This number is going up, not down.

In 15 years that figure will be up over 10,000 people a day dying in Africa of AIDS. Talk about a plague. This legislation has $450 million for steps to combat HIV/AIDS, maybe the worst global health crisis the world has ever seen. Maybe the bubonic plague, proportionately, was worse. Each day this bill is being held up another 17,000 people are infected with this virus. This money seems to be a lot, but considering the disaster I told you about, it may not be a lot of money. So $450 million is in this bill to combat HIV/AIDS.

What are we doing? We are concerned and are holding up legislation for 3 weeks because Senator LEAHY isn't moving judges fast enough. So 17,000 people a day are infected with AIDS. There are programs—educational and medical—that we have that are fairly cheap now that we can use to stop these infections from running across that continent the way they are.

In this legislation, we have about $4 billion in military assistance, including aid to NATO allies and countries in eastern Europe and central Asia. We are asking some of these countries, as we speak, to help America. We are asking them for overflight and refueling rights for our aircraft and for other support for military personnel. They are risking their lives on the war on terrorism.

We have money—millions of dollars, actually hundreds of millions of dollars—in this bill for programs for poverty which could provide basic education regarding health care, job creation, sanitation, housing, and other efforts in the poorest countries in the world.

We are the only superpower in the world. Don't we have an obligation to spend a tiny bit of the largess of this country to help those who are not as fortunate as we are. In this legislation, there are funds to help eradicate conditions that create breeding grounds for terrorists. Poverty breeds some of the things that we are fighting now. This legislation to help that situation is being held up. Why? Because the Judiciary Committee is not moving judges fast enough. They are moving them but not fast enough.

Next week it will be 3 weeks until Thanksgiving and they want us to do, during that period of time, all these appropriations bills. It can't be done. We need to get to work right now. I would think—but I haven't heard a peep—

that the President would be embarrassed. These are his appropriations bills, his programs.

There is a very close breakdown of the numbers of Democrats and Republicans, so these appropriations bills that come to the floor are really bipartisan in nature. So the administration has tremendous input in what we have in our appropriations bills—in this one specifically because it deals with foreign aid.

This bill has a billion dollars in refugee and disaster aid to deal with humanitarian crises around the world. We all know what is happening in Afghanistan. People are trying to get out of there. They don't like the conditions there. They are afraid. They don't like the oppressive conditions, or the war conditions, which existed prior to the United States taking this action. They need help. All these agencies around the world need help. There is a billion dollars for refugee and disaster aid to deal with humanitarian crises around the world. They are not just in Afghanistan. We have millions of human beings around the world on the brink of dying from starvation. That is what this bill is all about. Try to tell one of those people, most of whom are illiterate, that the Judiciary Committee is moving judges but not quite enough; therefore, we are going to hold up any money that goes to these refugees, all this disaster aid. Millions are at risk of starvation.

In this bill is $856 million in export assistance to help U.S. firms find markets for American products abroad. What does that do? It generates jobs here in America. For that money that we spend, it will come back to us tenfold—or what we would like to spend. But, remember, we can't do that because Senator LEAHY is not moving the judges—fast enough.

It would seem to me if there were ever a time in the history of this country where there is a need for leadership by this country, the United States, now is the time for urgency—here and abroad. Yet at the very time when the President of the United States and his Secretary of State have been traveling—the President just returned from China, where he met with 21 other world leaders, and Secretary of State Powell has been all over, including Pakistan, India, and China, and various capitals around the world, to shore up an international coalition against terrorism—some Republican Senators suggest we should take a timeout because we are not moving judges fast enough.

Should we tell those nations that want our help in combating terrorism that, well, we would like to help everyone, but we are taking a timeout because we need some more judges? I understand the importance of judges. I have already talked about that. Judges are important.

One of the people we are going to vote on this afternoon is a judge from Nevada. We have the most rapidly growing State in the Union and we need judges. We have another vacancy, but the ABA hasn't approved his paperwork. We want his paperwork to be completed. That is the right way. I know Judge Mahan, and I am sure the paperwork is going to come back perfect. I am from Nevada and I know him. Other Senators, other than Senator ENSIGN, do not know him, and we should go through the normal process. That is what Senator LEAHY is doing—going through the ordinary, normal process, which is quite difficult now. Our three office buildings are closed. I am fortunate enough to have an office right off the floor. I had some of my Senate friends drop by yesterday. There is no mail coming into my office or their offices. They needed someplace to go. They dropped in my office. We, I guess, will tell the countries that as for combating terrorism, we have taken a timeout because of the judges.

I understand the importance of judges and all this talk about justice delayed is justice denied. That is talk. These Federal judges work real hard. They are not denying anyone justice.

It is interesting to note that the Chief Justice of the U.S. Supreme Court is not going around the country lecturing about why the Senate is not moving judges more quickly. No one can question Chief Justice Rehnquist's political leanings. He was appointed by a Republican and everyone knows how Republican he is. But he, knowing it was the right thing to do, criticized the Republican majority in the Senate for not moving judges and for holding them up. He is not doing that now.

We are doing the very best we can for these judges under very difficult circumstances. I said this morning, there may be a different agenda here than just judges. Maybe they do not want to move these appropriations bills. Maybe they want the appropriations in one lump sum. Maybe that is what they want. That is what they are going to get. It is a terrible mistake for the country.

Shall we tell our NATO allies or those suffering from AIDS, tuberculosis, or other deadly or preventable diseases that we are going to take a timeout because judges are not moving fast enough? That is the only thing we can tell them. Should we tell the American workers hurt by this slowing economy that we have taken a timeout because Senator LEAHY is not moving judges fast enough—he is moving them but not fast enough?

If he was trying to delay the appointment of judges, would he have held a meeting last Thursday in the President's room to report out judges? Of course not. If he is trying to delay, did he have an excuse not to hold hearings on these judges? He had to prevail upon the Appropriations Committee to get room S–128. As I said, what a disappointment it would have been for my friend, Larry Hicks, who is going to be a Federal judge from the State of Nevada, if Senator LEAHY had canceled that hearing. He had every reason to do so: the anthrax scare, the office buildings closed. But he did not. Larry Hicks was jammed into that hearing room with everybody else.

It was also interesting at that hearing, which I attended because of Larry Hicks, the judge from Nevada, the only people at the hearing were Democratic Senators. We had a few Republican Senators introducing nominees, but I am talking about members of the committee. I did not stay for the whole hearing. Maybe they showed up later.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. REID. I am happy to yield.

Mr. DURBIN. Mr. President, I ask my friend from Nevada if he can explain what happened with the vote this morning on the floor of the Senate.

Mr. REID. I will be happy to explain to my friend.

Mr. DURBIN. This was a vote for cloture to bring a bill before the Senate to be debated; is that correct?

Mr. REID. That is all it is.

Mr. DURBIN. And the bill was the foreign operations appropriations bill.

Mr. REID. That is right.

Mr. DURBIN. It has the request of the Bush administration for foreign operations, and we—at least on the Democratic side—have been trying to bring this bill to the floor for the administration and for the President.

Mr. REID. For weeks.

Mr. DURBIN. For weeks. Included in that bill, is it correct, there is $175 million for infectious disease surveillance programs?

Mr. REID. Yes.

Mr. DURBIN. And $255 million for sheltering of Afghan refugees, the ones we see on the television?

Mr. REID. Yes. I say to my friend, I talked about the $175 million. I did not talk today about the $255 million for Afghan refugees. I say to my friend from Illinois, all one has to do is turn on the news by mistake and in an instant one will find out the problems of these refugees. They are trying to escape the Taliban. They are trying to get out of that country. They want to get anyplace they can to escape the Taliban. They are starving. Their families are spread out all over. Sometimes they are together; sometimes they are not. Some have walked over the passes, such as the Khyber pass and other passes that are almost impassible. They have done it.

The Senator from Illinois is right, that money is being held up.

Mr. DURBIN. Is it not true President Bush has said our war is not against the Afghan people; it is against the Taliban, the terrorists, al-Qaida, and Osama bin Laden? It is not against the Afghan people, is that not correct? Is that not what the President has said?

Mr. REID. The only reason I am pausing before answering—the answer is absolutely yes—I say to my friend from Illinois, the legislation is being held up because Senator LEAHY—if I am not mistaken, my friend is a member of that Judiciary Committee.

Mr. DURBIN. Yes, I am.

Mr. REID. Nobody is criticizing Senator LEAHY for not doing anything. They say he is not doing it well enough, fast enough, and, as a result, we have been in a 3-week filibuster.

Mr. DURBIN. I have not looked closely at this morning's rollcall vote, but is it a party breakdown, Democrats and Republicans?

Mr. REID. One courageous man, TED STEVENS, voted ''present,'' and then he gave a speech from his assigned seat in the Senate Chamber saying, in effect: What in the world is going on here? He said if we have a continuing resolution, and that is what this is all leading up to—I am paraphrasing what he said—but the $255 million the Senator from Illinois suggested for these Afghan refugees will not be there because that is an add-on. A continuing resolution takes into consideration what took place last year.

Mr. DURBIN. So this morning in the Senate Chamber——

Mr. REID. Senator STEVENS said: What is going on here?

Mr. DURBIN. This morning in the Senate Chamber, we had a motion to bring up a bill, which President Bush is asking for, on foreign operations, part of which is to deal with infectious disease surveillance, $175 million, and $255 million to feed these Afghan refugees who are literally dying on our TV screens every night, and we had a party-line vote: The Democrats saying go along with the President, move the bill, give him the money and the resources, do what is important for America, and the Republicans, with the exception of one Senator, Mr. STEVENS who voted ''present,'' all voted not to go to the President's bill on foreign operations appropriations. The reason they have decided to hold back the money for this emergency aid to feed, clothe, and shelter the Afghan refugees is because the number of judges coming out of the Judiciary Committee is not coming out fast enough; is that the argument?

Mr. REID. I am embarrassed for my minority friends to say that is right, they are not moving fast enough.

Mr. DURBIN. I ask, if I may, the Senator from Nevada, is it not also true that more than, I guess, 2 weeks ago we passed an aviation security bill in the Senate 100–0, a bill that was brought to the floor by Senator FRITZ HOLLINGS, a Democrat from South Carolina, and Senator JOHN MCCAIN, a Republican from Arizona? They brought this bipartisan aviation security bill before the Senate to finally have a Federal response to the problem of security at our airports. We passed it unanimously and sent it to the House of Representatives where it has not been called for a vote in almost 2 weeks; is that a fact?

Mr. REID. I respond to my friend in answer to his question, he is absolutely right. It is being held up and it is very clear why: Because the majority whip in the House has said he does not want these employees to be federalized. He wants them to be let out to the lowest bidder, as we have now. The majority whip said, from what I read in the newspaper, that he cannot allow the bill to come up because he does not have enough votes to have his position prevail, so he is just stopping it from coming to the floor.

Mr. DURBIN. Has the Senator from Nevada had the same experience I have since September 11 where he has gone back to his home State and, more often than not, people come up to him and say: Thank you for addressing this problem threatening America in a bipartisan fashion, in working together, standing with the President to fight these battles? Has the Senator heard that in Nevada as often as I have heard it in Illinois?

Mr. REID. I went to a breakfast this morning in Washington, and they say the same thing in Washington that people say in Nevada: What in the world is wrong? Why can't you get this done; why can we not make these people who check our bags, who put food on the airplane, who put fuel in the airplanes, Federal employees so we can make sure they are paid a livable wage?

Mr. DURBIN. And with a background check, with training, with supervision.

Mr. REID. Yes. As the people said this morning and people say in Nevada, and as the Senator said they say in Illinois, that does not sound like too much of a wild concept.

Mr. DURBIN. I ask the Senator from Nevada, is it not a curious situation that the Democrats are now backing the President and wanting to move these things forward and the Republicans are stopping the President's agenda? It is the Republicans stopping the President's request for foreign operations funds to feed the Afghan refugees, $255 million to feed and clothe these helpless innocent people who are literally dying in these terrible conditions. It is the Republican Party of the President that stopped our consideration of this bill this morning, with the exception of one Senator, Mr. STEVENS. And when we are asked time and again, Will you please stand behind the President, maybe we should say to our friends across America who follow this debate: We are standing behind the President; please ask the President's party to stand behind the President. It appears that is where it has broken down.

Mr. REID. I say to my friend in response to his question, we have not seen the pain and suffering and despair in Afghanistan that is going to occur in about 2 or 3 weeks when winter hits.

Afghan winters are known for their brutality. These people know that, and the reason they are trying to get out of there is because of the brutal winters they have in Afghanistan.

The Senator is absolutely right. And I also respond to his question in this manner: The President has received bipartisan support on his issues, whether it was the $40 billion for New York, whether it was the airline bailout, whether it was the work we have done in counterterrorism. Name whatever it is he felt was important, we stood shoulder to shoulder by him.

I say to my friend from Illinois, the distinguished senior Senator from Illinois, I am a little bit disappointed in President Bush. I think he should be trying to help us on this issue and tell his party to back off. He should work with Senator DASCHLE, try to maybe speed things up a little bit, or let him talk to Senator LEAHY or Senator HATCH, but he should be helping us move this bill. This is his bill.

So I say to my friend, in spite of the weeks of bipartisanship, 6 weeks as of today, we have shown this President, the administration has been silent on this 3-week roving filibuster.

Mr. DURBIN. I ask the Senator from Nevada, in this bill, the foreign operations appropriations bill which the Republicans stopped this morning from coming up for consideration, in the committee report on the bill, this bipartisan committee report, it refers to the situation in Afghanistan as, and I quote, ''the most urgent massive humanitarian crisis anywhere.''

We are having this bill held up, but we are turning on our televisions at night, as I saw last night, to see this gripping scene that no father or mother could stand to watch for more than a few seconds of a child lying on the dirt in one of these refugee camps, this Afghan family that fled their country because of their fear of the Taliban and fear of the war. This little child was literally lying there, swathed in blankets and rags, listless and clearly sick, with flies all over her face, and her father trying to swat them away saying: I have nothing to give her. I have no money to buy medicine, nothing.

We see these scenes at night and it tears at our hearts because our war is not against the Afghan people. It is against the terrorists and the Taliban that harbors them. Yet when the President brings us a bill to do something to help those people, the Democrats stand with him and want to call the bill, while the Republicans, his own party, turn their backs on him in what has been described as the most massive humanitarian crisis anywhere.

To say that is a battle worth fighting for, these poor, defenseless, dying people, so the Judiciary Committee could

turn out a few more judges to the satisfaction of some of the Senate Republicans, I do not think can be defended.

Mr. REID. I say to my friend, the then-majority leader, Senator LOTT—and this is not a direct quote, but it is pretty close—when there was a question which came up last year or the year before about judges, said when he went home he did not have anybody ask him about judges.

Well, that is about right. But I do have people ask about anthrax. I do have them ask about threats of smallpox, threats of influenza virus, threats of terrorists generally.

Also, I say to my friend, I spoke very briefly this morning about another crisis we tend not to focus on, but in this bill there is $475 million to help people with AIDS. I say to my friend, as I said earlier, 7,000 people are dying every day in Africa because of AIDS. We have money in this bill to help that plague.

Mr. DURBIN. Yes, we do.

Mr. REID. And that is what it is; it is a plague. The Senator not only is a member of the Judiciary Committee, the Senator is a member of the Appropriations Committee. We work very hard recognizing that AIDS is not an African problem; it is our problem, too.

The money for AIDS education and treatment will be held up. Now they can say all they want, they meaning the minority: We will pass a bill as soon as you give us more judges.

It is not that easy, I say to my friend from Illinois. Thanksgiving is 3 weeks away as of next week. We have conference reports. We have terrorism issues we have to work on, bioterrorism, counterterrorism, and these appropriations bills do not go that quickly. People have the right to offer amendments.

Do they think some magic is going to happen and we are going to do a foreign operations bill in an hour? People want to offer amendments. They want to do things a little differently. That is the American way. That is the way we have been doing things for more than 200 years, but we are in a 3-week fun and games with a filibuster.

Mr. DURBIN. I will give the Senator from Nevada an illustration and then ask him a question. Last Thursday, the Senate Judiciary Committee, when we were operating out of the Capitol, had a hearing for five judges who were brought before us. Of those five judges, it is my understanding four of them will be voted on this afternoon. As to the fifth judge, who is a circuit court judge who has been suggested and was brought before us, we came to learn this circuit court judge has perhaps a thousand unpublished opinions. We have asked this judge to come back once we have seen his unpublished opinions so that before we give him the circuit judge position for life we understand who he is and whether he is the man for the job.

There were some objections raised at the hearing about asking for a second hearing for this judicial candidate. We checked the record, and on at least six occasions during the Clinton administration, a second hearing was requested. Then we asked for the timeframe between the first and second hearing on Clinton judges, when the Republicans were in control. In one case, the nominee waited 2½ years for the second hearing, and in several other cases more than a year for the second hearing.

Now we have the Republicans coming to the floor saying we are not moving this process fast enough. Second hearings are being called for and it could take weeks, when they took the lives of individuals and let them languish for a year or 2 years in this situation.

I say to the Senator from Nevada, Senator PATRICK LEAHY has moved with dispatch with hearings on these judicial candidates. He has held hearings during the recess. He held a hearing last Thursday when the Senate was in a very peculiar situation because of the security concerns on Capitol Hill. He has moved them forward. He has asked that before we approve a person we know their background. I ask the Senator from Nevada, who was in the Senate during the Clinton administration and saw the way Senator HATCH and the Republicans in control of the committee dealt with the nominees, are the Republicans today asking for the same treatment of their nominees as they gave to President Clinton's nominees?

Mr. REID. I say to my friend, one of the biggest fears they have in the world is that we will treat them as they treated us.

Mr. KYL. Will the Senator yield? That was a question directed to my party.

Mr. REID. I say to the Senator from Illinois, I believe in the Golden Rule which says you should treat people the way you want to be treated, and we are not going to treat the Republicans the way they treated us.

I say to my friend from Illinois, he is right. Senator LEAHY has been moving these things very quickly—maybe not quickly enough for some, but he has been moving them.

Since September 11, the Senator from Illinois, as a member of the Judiciary Committee, has been involved in a number of other things. I say to my friend that in addition, we have had in Senator DASCHLE's office this evil person or people send this envelope full of anthrax which has shut down the office buildings in the Senate. Senator LEAHY and the Judiciary Committee and all committees have been working under tremendous hardship, and Senator LEAHY, if we could give him some kind of a medal, he deserves it.

In the President's Room last Thursday, when the House had already gone home and we were in the process of going home, Senator LEAHY held a hearing to report out these four judges. Anyway, he held a hearing back there, a markup back there, and then he held a hearing later in the day down in S–128 on some judges. If he ever had an excuse or ever wanted to slow up these nominations, he certainly would not have proceeded in that manner.

Mr. DURBIN. I add to the Senator from Nevada, I believe there were some 12 U.S. attorneys who were moved in that hearing in the back room, under extraordinary circumstances.

I ask the Senator from Nevada, is he aware of the fact the Judiciary Committee, under Senator LEAHY's leadership, has held seven nomination hearings thus far this year?

In 1989 and 1993, when the Republicans were in control of the same committee, it was November before they held their fifth hearing. So Senator LEAHY has held more hearings, even though we have not been in control for the full calendar year, than Republicans did when they had control of the same committee under a Democrat President, and after that seventh hearing the committee will have held multiple hearings in the same month on three separate occasions, something the Republicans in the Judiciary Committee managed to do only 12 times in 6½ years of leadership.

For those who are complaining about Senator LEAHY's dispatch in dealing with those nominees, I might also say this: The Judiciary Committee has already confirmed eight judges, four for the Federal courts of appeals with several more in the pipeline. This afternoon we will have some district judges considered. That is more appellate judges confirmed in the last 4 months than the Senate confirmed during the entire first year of President Clinton's administration.

Senator LEAHY has brought more Republican nominees for Federal judgeships to the floor in the first 4 months than the Republicans did in an entire calendar year. And they are stopping legislation to provide humanitarian assistance to the Afghan refugees because it is not fast enough? Is that what I understand?

Mr. REID. The Senator is absolutely correct. I would say also that not only has Senator LEAHY and the committee moved the number the Senator has indicated, but he has done it in a short period of time.

Remember, the Democrats only took control of the Senate in June. During the first 6 months of this year, the Republicans did not hold a single confirmation hearing or confirm one.

I will be happy to yield for a question to my friend from Arizona.

The PRESIDING OFFICER (Mr. MILLER). The Senator from Arizona.

Mr. KYL. Mr. President, I guess I will ask a question. I thought there was a

question posed to the minority by the distinguished Senator who said, would Republicans like it if he treated them as they treated us? And I thought, as a Republican, I might be in a better position to answer that than a Democratic Senator.

Mr. REID. Does the Senator have a question?

Mr. KYL. The Senator had an interesting question. I guess I will ask the question to you this way.

Since the distinguished Senator from Nevada has said on more than one occasion that this is not about payback—I think that is a direct quotation, on several occasions—I wonder why, if the withholding of confirmations on judicial nominations is not about payback, that most of the argument that the Senator from Illinois and the Senator from Nevada keep making is how poorly they believe that President Clinton's nominees were treated by Republicans. What relevance would that have, if their action today isn't about payback?

Mr. REID. I will be happy to respond to that question. The purpose of going into what has taken place in the past is, by comparison, to show what was done to President Clinton and was not done for him, compared to what we are doing now.

I spent a lot of time here in the Chamber. The few judges that we got, those were usually held in bundles until we had acted appropriately by virtue of how the majority then thought we should act and then we would get a whole bunch at one time.

We are moving these judges as quickly as we can. We are not holding anybody who is ready for approval. We are holding these hearings as quickly as we can. We hope there will even be a hearing this week, although we don't know where it will be.

I say to my friend, for whom I have the greatest respect, the junior Senator from Arizona—I know he feels strongly about the number of judges. But I think the Senator is not doing the right thing for the country. I think it is very important we move forward on these appropriations bills. I think the situation on judges—whatever number is going to come, we are going to do it regardless of this filibuster. We are going to move the same number of judges that we could and should.

As far as it being payback time, we are not going to have payback time. As I told the Senator from Illinois, the way I feel about this, I believe we should set an example.

You know, you just want people to treat you the way you treat them. We are going to try to do our very best to show the country we are not going to treat the minority, the Republicans, during the time we are in the majority, the way we were treated. We are not going to have people wait around for years for a hearing. We are not, in effect, going to have people wait until they withdraw their nomination.

With all that is going on in the country today—office buildings being closed—I think it is a terrible mistake. We are going to move as quickly, as expeditiously as we can.

As I was saying when the Senator from Illinois stepped on the floor, we have $3.9 billion in this bill for military assistance, including aid to NATO allies, countries in eastern Europe and central Asia. We are asking some of these same countries to really do good things for us. Should we tell our NATO allies that we have taken a timeout? Should we tell American workers hurt by the slowing economy that we have taken a timeout?

I believe global leadership means acting as a leader. We are the only superpower left in the world and we have an obligation to support those who are less fortunate than us. We simply have not done that.

Mr. DURBIN. I ask the Senator from Nevada if he will yield for a question.

Mr. REID. I am happy to yield for a question.

Mr. DURBIN. If I understand what the President has told us repeatedly, our war is not against Islam or the Afghan people. It is against terrorism and the countries that harbor terrorists. In this bill the Republicans have stopped on the Senate floor this morning, the foreign assistance and operations bill which President Bush asked us to pass, which Secretary of State Colin Powell said is important for his operation, the State Department, as he builds this coalition, is it not true we also include in this bill nutrition and health programs for the less fortunate around the world? Is it not also true that many of these programs will be the evidence that many of these people have that the United States is not at war with Islamic people, not at war with a certain religion, that we are, in fact, prepared to help them and help their children?

The fact that this Senate refuses to take up the bill the President has asked for is really hurting the administration's effort. What they are trying to do is send a message around the world. That is how I see it. I ask the Senator from Nevada if he reaches the same conclusion?

Mr. REID. I reach the same conclusion, I say to my friend from Illinois. I studied a map yesterday of Afghanistan and the countries that surround Afghanistan and tried to learn a little more about Afghanistan, as we all are trying to do.

The life expectancy in Afghanistan today is 48 years for a man, 47 years for a woman. That is the life expectancy. In the United States, it is about 80 for both men and women.

Having been in Congress for a number of years, I have had the good fortune, for a number of reasons, to travel to other countries. I can remember going to a number of those refugee camps where food comes from the United States, money comes from the United States, to feed these orphans. A lot of them are orphans. When you go there, they know you are from America and they come, little kids, hanging on to you—some of them with very bloated stomachs, meaning they are malnourished. It is very sad that children who have done nothing to hurt anybody are victims of all this terrorism that is going on. They are victims of all the maldistribution of things around the world.

This bill is an effort by the United States, the way I see it in my eyes, to give just a little bit of the plenty that we have to help some of the less fortunate around the world.

This foreign aid bill is just a small amount of money of the trillions of dollars that we deal with here in Washington. But it is important to those countries. The Senator from Illinois is absolutely right. This money goes to people, mainly children around the world, who need help.

Mr. DURBIN. I ask the Senator from Nevada, I had the same experience he did in India and Bangladesh, India, a Hindu country and Bangladesh, largely Muslim. What I found was the poorest of God's creatures on Earth, people, literally mothers trying to raise children with nothing—nothing—who worried day to day whether they could feed them, and the United States, in its compassion, its understanding of its obligation to those less fortunate, provides financial assistance to the charitable organizations. In one case, in India it was Mother Teresa who was taking the money and feeding the poorest people. In Bangladesh, it was other organizations.

To make certain the record is clear, the money that these organizations would receive would come through this bill, this foreign operations appropriations bill which has been stopped on the floor of the Senate—according to the Senator from Nevada for almost 3 weeks or more—because some, in fact all Republican Senators but one—believe they want to stop the President's bill that would provide this food and medical care for the poorest children on Earth because they are not getting judges through the Senate Judiciary Committee at a fast enough pace.

Is that their argument?

Mr. REID. The Senator is absolutely right.

I want to stress this again. They acknowledge that they are getting judges, but they are not getting them fast enough, in spite of the September 11 terrorist acts and in spite of the anthrax terrorism. They should join with us to move this as quickly as possible.

The Judiciary Committee has maintained a steady schedule of hearings on judicial nominees of President Bush. We have confirmed twice as many judges as were confirmed in the same period of time during the two previous

administrations. Remember that in one of those administrations there was a Democratic President and a Democratic Senate. Alongside the passing of an antiterrorism bill, we have continued to hold hearings on judicial nominees and to bring them to the Senate floor.

I don't know what more we can say. We have brought them to the floor for confirmation.

At a time when we have tried in every way to support the President's priorities, it is unfortunate that so soon after September 11 the Republican leadership seems to care more about its partisan political priorities than it does moving these nominees.

I think this deals with more than just judicial nominees. I think some people do not like foreign aid and the foreign aid bill. This is their way to kill something they really do not like. They are afraid to come on the floor and vote against this bill and offer amendments to this bill. They are going to do indirectly what they cannot do directly. They are saying this is about judges. I think what they want is a foreign aid bill such as we had last year with no new items in it: The Afghans—they will survive for centuries. A few will die. Let them die. So we cause a few problems. They deserve it.

I don't know what is going on here. But I think there is a different agenda. I think it is more than judges. I think they don't want this bill to go forward.

We have all been to townhall meetings. It is hard to defend foreign aid. Why are we giving money to those countries when we have people in America who are hungry?

I always supported foreign aid in the International Relations Committee in the House. I have always supported foreign aid bills. I have never voted against a foreign aid bill, and I don't intend to, because this superpower, of which I am a proud citizen, has the obligation to dispense a tiny bit of its largess on those who are less fortunate.

I think there is a different agenda here. I think people do not want to come forward and vote against a foreign aid bill. I think they want to be able to go home and say, we passed a foreign aid bill that is no bigger than it was last year.

Mr. DAYTON. Mr. President, will the Senator yield for a question?

Mr. REID. I am happy to yield to the Senator from Minnesota.

Mr. DAYTON. I thank the Senator from Nevada.

Our friends are talking about the consequences for this particular piece of legislation. I guess I see other consequences as well. I would like to ask the assistant majority leader and the distinguished Senator from Illinois a question.

We have been through this process before. The clock is ticking. As the Senator from Nevada said earlier, there are only 3 weeks until Thanksgiving, and I assume we want to go home for Thanksgiving. Then there are a few more weeks until Christmas and New Year's. I assume people want to go.

I look at the agenda in terms of the prescription drug coverage for senior citizens, which is something about which I have been concerned and I know the seniors in Minnesota are desperately concerned.

I want to ask the Senators who have been here longer than I: When we go home for the holidays or adjourn for the year, and we are out of time to deal with some of these other important issues as well, should I tell the senior citizens from Minnesota that the reason we couldn't get prescription drug coverage is that we were sitting here week after week getting delayed on these votes and not even getting to the bills, so we did not have time to go on to anything else?

It looks as if that is another one of the consequences of what is going on. Is that the case?

Mr. REID. It appears very clear that we don't have time to do all the things that need to be done. Those issues about which we felt so strongly prior to September 11 are issues that are still important to the American people: Senior citizens, and the cost of medicine. The cost of health care is going up. Prescription drug costs are going up.

People are literally having to make decisions whether they are going to eat or get drugs. I have talked to them. People are supposed to take one pill a day. They break the pill in half. They take one-half of a pill each day. That isn't good for them. But it is better than nothing. We have people simply making the choice of whether they are going to eat this week or whether they are going to buy their medicine.

We know there are important issues dealing with education that we haven't talked about for weeks. We know there are things we need to do about people who are working. We have a lot of minimum-wage jobs around the country. These are not people who are working at McDonald's flipping hamburgers. Sixty percent of the people who draw minimum wage are women. That is the only money they get for them and their families.

Do we need a minimum wage adjustment? You bet we do. Things such as the Patients' Bill of Rights—that is just as important today as it was prior to September 11.

What about campaign finance reform? That is important. But these are issues we have pushed way back on the calendar.

I am willing to recognize that we have had many important things to do. But wouldn't it be nice if we were not in a filibuster, to have finished our appropriations bills by now and spent a little time on education? President Bush said that is his No. 1 priority. All he has to do is tell his friends over here to let us move on some of these appropriations bills.

I also say to my friend from Minnesota that not only do we have these things that are important which we need to deal with, but we also have counterterrorism legislation which is not yet completed.

The Senator from Illinois and I talked a little on the floor today about airline security legislation which is hung up over in the House because of the evil of federalism.

We have a lot to do with very little time to do it. Certain things we can adjust but time we can't. Time moves on. We cannot stop the movement of time. We can only do certain things for a certain period of time. Time runs out. Time is running out. The fiscal year ended a long time ago. We are having a series of short-term funding resolutions, which in the long term hurts the country. We should have the appropriations bills finished and not be doing them at last year's level. We have different problems than we had last year. That is an understatement.

I hope there will be some serious discussion about whether or not we are going to continue this filibuster for another few weeks. It is obvious to me that they are together on it. We had one person vote ''present.'' Everybody else voted like lemmings going over the cliff.

I have the good fortune of being a lawyer. I am proud that I am a lawyer. I am proud that I was a trial lawyer. I tried lots of cases before juries. As I said earlier today, I wish I could try this case to a jury. We would win it so easily. They have no case. Hopefully, with the discussion today, maybe there is a jury out there; it is a jury that I can't see. There are not 12 people in the jury box here to whom I am speaking, but maybe this is the unseen jury of the American people. Maybe they can see through this facade. Maybe they can see. They know what it is. It is a political trip that is not good for the American people. It is holding up judges when we have people who need programs that this bill will fund.

Other bills are being held up. Agriculture appropriations and other bills are being held up. My friend is certainly on the right track.

Mr. DAYTON. Mr. President, will the Senator yield for a question?

I have been asked by the people in Minnesota as to our agenda—for example, why we have not taken up agriculture. We have sugar beet farmers in Minnesota who are literally going bankrupt and are waiting for that appropriations bill to see if there is funding included that will rescue their operations from bankruptcy. We have seniors in Minnesota who are asking why we have not taken up prescription drug coverage.

Why are we meeting here? As the Senator said, when we have education matters, which the President has said are a priority, when we have an economic stimulus package that the President has asked us to act on, when all these matters are not addressed, as I read the calendar, they could be left undone this year.

When I go back to Minnesota and am asked why we have not gotten them any of this broad agenda that affects people not just in Minnesota but all over this country, the answer should be because we sit here week after week not being able to take up legislation that is bipartisan because they are not happy with the pace of judges. It all comes down to that. Is that the Senator's understanding?

Mr. REID. I say directly to my friend from Minnesota, you are exactly right. You go back to Minnesota and tell your sugar beet farmers, we cannot take up an appropriations bill because we are not moving judges fast enough, according to the Republicans.

I went to Minnesota. You and I met with some seniors when we were campaigning. That was your No. 1 issue. You can tell them you are sorry we have not been able to take this up, but we have been tied up with a very important issue; that is, we are not moving judges fast enough. So you can tell them that. That is basically what you can tell them.

Mr. DAYTON. I say to the Senator, ''fast enough'' is a relative term, as I understand it. It is sort of in the eye of the beholder.

As I understand it, Senator LEAHY, chairman of the Judiciary Committee, held a hearing and squeezed it in here, literally and figuratively, last week so we could move judges forward. I know the bench is full in Minnesota.

The people's agenda, the whole agenda of the United States of America is on hold because a group says we are not moving judges fast enough. Is there a measure of what is ''fast enough'' in the Senate?

Mr. REID. The answer to the question is, you are correct; it is in the eye of the beholder. It absolutely is.

Mr. DURBIN. Will the Senator yield for a question?

Mr. REID. I am happy to yield for a question.

Mr. DURBIN. I thank the Senator from Minnesota for addressing other items on the agenda which we cannot get to because of this Republican filibuster over the pace of judges.

I say to the Senator from Nevada, what we are looking for now, if I am not mistaken, is what—eight or nine more Republican Senators who will decide that it is time to put an end to this charade that has gone on for so many weeks. If we can get eight or nine Republican Senators to come forward, we can finally invoke cloture, bring the President's bill that he requested to the floor, and provide the assistance for these starving refugees who are coming out of Afghanistan.

I ask the Senator from Nevada, am I correct that is what we are looking for, another eight or nine Senators to come forward on the Republican side?

Mr. REID. I answer my friend, the distinguished Senator from Illinois, by saying it would be patriotic, in my view, to have a few people break away over there, step forward and say, I think this has gone on long enough. A 3-week filibuster is pretty good in holding up legislation for a period of time.

I think if we had nine Senators step forward, we would be able to break the filibuster and move forward on these appropriations bills. And then, as the Senator from Minnesota said, maybe this bowl of jello that says how many judges the American people are entitled to can work out somewhat.

I want everyone to be reminded that Senator LEAHY is a veteran legislator. On September 11, Senator LEAHY was forced into a new direction. He had to tell the members of his committee, such as the Senator from Illinois, that we had to do different things. As a result of that, he, as the leader of that committee, worked day and night for weeks to come up with a counterterrorism bill. It is not as if he has not had anything else to do. And then, I repeat, we have had the anthrax problem.

Again, he does not even know if some of the judges have responded to some of the questions sent to them. He is not doing anything that unique or different. He may be asking some questions a little differently, but from the beginning of time in the Senate, when we have confirmed Federal judges, people on the Judiciary Committee have had the right to ask questions. I am not on the Judiciary Committee, but I can send a question to you, and you can ask a question that is entirely appropriate. Or when a judge is placed on the calendar—like I made an announcement earlier today on behalf of Senator DASCHLE. I said, we cannot hotline everybody as we normally do, but we have nominations on the Executive Calendar, and we are going to try to clear a lot of them. So if anybody has any objection to these people, such as John Marburger, to be Director of the Office of Science and Technology Policy, let us know. If you have a problem with CPT Duncan Smith, let us know. If you have a problem with Eugene Scalia, to be Solicitor for the Department of Labor, let us know. There is a whole list.

We have a lot of U.S. attorneys who have been cleared. We have a couple people on the Executive Calendar from Nevada, such as Jay Bybee, to be an assistant attorney general, a very fine man. Anyway, we have a lot of people. We have a nominee to be U.S. Attorney for the District of Nevada.

Mr. DURBIN. May I ask the Senator from Nevada a question?

Mr. REID. I am just amazed at this kind of loosely knit problem we have where they say we are not moving fast enough. The Senator from Minnesota asked, what is ''fast enough''?

Mr. DURBIN. I might ask the Senator this.

Mr. REID. I am happy to yield for a question.

Mr. DURBIN. If the Senator would respond, this foreign operations appropriations bill, which the President has requested, which the Democrats are prepared to bring to the floor to help the President in this effort against terrorism, stopped by the Republicans again this morning, with the exception of Senator STEVENS—and I applaud him; he has always been a man who has charted his own course. He broke ranks with the Republicans and said: Enough is enough. I salute him for that.

This bill, which the Senator from Nevada appreciates, I am sure, as I and other Members do, is a life-and-death bill for a lot of people around the world. The Senator from Nevada earlier mentioned the AIDS victims in Africa where 25 million people are infected and there are 15 million AIDS orphans. There is money in this bill to help these children and to help these families try to cope with this health crisis. There is no doubt in my mind, the failure to send the money is going to lead to the loss of life.

When it comes to feeding programs for the Afghan refugees, there is $255 million. The failure of the United States to send the money President Bush has asked for to help these Afghan refugees will take lives. People will die because we do not move as fast as we should.

Does the Senator from Nevada have a suggestion from the Republican side that if we give them a certain number of judges, then they will be willing to give a certain amount of money to send to people who are starving to death around the world? Are they negotiating in those terms as to how many judges they will need before they can support their own President's foreign operations appropriations bill?

Mr. REID. If I could just take a minute to answer the Senator's question, this negotiating has been a little bizarre, for lack of a better description. I personally negotiated with a number of Senators on the other side. Finally, the majority leader said: You keep coming to me with different people negotiating for judges. Who is speaking for the minority as to the number of judges? I think that was a pretty good question Senator DASCHLE came up with.

Then I was told I could negotiate with my counterpart, the minority whip, Senator NICKLES. So we met on a couple occasions, and I thought we had a good understanding of what they

wanted and what we could do. But that all fell apart because other people now are speaking for the other side.

So the direction I had to work with Senator NICKLES is no longer the case. I do not know what they want. That is why I think there may be some other agenda. I think it may be more than just judges, although maybe they are holding up all this important legislation for judges.

Before the Senator asks another question, let me also say this: The Senator is a veteran legislator, having come to be elected in 1982. You know how this institution works. And you have served in the Senate for a number of years. You can remember the trouble we had getting Ambassadors when they were in the majority. They would load them up and finally we would have them. It was hard to get Ambassadors.

There has not been a peep out of them for Ambassadors. Why? Because we have been approving Ambassadors every time. Senator BIDEN gets these people out just as quickly as possible. We do not want a single post to be vacant, like they were vacant under President Clinton because they would not even give some of these people hearings.

So we are doing what is right for the country. We are not holding up Ambassadors, as they did to us. We are not holding up judges, as they did to us. We are treating them as they did not treat us. That is the right thing to do.

I would be happy to respond to another question from my friend from Illinois.

Mr. DURBIN. I say to the Senator from Nevada, based on what he just told me—that the Republicans have not even come forward with a request, a negotiated plan on these judges—I have to agree with the Senator from Nevada; I do not understand what their agenda is.

I can tell you what the result will be. Because they refused to bring President Bush's bill up to fund the State Department and other critical agencies, they are taking away from their President part of the authority he is asking for Congress to give him to wage this war successfully, part of which obviously has to do with military expenditures, intelligence expenditures. Another has to do with building a global coalition.

What the Republicans have said is: Mr. President, we are not going to stand with you. You can wait for an indeterminate amount of time for an indeterminate reason before we will give you our support.

The Democrats in the Senate are standing with the President. The Republicans in the Senate have shunned him, turned their backs on him. The net result of this, as we delay, is clearly going to be the loss of life. It clearly means that refugee children and others around the world who are waiting for U.S. assistance will not receive it in a timely fashion because of the Republican agenda on the Senate floor. That is certainly unfair to the President. It is certainly inhumane when it comes to these poor children and others around the world.

I sincerely hope that a number of Republican Senators, at the luncheon they are about to have, will stand up with Senator STEVENS and say enough is enough. It is time for us to get behind the President, get the business of the Senate moving forward in a bipartisan fashion again.

I might ask the Senator from Nevada, before I close and yield to others who might ask questions: A similar thing is happening with aviation security, is it not, in the House? This is a bill we passed 100–0. People have come up to me on the street in Chicago, at Marshall Fields department store on Sunday. I was spending a few minutes looking around. A couple fellows asked: Aren't you Senator DURBIN? We want to talk to you about aviation security, airport security. And we want to know whether it is safe to fly.

We passed a bill which has sky marshals, which has perimeter security around airports, which professionalizes the screening at airports so we can have confidence that we have the best people with background checks and training and supervision and national standards, just as we had with air traffic controllers, having them working security at airports. That bill has been stopped in the House of Representatives by the majority whip, TOM DELAY of Texas, who objects to the idea of Federal employees being involved. So here in the Senate we can't move the President's bill for foreign operations to deal with our war against terrorism, and over in the House of Representatives they can't move the bill for aviation security.

In both instances, is it not true it is the President's party that is stopping a bill the President is asking for?

Mr. REID. The Senator from Illinois is absolutely right.

The Senator asked the question about the negotiation part of it. Our leader is Senator TOM DASCHLE. He has 50 people who support him in our caucus on everything. He is our leader. We recognize that. He is a man of great patience. I have worked with him, served with him in the House. We were elected to the Senate at the same time. We work very closely together. I have never served politically with anyone with as much patience as he has.

Mr. DURBIN. I agree with the Senator.

Mr. REID. Even TOM DASCHLE's patience has run out on this roving filibuster on judges. The Senator asked me what has happened on the negotiations. This is foolishness. We have three office buildings closed. Senator LEAHY just came upon the floor. He can't go into his office. He can't go into his personal office. He can't go into the Judiciary Committee office.

What in the world is the man supposed to do? Can't we move forward on these appropriations bills? This is a travesty. It is a travesty of the American political system to hold these programs up because we are not approving enough judges because this man here is not leading the Judiciary Committee properly.

I was on the floor Thursday. This is one thing I said. The Senator was not on the floor. I want to say it right here again, the last thing I said:

> Why hold up these appropriations bills? It is not going to speed things up. Now we are going into the third week with a filibuster. It is wrong, and I am very sorry it is happening. But no one is going to denigrate PAT LEAHY while I have an ounce of breath left in my body.

That is how I feel about it. This man is being slandered. I think it is awful what is happening here, what is happening to this man and to this institution. I have lived on the Senate floor. I have worked day and night helping them move appropriations bills, helping them, going to you and to you and to you, saying, don't offer that amendment; we need to move this; it is for the country. And we came through every time.

Here we have this bill being held up because we are not moving enough judges. I think it is horrible. I think it is wrong.

I yield to the Senator from Vermont for a question.

Mr. LEAHY. I am sure the distinguished senior Senator from Nevada knows how much I appreciate his kind words of support. And of course our friendship, of nearly a generation now, I value as much as any friendship in this body. It is interesting, I wonder if the Senator from Nevada knows that last week when a number of buildings were being closed down and all, I had several members of the other party come to me and tell me privately: I assume, of course, you won't have an executive meeting and pass out judges; you certainly aren't going to be able to have any hearings on judges.

In fact, some of them were saying they not only assumed that, they hoped I wouldn't because they wanted to get out of town.

The Senator from Nevada told me one of President Bush's nominees had made a 3,000 mile trip here and is there some way we could hold the hearing for this Republican judge, having made the trip. Of course, I had the hearing. Of course, we met. In fact, we had a picture in one of the papers showing we had about 100-some-odd people crowded into the President's room and a couple other people crowded into Senator BYRD's Appropriations committee room to have both of the hearings. We voted out about 20 nominees between

U.S. attorneys and judges. And then we had a hearing on four or five more judges that afternoon, even including one from a State where the Republican Senator didn't bother to show up.

Mr. REID. Before we go out, I want to respond to the Senator's question. First of all, I appreciate the friendship that we have. I say this for the institution, I say to my friend for the institution. I would have stood to defend this institution. You are part of this institution, and the institution we call the U.S. Senate is also being defamed. This is not the way to legislate.

Yes, Larry Hicks flew from Nevada to here, as did other people fly from around the country. What a disappointment it would have been to Larry Hicks and to the other people if they had come back here to find out the meeting was canceled. No one could have criticized you for canceling that meeting.

Anthrax was present. People were being treated for anthrax poison. No one could have criticized you. But you not only held a markup back here; you went down on the first floor and held a hearing. I said earlier today, if we passed out medals in the Senate, you would deserve a medal for what you did last week. To have people criticizing you and your committee for not moving fast enough is disgraceful.

Mr. LEAHY. I thank my colleague.

Mr. DAYTON. Will the Senator yield?

Mr. REID. Our time is up. I think it is time to go out.

The PRESIDING OFFICER. Forty-five seconds remain.

Mr. DAYTON. I was going to ask how many of these instances have occurred. The U.S. attorney from Minnesota, a Republican friend of mine, high school classmate who was appointed, Senator LEAHY went to finish the paperwork himself to get him expedited through the process. I wonder how many of these have occurred.

Mr. REID. I think we are going to report out 13 of these today that he did not have to do but he did.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until the hour of 2:15 p.m.

There being no objection, the Senate, at 12:30 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CLELAND).

The PRESIDING OFFICER. In my capacity as a Senator from Georgia, I suggest the absence of a quorum.

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.

EXECUTIVE SESSION

NOMINATION OF JAMES H. PAYNE TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN, EASTERN, AND WESTERN DISTRICTS OF OKLAHOMA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the nomination of James H. Payne, of Oklahoma, which the clerk will report.

The assistant legislative clerk read the nomination of James H. Payne, of Oklahoma, to be United States District Judge for the Northern, Eastern, and Western Districts of Oklahoma.

Mr. LEAHY. Mr. President, today the Senate will confirm four additional Federal judges. These nominees all participated in hearings on October 4 and were reported unanimously by the Judiciary Committee last Thursday, when the committee persevered with our previously scheduled meeting in spite of the extraordinary circumstances that prevailed here on Capitol Hill.

In spite of the postponement of other matters by other committees, in spite of the closure of the Dirksen Senate Office Building and the unavailability of our hearing and meeting room and in spite of our continuing focus and efforts to finalize an antiterrorism bill, last Thursday the Senate Judiciary Committee proceeded to meet and report these 4 judicial nominees, 13 nominees to be U.S. attorneys for districts around the country and an Assistant Attorney General for the Department of Justice. Then, last Thursday afternoon we held a hearing for an additional five judicial nominees that was chaired by Senator SCHUMER, which I attended along with Senators KENNEDY, DURBIN, and DEWINE.

Thus, last week while Republicans were voting as a bloc to filibuster the foreign operations appropriations bill and stall initiatives vital to building an international anti-terrorism coalition, the Senate Judiciary Committee continued to do its work. Two weeks ago the Senate confirmed our fourth court of appeals judge for the year, topping the total confirmed in the first year of the Clinton administration and topping the zero from 1996 when a Republican majority in the Senate refused to confirm even a single nominee to the courts of appeals all year.

Two weeks ago the Senate also confirmed another district court nominee. That brought the total judges confirmed so far this year to eight, exactly twice the number that had been confirmed by the same time in the first year of the first Bush administration and by the same time in the first year of the Clinton administration. In spite of our record pace since July in confirming judicial nominees, every Republican Senator voted last week to stall Senate consideration of a vital appropriations bill ostensibly to ''protest'' what they contend is a supposed ''slowdown'' on the consideration of judicial nominees. The facts belie their unfounded contention.

The Senate's continuing progress in spite of the numerous roadblocks and obstructions erected by Republicans throughout the year was evidenced again last Thursday and will be again today when the Senate votes to confirm another four judges.

At the end of this series of rollcall votes on these district court nominees to fill vacancies in Oklahoma, Kentucky, and Nebraska, the Senate will have confirmed 12 judges since July. Since I became chairman, Republicans finally allowed the Senate to reorganize at the end of June and Members were assigned to the Judiciary Committee on July 10, the committee has held seven hearings involving judicial nominees.

We have already held as many hearings for judicial nominees as were held during the first year of the first Bush administration and more than were held during the first year of the Clinton administration. In addition, I have scheduled an eighth hearing involving judicial nominees for this week.

Our Republican critics have come up with a new statistic in an effort to diminish our accomplishments. Last week they took to talking in terms of average judges per hearing. Since it is their statistic, I guess they can figure it any way they want. I would observe that I can find no time this year when we had included only 1.4 judicial nominees per hearing. I should also observe that after the hearing on Thursday we will have included 23 judicial nominees at eight hearings. Even ''fuzzy math'' would have to concede that we are at more than double the ''average'' Republicans cite.

They do not explain that when President Bush unilaterally decided to change the more than 50-year-old practice of involving the American Bar Association in professional peer reviews while nominations were being considered, and that his decision has had consequences at other stages of the process. They do not acknowledge that only two of this President's first 18 nominees were for district court vacancies. They are oblivious to the fact that when early hearings were noticed and held many of these nominees had not completed paperwork and complete files.

They ignore the structure and practice for judicial confirmation hearings that has been followed by Republican and Democratic chairmen of the committee for more than 25 years in including three to five district court nominees with a nominee to a court of appeals and to the extent district court nominees did not have completed files or were controversial and not rushed

into a hearing there might be a good explanation for the lack of a full complement of nominees at a hearing. They refuse to acknowledge the extraordinary parallel effort we continue to make to hold hearings for the numerous executive branch nominees that are simultaneously pending.

They are apparently frustrated that we have already confirmed four nominees to the courts of appeals and will match and likely exceed the number of court of appeals nominees confirmed in either 1989 or 1993. They seek to discount the judges confirmed by referring to three of them as ''Democrats.'' These are nominees from President Bush that they have somehow determined are ''Democrats'' and whose confirmations should not be considered or counted in their partisan view, I guess.

The answer to their criticism is very simple: Since July 11 we have held 7 hearings and included 19 judicial nominees. That is more nominees than received hearings by October 18 in the first year of the first Bush administration or by October 18 in the first year of the Clinton administration. Thus, whether measured by confirmations or by judicial nominees who have received hearings, in spite of the change in majority in the middle of this year and the delays that Republicans have caused in the process of reorganizing, we are ahead of the pace of the first year of the Clinton administration and the first year of the first Bush administration. The Republicans' charges of a slowdown could not be farther from the truth.

The Senate Judiciary Committee and the Senate are on pace to match or exceed the confirmations of judges at the end of the first year of the Clinton administration and at the end of the first year of the first Bush administration.

In order to obscure this record pace, our Republican critics compare where we are now, on October 23, with where those Senate's were after they adjourned in late November. The facts are that on October 23, 1989, the Senate had confirmed only seven of President George H.W. Bush's judicial nominees. On October 23, 2001, this year we will have confirmed 12 of the judicial nominees of President George W. Bush.

Among the seven nominees confirmed by October 23, 1989 were three to the courts of appeals. This year we have already confirmed four judges for the courts of appeals.

By October 23, 1993, the Senate had confirmed eight judicial nominees for President Clinton. Today we confirm our 9th, 10th, 11th, and 12th judicial nominees since July this year. Among the nominees confirmed by this date in 1993 were two nominees to the courts of appeals. This year we have already confirmed four judges to the courts of appeals.

We are actually confirming more judges and confirming them faster than in either of the first years of either the Clinton or first Bush administration. In addition, I suspect that we are acting faster with respect to more judges, including more nominees to the courts of appeals, than at virtually any time during the last several years in which a Republican majority controlled the Senate and the Judiciary Committee and President Clinton was doing the nominating.

Further, in addition to the 12 judges the Senate has confirmed, the Senate Judiciary Committee has included seven additional nominees in confirmation hearings and I have scheduled another hearing later this week for another four judicial nominees, as well as another Department of Justice nominee. Thus, by the end of this week, in addition to the dozen judges confirmed, another 11 will have had hearings before the committee. If the Senate remains in session this year as late into November as it did in 1989 and 1993, we may have the opportunity for another hearing involving several more judicial nominees.

The record of the Senate since July is a good one. In spite of unfair criticism and the wrongheaded delays and obstruction of Republicans, the Senate remains on track to meet and exceed the judicial confirmation totals for the first year of the first Bush administration and the first year of the Clinton administration.

Mr. NICKLES. Mr. President I am pleased that the Senate today will confirm two outstanding jurists, Claire V. Eagan and James H. Payne, to be U.S. District Court judges in my State of Oklahoma.

President Bush could not have chosen two finer individuals to serve our country as district court judges.

These individuals are exceptionally well-qualified and will prove to be great assets to the judicial system in Oklahoma and our country.

Judge Eagan has been confirmed to serve as district judge for the Northern District of Oklahoma. She is currently a U.S. magistrate judge for the northern district where she has served for 3 years. Prior to that she served as a litigation attorney with the firm of Hall, Estill for 20 years. During that time, she handled a wide array of litigation as well as significant pro bono work and bar activities.

As a magistrate, she has gained judicial experience in criminal, civil, habeas, and bankruptcy matters. She also supervised the court's settlement program and devoted considerable time to early case resolution.

Judge Eagan is recognized as both a leader and instructor in the fields of trial and appellate practice and alternative dispute resolution. She has served on the faculty at the University of Tulsa College of Law and as an adjunct settlement judge for Tulsa Country District Court.

Judge Payne has been confirmed to serve as district judge for the Eastern District of Oklahoma. He is currently a U.S. magistrate judge for the Eastern District of Oklahoma where he has served for 13 years. Prior to that he served as a private practice attorney with the firm of Sandlin and Payne for 15 years, handling civil matters. He also served 3 years as an assistant U.S. attorney for the eastern district. He has maintained an active role in the community by providing pro bono services to several local charitable organizations.

As a magistrate, he has gained experience in a broad range of criminal and civil issues. He has implemented an Alternative Dispute Resolution Program for the Eastern District of Oklahoma, which has allowed him to conduct an average of 100 settlement conferences per year.

Following graduation from the University of Oklahoma College of Law, Judge Payne's 30-year legal career has included military service as an Air Force Judge Advocate General officer.

I thank Chairman LEAHY, Ranking Member HATCH, and the Judiciary Committee for their work on these nominations.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of James H. Payne, of Oklahoma, to be United States District Judge for the Northern, Eastern, and Western Districts of Oklahoma? The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 307 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.

Mr. LEAHY. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I ask unanimous consent to make an announcement.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, there were a number of hearings scheduled for today and tomorrow in the Judiciary Committee, hearings to be chaired by Senators SCHUMER, BIDEN, and FEINSTEIN, which have been postponed. The reason we have done this is because of all the conditions of rooms and all, so we can save the time for the nominations hearing which has been scheduled for Thursday afternoon to be chaired by Senator EDWARDS, provided we can find the room for it. That will go on. The others are routine hearings which can be done at any time.

NOMINATION OF KAREN K. CALDWELL, OF KENTUCKY, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF KENTUCKY

The PRESIDING OFFICER. The Senate will now proceed to the consideration of the nomination of Karen K. Caldwell, of Kentucky, which the clerk will report.

The assistant legislative clerk read the nomination of Karen K. Caldwell of Kentucky, to be a United States District Judge for the Eastern District of Kentucky.

Mr. BUNNING. Mr. President, I rise in strong support of the nomination of Karen Caldwell to be a Federal District Court Judge for the Eastern District of Kentucky.

Karen has the qualities that will make her a fine judge—knowledge of the law, calm and respected demeanor, and obvious intelligence.

She has had an outstanding professional career that has prepared her well to sit on the bench. She is a former Assistant U.S. attorney for the district, rising to become Deputy Chief of the Civil Division. From 1991 to 1993, she served as the U.S. attorney for the eastern district. Among the notable prosecutions during her tenure was her office's prosecution as part of Operation Boptrot, the Federal sting operation that led to the conviction of a number of public officials and lobbyists in Kentucky.

It was a difficult and complex case, both legally and politically, and she handled it with great skill. In short, Karen's work helped restore public confidence in elected officials in our Commonwealth.

Since leaving the U.S. attorney's post, Karen has specialized in complex civil and criminal litigation at one of Kentucky's leading firms. She has won numerous awards for the quality of her work, and has truly made a mark in Kentucky. It is only natural now that she rise to the bench.

I urge the Senate to support this nomination. The President made a great choice by selecting her for the bench, and she is going to be a fine judge, not just for the people of the eastern district, but for our entire Nation.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Karen K. Caldwell, of Kentucky, to be a United States District Judge for the Eastern District of Kentucky?

On this question the yeas and nays have been ordered. Under the previous order this will be a 10-minute vote.

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. 308 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.

Mr. LEAHY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

NOMINATION OF LAURIE SMITH CAMP, OF NEBRASKA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEBRASKA

The PRESIDING OFFICER (Ms. STABENOW). The Senate will now proceed to the consideration of the nomination of Laurie Smith Camp, of Nebraska, which the clerk will report.

The assistant legislative clerk read the nomination of Laurie Smith Camp, of Nebraska, to be United States District Judge for the District of Nebraska.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Laurie Smith Camp, of Nebraska, to be United States District Judge for the District of Nebraska? On this question the yeas and nays have been ordered. The clerk will call the roll.

The senior assistant bill clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 309 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.

Mr. LEAHY. Madam President, 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.

NOMINATION OF CLAIRE V. EAGAN, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA

The PRESIDING OFFICER. The Senate will now proceed to consideration of the nomination of Claire V. Eagan, of Oklahoma, which the clerk will report.

The legislative clerk read the nomination of Claire V. Eagan, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Claire V. Eagan, of Oklahoma, to be United States District Judge for the Northern District of Oklahoma? 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 West Virginia (Mr. ROCKEFELLER is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 310 ex.]

YEAS—99

Akaka	Dorgan	Lott
Allard	Durbin	Lugar
Allen	Edwards	McCain
Baucus	Ensign	McConnell
Bayh	Enzi	Mikulski
Bennett	Feingold	Miller
Biden	Feinstein	Murkowski
Bingaman	Fitzgerald	Murray
Bond	Frist	Nelson (FL)
Boxer	Graham	Nelson (NE)
Breaux	Gramm	Nickles
Brownback	Grassley	Reed
Bunning	Gregg	Reid
Burns	Hagel	Roberts
Byrd	Harkin	Santorum
Campbell	Hatch	Sarbanes
Cantwell	Helms	Schumer
Carnahan	Hollings	Sessions
Carper	Hutchinson	Shelby
Chafee	Hutchison	Smith (NH)
Cleland	Inhofe	Smith (OR)
Clinton	Inouye	Snowe
Cochran	Jeffords	Specter
Collins	Johnson	Stabenow
Conrad	Kennedy	Stevens
Corzine	Kerry	Thomas
Craig	Kohl	Thompson
Crapo	Kyl	Thurmond
Daschle	Landrieu	Torricelli
Dayton	Leahy	Voinovich
DeWine	Levin	Warner
Dodd	Lieberman	Wellstone
Domenici	Lincoln	Wyden

NOT VOTING—1

Rockefeller

The nomination was confirmed.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that the time between now and 4:45 be equally divided between the majority and minority for morning business, with Senators allowed to speak therein for up to 10 minutes, with the exception of Senator DODD who wishes to speak for 10 minutes; that at 4:45 the Senate would move to H.R. 2506, that the committee substitute be agreed to, that it be considered original text for the purpose of further amendment, and that no point of order be waived.

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

The Senator from Connecticut.

PHARMACEUTICAL PRODUCTS, BIOTERRORISM AND OUR CHILDREN

Mr. DODD. Madam President, I have two subject matters I want to address. I will take the first 10 minutes or so with my colleague from Ohio to talk about the issue of children and bioterrorism, a matter I shared for many years working with the Senator from Ohio particularly dealing with pharmaceutical products and testing for pediatric cases, children. I want to take a few minutes to talk about some thoughts we share together about the subject matter.

The second subject matter is about the recent, very positive news today coming out of Northern Ireland. In the midst of a lot of bad news, we have heard the news today out of Northern Ireland that a decommissioning process has begun and is underway as I speak, and that finally, the real opportunity for lasting peace in Northern Ireland is at hand. I am sure my colleague from Massachusetts, Senator KENNEDY, who spent has worked tirelessly over many years to reach this day, will shortly have some comments and thoughts he would like to express on this subject matter as well.

Let me express, on this first subject—and I see my colleague from Ohio—and talk about the issue of bioterrorism and children. We know there is a lot of work going on right now in trying to put something together.

Last week, as some of our colleagues may know, Senator DEWINE and I were able to pass unanimously in this body—by the way, we thank all of our colleagues for their support. Certainly, the chairman of the committee, Senator KENNEDY, deserves a great deal of credit for working out a package for which we were able to garner the unanimous support of our colleagues to pass the Best Pharmaceuticals for Children Act, which is designed, as I think many of our colleagues know, to induce the industry to develop products specifically designed for children.

Less than 20 percent of all pharmaceutical products on the shelves today are for children. Senator DEWINE and I thought we ought to fix that. We, in 1997, passed a 3-year bill as a trial more than anything else. We had no idea whether or not it would work, but by providing a very limited 6-month period of exclusivity, we hoped we might induce the industry to do a lot more in this area.

In the previous 7 years before 1997, there had been 11 clinical trials and two new products on the shelves of America for children. In the 36 months since we passed that bill in 1997, there were 400 clinical trials and 40 new products on the shelves. As a result of that tremendous, beyond-our-wildest-imagination result, the other day, we were able, with the full support of this body, to pass a 5-year bill that will extend that very concept, with some additional provisions in it.

Why do we mention that particularly? It is because we believe today, in this era of bioterrorism we are now very painfully aware of, that we want to make sure children are going to get properly tested, that products will be developed for children that will be especially vulnerable to release of chemical or biological toxins. So we outlined some provisions. That is first of all.

We want to see legislation that will certainly take into account children's needs. We identify antibiotics or vaccines to prevent or treat illnesses related to bioterrorism. We adults certainly need to know how children will be affected as well, particularly during the critical growth periods for children and the development that occurs then that could lead to detrimental effects later in life. So we must have proper medications to prevent those risks.

Secondly, we want to make sure the public health community will have emergency response personnel, doctors, and nurses who are properly trained to address the special needs of children.

Thirdly, we think our children's mental health is as important as their physical health. There are a lot of issues we cannot even begin to calculate yet. Certainly, everyone in this Chamber can speak about the great fear many in our Nation are experiencing as a result of the recent bioterrorism attacks.

Just imagine the fear our children are experiencing as a result of those same acts. We need to do everything in our means to address those particular anxieties.

Fourthly, we need to make sure all places where children gather, from schools, child care centers, Head Start, and the like, are going to be prepared to deal with these emergency situations. The old way would have been for them to be prepared for a fire, but today, as we know only too well, emergency situations require a new response.

In times of bioterrorism, the children may not need to just exit the building and stand on the sidewalk. We need to plan to potentially address a far more grave crisis, as we have painfully learned in the Congress of the United States in the last several days.

We know people are working on this. We know the Senator from Massachusetts is working on it. The Senator from Ohio and I have some very strong feelings about children and their need to be protected in this area, and we wanted to take a few minutes today to share those thoughts with our colleagues.

I yield to my friend from Ohio for whatever time he may need to respond to make some comments.

Mr. DEWINE. I thank my colleague and congratulate him for the great job he has done during his career in the Senate as an advocate for children. The bill he and I worked on several years ago, I think it is safe to say, we anticipated would do good things, but neither one of us had a full appreciation of what it would do until we saw several years later the advances and the help it has given to children.

We hope, by the bill we were able to pass last week unanimously in this body, we will continue and actually expand that work. The whole idea that when new drugs come on the market they would be appropriately labeled for children so pediatricians and parents understand and will know exactly, based on scientific data, what the best and proper dosage of that drug is. So I thank him for that work.

He and I have also been working in the last few days on the bioterrorism bill. Many people are involved in putting this legislation together. We are going to be drafting and ultimately debating this legislation to protect our Nation against chemical and biological terrorism. Senator FRIST and Senator KENNEDY are working on that bioterrorism bill. Senator DODD and I are working to help them on it.

Several weeks ago, Senator CLINTON introduced a bill that would address some of these issues. This is going to be a real bipartisan bill.

As we develop this legislation, it is absolutely essential we remember our children. It is critical that any measure we develop addresses the unique risk children face against the threat of chemical and biological terrorism. Children are not just small adults. My wife Fran and I, with our eight children, grandparents of six, we are well aware of that. We can't treat children the same way we treat adults.

So, again, as we consider steps to protect adults against bioterrorism, it is really absolutely essential that any measures we employ also protect our children.

The sad fact is that currently little scientific data are available about how the chemicals and microbes that terrorists might use, from anthrax to sarin gas, could affect children. It is not a leap in logic, however, to suggest that children, because of their size, their developing immune system, and higher respiratory rates, are at a very high risk.

Our Nation today is not fully prepared to treat the specific needs of children in the event of a large-scale chemical or bioterrorist attack. That is the sad truth.

Health care professionals, childcare providers, educators, and parents lack basic information about how to identify and treat biological attacks. Furthermore, we lack research on antidotes and antibiotics, and their effects on children. We need more information on the proper drug dosages for children, and we need to learn if certain drugs can or even should be administered to children at all.

My point is very simple. Any legislation that we consider to address the chemical and biological terrorism must, absolutely must at a minimum contain provisions to protect the needs of our children. In doing so, I believe there are four primary areas that must be addressed.

First, we need to fund more drug research for children. Our Best Pharmaceuticals For Children bill is a step in making sure children are protected. We need to continue to ensure that drugs are tested and used appropriately for children.

Basically we need to do two things. One is to spend more money on research for children, and we need to put the resources behind developing the protocols and the testing so once the drugs are developed we know how they can be best used for children.

Second, we need to train health care workers to recognize and treat symptoms of chemical and biological attacks. Pediatricians must be included in disaster planning and such plans should take into account the need for special equipment and medications for children. Parents and emergency response personnel also should be given information on the care and treatment of children in the event of an attack.

Third, we need to provide adequate mental health services for children to address the very real psychological effects of terrorism. Children are scared just as adults are. We have to focus on how children are perceiving the world around them. We have to listen to them. We have to hear their concerns.

Fourth, we need to educate childcare providers, teachers, schools, daycare providers, childcare facilities—anyone who takes care of children. They all need to have information available so they are prepared to act in the case of a bioterrorist attack.

Ultimately, all the measures we debate to fight against terrorism are about the future, about making our world safe, stable, and secure. This is all about the future. Children, of course, are our future.

When I think about that I am often reminded of something very powerful that the great American President Abraham Lincoln once said:

> A child is a person who is going to carry on what you have started. He is going to sit where you are sitting and when you are gone attend to those things which you think are important. He will assume control of your cities, states, and nations. He is going to move in and take over your churches, your schools, your universities and corporations. The fate of humanity is in his hands.

Lincoln's words are as true today as they were more than a century and a half ago. There is no question that we have an obligation to protect our children to make sure they are safe now so they can grow into healthy, happy adults. So I urge my colleagues to remember that and to support antiterrorist efforts that will protect our children.

I thank my colleague for his kind comments. I, again, congratulate him on the birth of his child. We talked about that a little last week. I know what a wonderful occasion that is, what a great joy. I had the opportunity to see my colleague come into the Senate office building, probably for the first time, with his baby and see what a happy time that was. I thank him again for his deep and longstanding commitment to the children of this country.

Mr. DODD. Madam President, I thank my colleague from Ohio. As I said before, he not only brings an intellectual commitment to this issue but, with eight children and six grandchildren, he is a wellspring of good practical advice as well. If you have a bill about children and you want to know whether or not it is practically going to work, MIKE DEWINE is the fellow you want to talk to, given his family.

I thank him and point out, as he has said so eloquently here, that we have learned a lot in the last several days and weeks. The thing we have learned the most I guess is how little we know and how ill-prepared we are in many ways and how vulnerable we are. People take advantage of our freedoms to use those freedoms against us in many ways. The best answer to that is to not give up these freedoms but be better prepared to face the challenges. That is what Senator DEWINE advocated in his outline of four or five points that are to be included in any bill on bioterrorism where children are concerned.

Senator KENNEDY graciously has provided some time for us to have some hearings. It may not be possible this Friday. We had hoped to this Friday, but a couple of key witnesses we wanted to have testify may not be able to appear because of the demands that are being placed on them dealing with the present situation here in the Halls of Congress. But we may postpone it a week or so.

We want to look at this issue in a broad way. I have always thought some of the most important functions we engage in are not only legislating but providing a forum where people can be heard in order to educate people. So we would like to craft as well a comprehensive bill as we can to deal with children. We may not get it all done in a bioterrorism bill. We may look further than that in the coming months, as to how best prepare America—families, parents, schools, childcare centers, others, as the Senator pointed out—how to deal with these situations, how to be well educated in their own response. The Subcommittee on Children and Families, which I serve now as chairman and on which I worked very closely with my colleague from Ohio on a number of bills in the past, will be holding a number of hearings on children and the effects of recent events in New York and Washington, the savage attacks on September 11 and then, of course, the most recent attacks here in Washington, Florida, New York, New Jersey, and elsewhere with anthrax. It is just an indication of the kinds of exposures to which we are all vulnerable.

We have a lot of work to do here but we welcome the challenge. I can't tell you how much I look forward to working with my colleague from Ohio and others. The Senator from Ohio properly pointed out there are a lot of our colleagues who are interested in this subject matter. Certainly Senator KENNEDY is, Senator FRIST has done a lot of work here, our colleague from New York, Senator CLINTON, has a deep interest in the subject matter and has made various proposals. We hope to be able to marshal all of this together and come out with the best ideas we can to deal with the immediate problems, and then recognize this must be an important part of our agenda in the coming months.

It is regretful to say that, but the world has changed. You can pretend it didn't happen, pretend it doesn't exist and leave yourself vulnerable to further attacks. Or you can address it. I think what the Senator from Ohio and I are suggesting this afternoon is that we address these problems.

I thank my colleague from Ohio for his comments and kind words.

Mr. DEWINE. I thank my colleague.

THE NORTHERN IRELAND PEACE PROCESS

Mr. DODD. Madam President, a second subject matter I want to address is that with the bad news that we have daily been subjected to in this country since September 11 regarding international and domestic terrorism and finding and bringing those to justice who are responsible it is refreshing to be able to report on some good news. Today, it appears that a major obstacle to the full implementation of the Good Friday accords on the Northern Ireland peace process has been removed with the announcement by the IRA that it has begun to permanently put beyond use all its weapons. I believe that General de Chastelain, on behalf of the International Commission on Decommissioning, will shortly confirm that this has, in fact, been done.

For those of us, and there are many in this Chamber and the other body who have been involved in these issues over the past 8 or 10 years, this is a very significant moment indeed.

It means that the sectarian differences which have torn Northern Ireland apart for nearly thirty years, and shed the blood of too many Irish men, women and children can now be addressed through dialog and compromise rather than by bullets and bombs.

In many ways the issue of decommissioning has been an unfortunate distraction that has delayed the implementation of key provisions of the 1998 Good Friday Accords—provisions that were specifically designed to address the problems that have plagued the six counties of the North for decades. Now Northern Ireland's political leadership should no longer be paralyzed by this side issue. Finally they can begin to deal with injustice and inequality—the real causes of the Troubles, as those who signed the Peace Accords committed themselves to do within the context of that agreement. There is no mystery as to what needs to be done—the issues of police reform, domestic security, human rights and equal opportunity for all the citizens of Northern Ireland must be tackled in good faith.

It has taken a great deal of courage on the part of Ireland's political leaders to bring us to where we are today. Many have done so at great personal risk to themselves. They have been willing to do so because they are mindful of the historical significance of their actions. I want to commend Gerry Adams and Martin McGuinness of Sinn Fein for their tireless efforts to convince the IRA to trust in the political process as the only way to remedy past grievances. I commend as well David Trimble—Ulster Unionist Leader—for his courage in standing up to those elements of unionism who will not or cannot accept that all the peoples of the North are equal in the eyes of God and man. I cannot fail to mention the role that British and Irish political leaders Tony Blair and Bertie Ahern played in this drama—they stuck with the peace process even when it seemed as though it seemed at times that the obstacles were insurmountable. I believe that President Bush also should be commended for continuing President Clinton's policy of prodding all the parties to move forward to implement the Good Friday Accords so that Irish weapons will be silenced once and for all. I would be remiss if I did not also mention our former colleague, the former majority leader of this body, Senator George Mitchell of Maine, who played a key and pivotal role in crafting those Good Friday accords. I have not had the chance to speak to him today, but I am sure he is gratified by these recent developments. But most of all I want to heap praise on the individual who had the vision and determination to work for the last thirty years so that this day would happen, I am speaking of John Hume, among the greatest civil rights activists of his generation. Obviously there are others, Albert Reynolds, Jean Kennedy Smith—who played very significant roles in moving this process along step by step over the last many years.

I hope that the significance of this event does not get lost in other news today. I would ask our colleagues to take time out and reflect upon the significance of today's announcement. Sometimes we think problems are intractable that we will never be able to solve them—problems of the Middle East, problems of central Asia—that there is no hope of ever resolving civil conflicts. Certainly many put Northern Ireland in that category as well.

Just as the signing of the 1998 Peace Accords created new opportunities for the people of Northern Ireland to find peace, so too does today's announcement by the IRA. But let me stress that it is just that, an opportunity, which can be made the most of or squandered. It can be approached with generosity and reciprocity or it can be denigrated as insufficient. The people of Northern Ireland have suffered for too long. They are desperate to live in peace—desperate for a better life for themselves and for their children. I hope and pray that the political leaders of Northern Ireland will find that spirit of generosity as well as the vision and courage that the people of Northern Ireland expect from them and move forward to fully implement the Good Friday Accords. If that comes to pass, then we will be able to look back on this day—a day otherwise clouded by threats of terrorism—and recognize that there was a ray of light breaking through that cloud.

I hope, Mr. President, that this ray of light can someday shine brightly in all corners of the globe so that matters which can affect us so deeply here at home, in the Middle East, and central Asia can also be the beneficiaries of that light, and that one day we will stand here and talk about the end of terrorism and peace in all quarters of the world where people today believe peace and security are not achievable.

I yield the floor.

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

The PRESIDING OFFICER (Mr. DAYTON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST—H.R. 1552

Mr. ALLEN. Mr. President, I rise in the matter of Internet taxes. As you and others across this country who are following this issue very closely well know, the 3-year moratorium on access taxes as well as the 3-year moratorium on discriminatory taxes on the Internet that had been passed by the Senate and the House 3 years ago expired on Sunday, October 21—just a couple of days ago.

The Internet is important to our economy. The taxes that could be imposed on the Internet would be harmful to the economy. It would be harmful to technology. I think it would be very harmful especially to lower-income families and thereby widen the digital divide. In my view, there is no time to dawdle; there is no time for conference committees.

So I ask unanimous consent that the Senate immediately proceed to the

consideration of H.R. 1552, the House-passed 2-year clean extension of the Internet access tax moratorium currently being held at the desk, and that it be considered, read three times, and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

The Senator from North Dakota.

Mr. DORGAN. Mr. President, reserving the right to object—and I shall object—let me say to the Senator from Virginia, he and I have had long discussions about this subject. I very much respect his views. He is proposing a 2-year extension of the Internet tax moratorium. I proposed an 8-month extension last week, I believe it was. But my 8-month extension to June 30 of next year included an additional proviso, and that proviso, at the end of the legislation, would have had Congress on record saying to both State governments and also to Internet and other remote sellers that we want them to, A, simplify the sales and use tax system and, B, when that is done, be able to allow the remote sellers to collect the sales and use taxes on the sale.

There are two issues here. The Senator from Virginia and I do not disagree on the first. I am not someone who supports taxing access to the Internet. As far as I am concerned, we can extend the prohibition on that forever. I also do not support punitive and discriminatory taxation with respect to Internet sales. So we have no disagreement about that. But however there is a second area of difficulty. The Senator from Virginia raises the first.

If I might continue under my reservation, Mr. President, the first issue is taxation with respect to the Internet. It actually is taxation with respect to remote sales, which is a broader issue. The second is the question, How do you effect a collection of the tax that is already owed on remote sales? As the Senator from Virginia knows, almost no one is paying that use tax and States are losing a substantial amount of money, most of which is used for funding education.

So what I want to do is find a way to solve both problems, not just one. And on the first piece, the Senator from Virginia and I will not find great disagreement. I understand his view and will support his view with respect to extension and prohibiting taxing access, et cetera.

I hope he will similarly support my view that we also ought to solve the other problems State and local governments have, and remote sellers have, for that matter, with respect to the complexity of the sales tax and the collection or lack of collection of sales taxes and use taxes. My colleague from Wyoming is, in fact, working on another piece of legislation on that issue even as we speak. I know he has consulted with the Senator from Virginia.

So, Mr. President, for those reasons, I object to the request by the Senator from Virginia.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS CONSENT REQUEST—S. 1504

Mr. DORGAN. Mr. President, as long as the Senator from Virginia is here, I ask unanimous consent, again, that we discharge S. 1504 and proceed to it: that it be read a third time, and passed, and the motion to reconsider be laid upon the table.

Incidentally, in my request is an extension of the Internet tax moratorium. The extension would last until next June 30. The Senator from Virginia wants the extension. I say, yes, let's have an extension. I will not support the 2 years at the moment. I support him until June 30, 2002. I will be prepared to support much longer than that when we are able to reach agreement on the other piece.

The second piece I have in S. 1504 is a statement by Congress saying to both sides, on the second problem: State and local governments, simplify your sales and use tax system. And then it says to them: When you have done so, when you have substantially simplified that system, we will then allow consideration of the opportunity for you to enforce collection of sales and use taxes with respect to remote sellers. It is a two-pronged approach to solve the second problem.

The Senator from Virginia, I might say, addresses the first. I would ask Congress to address the first and second piece of this. I understand it is horribly complicated. But, by the same token, I think we need to address both problems.

So I have objected to the 2-year extension proposed by the Senator from Virginia and would like to continue to work with him on these issues.

I have now proposed and asked consent that we discharge S. 1504, proceed to it, that it be read a third time, passed, and the motion to reconsider be laid upon the table. As I have indicated, it has an extension to June 30, 2002 and has a paragraph at the end of the legislation that deals with the second important issue as well. I make such a request, Mr. President.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I respect the creativity, diligence, and ardor with which the Senator from North Dakota pursues this issue. This issue of taxing or requiring retailers or sellers to tax that are not located within the State, that do not have a physical presence in the State, do not have a nexus in the State, is an argument that is as old as our Republic.

One of the problems our Founders had, in going from the Articles of Confederation to our current Federal Republic, was that different States were imposing fines, taxes, and tariffs on interstate commerce. So that was one of the reasons we went to the current form we have—to at least have within our country a free trade zone and not have burdensome taxes on the flow of interstate commerce.

The idea the Senator from North Dakota, Mr. DORGAN, proposes, with long, deliberative examination, may be worthwhile. But the issue at hand at this moment is that the moratorium on Internet access taxes and discriminatory taxes expired last Sunday, October 21.

This issue in recent years has been worked on time after time. It first came up in the midst of the Bellas Hess decision and then came up more recently in the Supreme Court Quill decision. In those situations, the issue was catalog sales. But whether the catalog company is in Maine or New Hampshire or Oregon or whatever other State, the Supreme Court ruled that these States could not compel those companies—Quill at that particular time—to remit sales taxes to a State in which they had no physical presence. So that is the constitutional parameter we are under.

This issue of trying to get around the Supreme Court decisions, trying to come up with simplification, and hamstringing the Senate in the future to vote on whatever this may be as far as simplification is concerned, while it is a very creative and, I think, very thoughtful approach, to me, we really have no time to act.

Let's recognize that the other body, the House, has already acted. It is a 2-year extension on the very simple, clear, and clean issue of having a moratorium on access taxes and discriminatory taxes on the Internet by States or localities.

Please note, Mr. President, when this moratorium was first put on 3 years ago, several States and localities had imposed access taxes and discriminatory taxes, and they are now grandfathered. So here we are today generally stuck with those taxes being imposed in those jurisdictions, in those States.

The longer this lapses, the more likely the legislative process will apply, whether in a local jurisdiction or in a State. We will end up with more of these taxes, and we will never be able to get rid of them. They will be like the Spanish-American War tax, the luxury tax that was put on telephone service to finance the Spanish-American War. We won that war 100 years ago, but that tax is still on telephone service.

While this is a good idea and something that can be worked on over the

years, if something such as this should pass the Senate, it is obviously different from what has passed the House, which means it would have to go to a conference committee. Who knows when that might meet? We may be here only a few more weeks, and most likely those differences would not be ironed out.

It is fine to work on simplification. It has been worked on for decades. I don't think this issue of access taxes on the Internet or discriminatory taxes ought to be held hostage to that very problematic although understandable concern of the Senator from North Dakota and many others.

With that, I object to the request of the Senator from North Dakota.

The PRESIDING OFFICER. Objection is heard.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, the Senator from Virginia and I have had some nice conversations on this subject. I know he feels strongly about this. I did want to clear up a couple things.

First of all, when someone purchases something on the Internet or from a catalog, there is actually a tax owed in most cases. It is just that it is never paid. Most Americans when they order something from a catalog are required to submit a use tax to the State, because the seller wasn't required to collect the sales tax. The buyer is supposed to send a use tax to the State government, but they never do and never will because it would require literally millions of tax returns being filed for a $1.20 or $2.80 purchase. That is why it was always much more effective to collect a sales tax at the source.

I agree with those who say we don't think catalog sellers or Internet sellers or remote sellers ought to be required to subscribe to 7,000 different taxing jurisdictions; that is not fair. I agree with that. That is why I say, if you are going to simplify the collection system and allow it to have the remote sellers collect it, then you really need to simplify it in a way that is substantive.

Let me make this point also: It is not the case that the Supreme Court has said there is no inherent right for State governments to tax in these circumstances. That is not what the Supreme Court has said. They said the sole arbiter of what the States can or can't do with respect to what is called nexus or whether they have jurisdiction is the Congress because it deals with the commerce clause. That decision is only reserved for the Congress, not for the States. That is what the Supreme Court decision said.

That is why Congress has to decide what to do and how to do it at this point. While we perhaps have a disagreement at this moment, I hope we might be able to figure out how to resolve it. It does not make any sense to me, if we are going to lose $20 or $30 or $40 billion in local revenues, to have somebody hire tens of thousands of tax collectors to go knock on doors and ask for them to submit their $3.38 in use tax they owe. That doesn't make any sense. I don't believe the Senator from Virginia or anyone else would want to do that. All you do is add to the employment rolls of the Government and hassle people.

It makes far more sense to require State and local governments to simplify their local sales and use tax base and then to say to the remote sellers, those above $5 million a year in sales: Collect this now and remit it to the States and save everybody from trouble. We simplified the system for you. We simplified it for the consumer. Everybody wins. That is the point of all of this.

With respect to the question of the tax incidence that the Senator from Virginia mentioned, as I said before, there is no new tax here. This is not a discussion about a new tax versus an old tax or whether there is a tax versus not a tax; this is a question of how you collect a tax that is owed, in what circumstances would it be fair to require a remote seller to collect it; that is all.

On the final subject of this issue of an expiring moratorium, I supported the moratorium. I was on the floor of the Senate at that point and worked with Senators WYDEN, MCCAIN, and others. I supported the moratorium. I now support it and would be willing to extend it until June 30, 2002 at this point. We can perhaps extend it beyond that as we go along.

My expectation is that the narrow time-frame in which this moratorium has expired will not give opportunity to those who might want to take advantage of it. I frankly don't think that is going to happen. I am here on the floor perfectly prepared to work with the Senator from Virginia and others to extend this moratorium, if he will work with me and Senators ENZI, VOINOVICH, GRAHAM, KERRY and other colleagues to help solve the other side of the equation. And we may not solve it all now, but put a provision in that says this is congressional intent. If he will work with me to solve the second side of the issue, I will work with him to solve the first side. We will make some progress on this issue.

This is a complicated issue. I admit that. It is one of some consequence with more and more remote sales occurring. More than forty Governors have now written letters saying: We have literally tens of billions of dollars we are not going to collect, much of which is needed to run our school system. You need to help us find a way to collect that revenue that is owed.

We say to the Governors: God bless you. You have a problem. We will help you solve that problem, but you have to do something for us. You have to simplify your system so that we are not going to whipsaw businesses out there that have to comply with thousands of different jurisdictions.

I want to do two things. I want to require dramatic simplification on the part of State and local governments and require the collection of a tax that is owed on the part of remote sellers, and I want to extend the moratorium so that we don't have discriminatory and punitive taxes applied anywhere in the system, with Internet sellers, remote sellers, and so on.

I certainly am someone who works in the Commerce Committee with the Senator from Virginia. I am proud to do that. I believe technology is critically important to our country. It is an accelerator to the growth of our economy. There are a lot of important things that are happening with respect to technology. That is the reason I, too, am interested in extending this moratorium. That is why I offered the consent request last week, why I offer it today, and I will continue to offer it. It is my hope that others will continue to join me in trying to solve the second side of the equation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, this issue is foundational to the formation of our Republic. It is actually similar to what Patrick Henry talked about, taxation without representation. Obviously, the use taxes are to be collected by the States.

This is not a decision to be made by the States. If it were up to the States, obviously, they would be collecting and compelling retailers who do not have a physical presence in their State, who don't vote in their State, who do not receive any fire services, any police services, any services whatsoever from that State. If it were up to the States, for their convenience, they would be requiring them to collect and remit these taxes. This really becomes an issue of convenience for the tax collectors at a locality or at a State.

It is, as Senator DORGAN rightly stated, a decision for Congress to make. It does deal with interstate commerce. However, Congress, in all the decades this has been considered, has never said, before the Internet was even contemplated for use of communications or commerce or education, when people were more concerned about catalog sales, even then Congress said, no, we are not going to burden interstate commerce.

So that is the reason why Congress has never agreed. Now, the States and the localities can simplify. There is a ZIP code reported to me in the Denver, CO, area, that within that same code there are four different sales taxes applied to the very same product. I agree with Senator DORGAN that all of this ought to be simplified. I think if the States on their own, along with their

subdivisions—counties, cities, or municipalities—worked to simplify, they will find many, especially the larger retailers that are from out of State, willing to comply as long as it is simplified and there is auditing, which is logical, and they get a reasonable remittance back for collecting and sending in those sales taxes, as is accorded to most retailers within a State. Then I think you will find it all being handled in that regard.

Again, all of this is separate from the most pressing issue, which is these access taxes and discriminatory taxes which on Senator DORGAN and I would be in absolute agreement; we would not want to see more of them coming on, and there are many in effect now. Indeed, I am researching South Carolina, where the legislature has enacted a moratorium on State sales taxes on charges for Internet access effective from October 1998 through October 2001. Outside of this moratorium period, South Carolina can subject charges for Internet access to the State's sales tax. It may be automatic, by virtue of that law in South Carolina, that such taxes can be imposed even if the legislature may not be meeting. So for the most part I don't suspect many are going to be able to go to public hearings to get them done. But this is how this may be applying in South Carolina, unless the Governor said let's hold off on this and see what happens in Washington.

Mr. DORGAN. If the Senator will yield, I believe the Senator from Virginia raised the question of South Carolina. I am not familiar with that circumstance, but I think the Senator said South Carolina could, in fact, begin collecting. I don't know that he said they would or are collecting. I say this to the Senator. We will, in my judgment, extend the moratorium. When we do that, I will be willing to join him in extending it retroactively until October 22, 2001, to say to State and local governments: Beware, if you are thinking of messing around with public policy and taking advantage of a window when we extend this—and we will, in my judgment—Congress will intend to extend it retroactively to October 22. It is not unprecedented. I would be happy to join the Senator in sending that message if that is the message he would like to send. That resolves the issue he has just discussed.

Mr. ALLEN. I say to the Senator from North Dakota, I join with him. Although we have a contentious issue on some parts, we are in agreement there. I hope that message goes out to States and localities. Just because this has lapsed, please do not rush to tax the Internet access or impose discriminatory taxes.

I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be extended until the hour of 5:15. For a brief explanation, some of the papers the two managers of the bill need are not readily available because of problems with the offices. They are trying to get them now.

Mr. KENNEDY. Mr. President, reserving the right to object, may I reserve 7 minutes out of that time?

Mr. REID. Mr. President, I add to that request that Senator KENNEDY be recognized for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

THE IRELAND PEACE PROCESS

Mr. KENNEDY. Mr. President, early this afternoon, my friend and colleague, Senator DODD, addressed the Senate about a very significant development that occurred today in the Northern Ireland peace process. I join him and so many others in the Senate, in the House of Representatives, and across the country in welcoming these developments. They are especially welcome at a time when we are still experiencing the dark emotions and feelings from the September 11 terrorist attacks that killed thousands. We have been further disturbed in recent days by the anthrax attacks that have taken the lives of dedicated public servants in this community.

In the midst of these tragic events, I welcome this opportunity to bring to the attention of my colleagues an historic breakthrough in the Northern Ireland peace process that occurred earlier today. This afternoon the IRA issued a statement indicating that it had begun the process of decommissioning its weapons. General de Chastelain, who chairs the international group responsible for overseeing the process, has confirmed that the decommissioning of some weapons has has occurred. These actions are unprecedented in scope and are a watershed in the peace process that began a decade ago.

In 1994, after 30 years of violence, the IRA announced a historic cease-fire. That cease-fire led to the discussions, ably led by Senator Mitchell and strongly supported by President Clinton, which culminated in the 1988 Good Friday Peace Agreement. As a part of that visionary Agreement, commitments were made by the British and Irish governments and the political leaders on all sides of Northern Ireland to advance the peace process. Each party to the Agreement made important sacrifices to advance the common good and the process of peace.

The Agreement provided for a power-sharing local government and cross-border institutions. It called for dramatic reform of the police service in Northern Ireland to ensure that it would be representative of both communities. It called for equal treatment and equal opportunity for all in Northern Ireland. It called for a reduction in the presence of British troops and on all paramilitary organizations to decommission their weapons.

This bold and historic action by the IRA to decommission its weapons will liberate the peace process, advance the cause of peace, and enable the issue of IRA decommissioning to take its rightful place as one of many reforms essential to the full implementation of the Good Friday Peace Agreement and the achievement of lasting peace for Northern Ireland.

Now the Irish and British governments and the political leaders of Northern Ireland must commit to implement all aspects of the Agreement fairly and fully, especially the critical provisions on reductions of the presence of British troops, reform of the police service, and equal treatment and equal opportunity for all of the people of Northern Ireland. Through this action, the IRA has enhanced the prospect for peace.

Sinn Fein President Gerry Adams' public call for the IRA to decommission its weapons was strong and bold, and I commend him for his leadership on this difficult issue at this critical time. This extraordinary breakthrough could never have happened without the skillful and constant leadership of Prime Minister Blair of Great Britain and Prime Minister Ahern of Ireland. I also commend President Bush and his envoy to Northern Ireland, Ambassador Richard Haass, for their skillful assistance in helping to break this extremely serious impasse.

I commend as well the leaders in Ireland, and Great Britain, and the U.S. who, over the years, have contributed so much to the beginnings and continuation of this all important peace process. They all deserve great credit for their vision and leadership in the cause of peace.

I am mindful of the extraordinary role of John Hume, who shared the Nobel Peace Prize with David Trimble. I can remember many years ago meeting John Hume, who at that time was a local political leader and who had exhibited extraordinary political courage.

His life has been one of commitment and dedication to peace. He played an instrumental role in securing the cease-fire. His voice for tolerance and understanding and his call for respect for the two great traditions in the north—the Protestant and Catholic faiths—have been eloquent.

He has recently retired as political leader for his party, the SDLP in Northern Ireland. His contribution to a political resolution of the conflict in

Northern Ireland will be forever emblazoned in history.

All who share the goal of peace should welcome the action that has been taken today.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

The Senator from North Dakota.

FUNDING OF A FARM BILL

Mr. CONRAD. Mr. President, I rise today to talk about the question of funding a farm bill. A number of the commodity groups have written to leadership suggesting we do not have to worry about moving with expedition to deal with a farm bill this year because, they suggest, they have received a commitment from the administration, and I will quote from the letter:

> The administration has provided assurances that the resources necessary to fund a farm bill above the current baseline will be available next year.

I ask unanimous consent that the letter to which I referred be printed in the RECORD.

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

OCTOBER 23, 2001.

Senator TOM DASCHLE,
Senate Majority Leader,
The Capitol, Washington, DC.

DEAR SENATOR DASCHLE: The following organizations would like to offer our thoughts on the current consideration of the farm bill in the Senate. To date, the debate has reflected the assumption that the additional funding for the bill provided in the FY–2002 Budget Resolution will only be available if the legislation is completed by the end of the First Session of the 107th Congress. This premise has led a number of interested parties to support a process that would limit the amount of time for consideration and development of a farm bill.

The Administration has provided assurances that the resources necessary to fund a farm bill above the current baseline will be available next year. In light of this commitment, we would support the Senate Agriculture Committee continuing a deliberative process with a goal of reaching Senate passage early in the Second Session of the 107th Congress. We believe that a careful and deliberative process will provide an opportunity for all parties involved to fully address the needs and implications of the next farm bill on U.S. agriculture and on consumers at home and around the world.

We believe it is also important to recognize that the attention of the Administration and Congress today is appropriately focused on conducting the war against international terrorism. Rushing the process of developing comprehensive farm legislation at this critical time without full and careful consideration could well result in policies and programs that do not effectively address today's needs.

Based on the Administration's support for a deliberative Committee process and the necessary levels of funding, we urge you to set a goal of finalizing the farm bill by the spring of 2002. We feel this schedule will enable all of us to address the needs of all farmers, ranchers, and other interested parties, and to chart a successful course for agriculture and consumers for years to come.

Sincerely,

American Soybean Association; National Cattlemen's Beef Association; National Corn Growers Association; National Chicken Council; National Pork Producers Council; National Sunflower Association; National Turkey Federation; United Fresh Fruit & Vegetable Association; U.S. Canola Association.

Mr. CONRAD. That assurance is meaningless. That assurance by the administration that the resources are going to be available next year is meaningless. Why is it meaningless? It is meaningless because the administration plays no role in the writing of the budget resolution. That is purely a congressional document. It does not even go to the President. It is considered in the House and in the Senate, and it is conferenced between the House and the Senate and it never goes to the President.

I am the chairman of the Senate Budget Committee. I want to alert my colleagues that anyone who believes the same amount of money is going to be available next year as is available this year is absolutely in a dream world.

I understand the Secretary of Agriculture has called Members in the last few days telling them money is not a problem, that she has been assured by the Director of the Office of Management and Budget, Mr. Daniels, that money is not a problem. Wrong. Money is a problem. Money is going to be a big problem. We have funding in the current year budget to write a new farm bill. We have $74 billion over the so-called baseline with which to write a new farm bill. Those resources were provided because it was understood without additional resources we could not write an adequate farm bill because the so-called baseline is based on the previous farm bill that has proved to be such a failure. It has been a disaster itself.

If it has not been a disaster, why have we had to write four economic disaster bills in a row to keep our farmers from mass liquidation? That is what would have happened without the disaster assistance bills we have passed in each of the last 4 years.

The administration says—and these farm organizations people who they are supposed to represent send a letter to the leadership saying—the administration has provided assurances the resources necessary to fund a farm bill above the current baseline will be available next year? How much above the baseline? Seventy-four billion dollars above the baseline because that is what is available now.

So they are buying a pig in a poke? They are saying to those of us who represent farmers all across America: You just line up there and you wait and do not worry about it because we are going to have money above the baseline? Really? How do you know? Where is the money coming from?

Is it going to be $74 billion, or is it going to be $1 billion above the baseline? The administration would meet its supposed assurance if they provided $1 billion instead of the $74 billion that is available in the budget now.

I have never been so disappointed in farm organizations as in the farm organizations that wrote this letter to our leadership telling them do not worry about getting the job done this year because they have gotten assurances that the money is going to be there; that some amount of money—they do not know how much—theoretically is going to be available and they have taken assurances from the administration, which plays no role in determining what resources are available in the next budget resolution to write a farm bill.

It is a dereliction of duty. I think they have let down the people who they purport to represent by sending up a letter like this saying: Do not worry about it, the money is somehow going to be there. I say to my colleagues, do not be fooled. The money is in the budget now. If we do not use the money that is in the budget now, it is very likely not going to be available next year.

When we write the next budget resolution, we are going to be facing a totally different circumstance than we faced in the spring of this year when we wrote the budget. Does anybody not understand that? Does anybody not see the dramatic transformation from a weakening economy, from a sneak attack on this country, from the need for substantial funds for rebuilding the country, for defending the Nation for counterterrorism efforts?

Somehow the money is going to come from somewhere to write a new farm bill. I say to my colleagues, there is money in the budget this year to write a new farm bill, and if we do not use the money that is available this year, you can forget that same amount of money being available next year. It is not going to happen.

The economy is weakening. That means less revenue. On the spending side, we are having to spend more money on defense, on counterterrorism, and on rebuilding those areas that were damaged in the attacks. That means everything else next year is going to be very squeezed. That means there is not going to be the same amount of money available next year to write a decent farm bill. Frankly, the money that has been provided

in this year's budget is just barely enough to write a decent farm bill. It is, in fact, less—it will provide less than farmers have gotten each of the last 3 years. Not just a little bit less, substantially less; in fact, 26 percent less on average than they have gotten under the disaster assistance bills of the last 3 years.

So nobody should be under any illusion about the money being available next year. Nobody should be under any illusion. The administration is in no position to help with this problem because they have no role—none, zero—in writing the budget resolution that will be adopted next spring. So these farm organizations that have run out, supposedly representing their members, and told the leadership here, don't worry about getting the job done this year, have done an enormous disservice to their membership—enormous.

What are they going to say when we get to write a new farm bill next year and the money is dramatically reduced? What are they going to say to their members then, after counseling delay? What are they going to say to them? What is the administration going to say? Because this administration has made clear they don't want us to write a new farm bill this year; they don't want to spend the amount of money that is in the budget. Unfortunately, what that means is that the rural parts of this country, those that are dependent on agriculture, are going to be in very grave danger of being left out and left behind as we write, ironically enough, a stimulus package for the national economy.

These farm organizations that have written the leadership here saying the resources necessary to fund a farm bill above the current baseline will be available next year are giving very bad advice. They are wrong. They are just as wrong as wrong can be. It is really hard to understand how they would ever have written such a letter without doing their homework first because they have let down their membership.

Mr. DAYTON. Will the Senator yield for a question?

Mr. CONRAD. I am happy to yield.

Mr. DAYTON. I say to the distinguished chairman of the Budget Committee, who you might say was instrumental in getting this $73 billion into the budget resolution for the sake of the farmers from North Dakota, Minnesota, and elsewhere across the country, I received one of these phone calls asking if we couldn't hold off on the farm bill until next year. It seems not coincidental that this letter follows that conversation by just a day, in fact, in my case.

I am wondering if the Senator from North Dakota thinks there is some connection with these organizations, that they have been persuaded somehow to write a letter. As you say, why would they be contrary to the interest of their own member farmers? As part of this desire of some, and I guess the administration, to delay a farm bill until next year, what do you think the consequences of that will be?

Mr. CONRAD. I say to my colleague, there is no question in my mind what the consequences will be. No. 1, substantially less money to write a new farm bill than the money left in this budget.

No. 2, that means a totally inadequate farm bill.

No. 3, that means hard-pressed farmers would be in even more serious shape because we failed to use the money that was available in this year's budget to write a farm bill that would strengthen their economic condition.

I want to make this as clear as it can be. They say they have received assurances that the resources necessary to fund a farm bill above the current baseline will be available next year.

No. 1, there is no statement there about how much above the current baseline. The current baseline was predicated on the old farm bill—the old farm bill that was a total failure, the old farm bill that required us to write four disaster assistance bills in the last 4 years. This has no assurance that it is going to be the same amount of money that is in the budget this year. In fact, we know the administration doesn't want us to have the same amount of money. They have proposed a dramatic cut from what is in the budget this year to write a new farm bill. That is the dirty little secret.

They proposed a substantial cut. Instead of over the next 5 years $40 billion being available, they have said only $25 billion ought to be available. Guess what. You can't write a decent farm bill with $25 billion when the money that is in this year's budget is already substantially below what we had the last 3 years to assist farmers at this time of economic crisis. We are already, in the funding that is in this budget, 26 percent below what has been provided in each of the last 3 years.

These farm organizations, somehow, got sold a bill of goods. I suspect it is from the Secretary of Agriculture, who is calling colleagues, trying to sell them the same bill of goods, telling them: Don't worry, the money is going to be available; we have been assured by the Office of Management and Budget.

Please, don't anybody be misled. The Office of Management and Budget has nothing, zero, to do with writing the next budget resolution. I am chairman of the Senate Budget Committee. I can tell you the same amount of money is not going to be available next year as is available now. If anybody will just do a quick reality check, they will understand that what I am saying is true.

No. 1, on the revenue side, the revenues are going down as a result of the economic slowdown and as a result of this sneak attack on the United States. The economy is weaker. It is generating less revenue, so less money will be available on that side of the equation.

On the spending side of the equation, the expenditures are going up, and up dramatically. There is more money to defend the Nation, more money for counterterrorism, more money for item after item that is coming to our attention as a result of this vicious attack on our country on September 11. Just a commonsense approach would tell you less money is going to be available next year—perhaps dramatically less money.

For anybody to suggest that they have an assurance from the administration—or anybody else who is outside of the Congress where these issues are decided—that resources are going to be available, they are not dealing with reality. They are not dealing with reality. For these farm organizations to send a letter to our leadership telling them, oh, don't worry about getting the job done this year with the money that is available in this budget because they have gotten assurance from the administration that the money is going to be available next year—they have not done their homework. They have done an enormous disservice to their members, in my judgment. And I will say that to them directly when they come to see me about this farm bill. They have done an enormous disservice by telling people money is available, don't worry about it, when, with absolute assurance, we can see the money is not going to be available in the same amount that is available in this year's budget.

Mr. DAYTON. Will the Senator yield for a question?

Mr. CONRAD. Yes.

Mr. DAYTON. If I understand the chairman of the Senate Budget Committee correctly, in this body, the Senate, we have to pass a farm bill this year. Then do we also have to have it conferenced and sent to the President in this calendar year as well, in order to protect these funds?

Mr. CONRAD. We do. The hard reality is this, in my judgment. In the budget resolution, those funds are available to us until the next budget resolution is passed. But there is another thing that is going to happen. In January of next year a new economic assessment is going to be made by the Congressional Budget Office, by the Office of Management and Budget, and it is going to show significant deterioration. That is going to change the dynamics very significantly, and that is going to make the ability to use this money in this budget resolution now to write a new farm bill much less real next year.

So nobody should be under any illusions. A lot is at stake for agriculture. This is not agriculture somehow separate and distinct from the rest of the

economy because we know agriculture plays a key role, right at the heart of this economy. We know if agriculture is hurting, Main Street businesses are hurting. Certainly that is true in our State. Certainly that is true in the State of the distinguished Chair.

The irony is, right at the time we are considering writing a stimulus package for the national economy, we are getting advice to forget about writing a strong farm bill this year when we know the money that is available now will not be available next year. That is reality.

For these farm groups to write to our leadership and say to them, don't worry about it, we have assurances that the resources necessary to fund a farm bill that is above the baseline will be there next year, they have completely bought a pig in a poke.

I hope the members of these organizations will call their associations and ask them: What are you doing? What kind of advice are you giving down there? It is not advice that is good for the people you represent. This may be good advice for the administration. This may be the advice the administration wants to give. Why are they signing up for that? Why are they endorsing the administration's position when the administration is taking the position that is totally counter to what is good for not only I believe the farmers of America but for the national economy?

One of the things the economists have been telling us about the stimulus package is that one of the most effective things you can do is get money into the agricultural sector because, No. 1, that money gets out quickly to the farmers and, No. 2, because there is such economic hard times for farmers.

We have the lowest farm prices in real terms in 50 years. That makes farmers have a greater dispensation to spend the money that is part of the farm program.

Mr. DAYTON. Mr. President, the Senator and I share a common border. I know our farmers are in a similar predicament. These dollars are going to be central to the survival of farmers in Minnesota, and I dare say in North Dakota as well.

It seems to me that somebody is playing a very dangerous game with literally the lives and the livelihoods of a lot of farmers in my home State of Minnesota, and I expect others as well. It makes me wonder who is looking out for whom here. How could it be there are those who are so active in trying to postpone action on a bill with the result being that farmers are going to receive less money. It will take longer one way or the other.

The bottom line, from what I hear from the Senator from North Dakota on the Budget Committee, is that they may be out of money entirely if we don't act this calendar year.

Mr. CONRAD. I believe these groups have been flimflammed. I do not know a nice way to say it. I don't think they understand how the budget process works—for them to be realigned on the representation from the administration about money that is going to be available in the next budget resolution. The administration doesn't have any role in writing the next budget resolution. That is written in the House of Representatives and the Senate. The administration has absolutely nothing to do with writing the budget resolution. That is what makes the resources available next year. Just a little bit of commonsense analysis would tell you that the same amount of money is not going to be available next year. Receipts are going down. Expenses are going up. That means there will be less money available.

When a budget resolution is written next year, there will not be anywhere close to this amount of money available for writing a farm bill. That puts all of the people who we represent in jeopardy. That puts their financial lives on the line.

For the farm organizations that are supposed to represent these very people to send up a letter such as this tells me one of two things: No. 1, either they have been totally hoodwinked about the budget circumstances we face next year, or, No. 2, they aren't thinking very carefully about who they have a responsibility to represent. No. 3, perhaps they have just not done their homework and don't know the circumstances that we will be facing.

Mr. DAYTON. I know the time under the previous order is about to expire. I thank the Senator from North Dakota for sounding this alarm. I was not aware of this situation. I thank the Senator for making it very clear to the Members of the Senate and to farmers throughout this country what is at stake. My hope is that our colleagues will join with us in insisting that we have a farm bill passed so we don't leave our farmers back home seriously in the lurch.

Mr. CONRAD. I thank the Senator from our neighboring State, who is a member of the Senate Agriculture Committee. Already, just in the first months of his term, he has demonstrated a real commitment to family farmers, and also to an understanding of the budget process. I wish that same understanding had been evidenced by these farm organizations that sent this advice to the leadership that could be so very harmful to the very people they seek to represent.

I conclude by saying to my colleagues that we need to write the farm bill now. We need to use the money that is in the budget resolution now. No one should be under any illusion that this money is going to be available next year. Most assuredly it is not.

Let's be crystal clear about what is at stake; that is, the economic lives of tens of thousands of farm families.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2002

The PRESIDING OFFICER. Under the previous order, the clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2506) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

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

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance 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 may be necessary in carrying out the program for the current fiscal year for such corporation: Provided, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $753,323,000 to remain available until September 30, 2005: 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 such sums shall remain available until September 30, 2020 for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2002, 2003, 2004, and 2005: Provided further, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, or related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: Provided further, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export Import Bank Act of 1945, in connection with the purchase or lease of any product by any East European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, $64,000,000: Provided, That necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the collection of moneys owed the Export-Import Bank, repossession or sale of pledged collateral or other assets acquired by the Export-Import Bank in satisfaction of moneys owed the Export-Import Bank, or the investigation or appraisal of any property, or the evaluation of the legal or technical aspects of any transaction for which an application for a loan, guarantee or insurance commitment has been made, shall be considered nonadministrative expenses for the purposes of this heading: Provided further, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2002.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: Provided, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $38,608,000: Provided further, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

Such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $50,024,000, to remain available until September 30, 2003.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2002, unless otherwise specified herein, as follows:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, family planning/reproductive health, assistance to combat tropical and other infectious diseases, and related activities, in addition to funds otherwise available for such purposes, $1,455,500,000, to remain available until expended: Provided, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health, nutrition, water and sanitation programs, and related education programs; (4) assistance for displaced and orphaned children; (5) programs for the prevention, treatment, and control of, and research on, HIV/AIDS, tuberculosis, malaria, polio and other infectious diseases; and (6) family planning/reproductive health: Provided further, That none of the funds appropriated under this heading may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health programs: Provided further, That of the funds appropriated under this heading, not to exceed $125,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: Provided further, That the following amounts should be allocated as follows: $325,000,000 for child survival and maternal health; $25,000,000 for vulnerable children; $415,000,000 for HIV/AIDS including $40,000,000 which may be made available, notwithstanding any other provision of law, for a United States contribution to a global fund to combat HIV/AIDS, malaria, and tuberculosis, and not less than $15,000,000 which should be made available to support the development of microbicides as a means for combating HIV/AIDS; $175,000,000 for other infectious diseases; $120,000,000 for UNICEF: Provided further, That of the funds appropriated under this Act, not less than $450,000,000 shall be made available to carry out the purposes of section 104(b) of the Foreign Assistance Act of 1961, of which not less than $395,000,000 shall be made available from funds appropriated under this heading and not less than $55,000,000 shall be made available from funds appropriated under other headings in this title: Provided further, That of the funds appropriated under this heading, up to $50,500,000 may be made available for a United States contribution to The Vaccine Fund, and up to $10,000,000 may be made available for the International AIDS Vaccine Initiative: Provided further, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: Provided further, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: Provided further, That none of the funds made available under this Act may be used to lobby for or against abortion: Provided further, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations of the Senate and the House of Representatives, a report containing a description of such violation and the corrective action taken by the Agency: Provided further, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: Provided further, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term ''motivate'', as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: Provided further, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, and 131, and chapter 10 of part I of the Foreign Assistance Act of 1961, $1,235,000,000, to remain available until September 30, 2003: Provided, That $135,000,000 should be allocated for children's basic education: Provided further, That none of the funds appropriated under this heading may be made available for any activity which is in contravention to the Convention on International Trade in Endangered Species of Flora and Fauna: Provided further, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $25,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: Provided further, That of the aggregate amount of the funds appropriated by this Act that are made available for agriculture and rural development programs, $30,000,000 should be made available for plant biotechnology research and development: Provided further, That not less than $2,300,000 should be made available for core support for the International Fertilizer Development Center: Provided further, That of the funds appropriated under this heading, not less than $500,000 shall be made available for support of the United States Telecommunications Training Institute: Provided further, That of the funds appropriated under this heading, not less than $19,000,000 shall be made available for

the American Schools and Hospitals Abroad program.

ENVIRONMENT, CLEAN ENERGY, AND ENERGY CONSERVATION PROGRAMS FUND

Of the funds appropriated under the heading ''Development Assistance'', not less than $295,000,000 should be made available for programs and activities which directly protect tropical forests, biodiversity and endangered species, promote the sustainable use of natural resources, and promote a wide range of clean energy and energy conservation activities, including the transfer of cleaner and environmentally sustainable energy technologies, and related activities: Provided, That of the funds appropriated by this Act, not less than $175,000,000 should be made available to support policies and actions in developing countries and countries in transition that measure, monitor, report, verify, and reduce greenhouse gas emissions; increase carbon sequestration activities; and enhance climate change mitigation programs.

CYPRUS

Of the funds appropriated under the heading ''Economic Support Fund'', not less than $15,000,000 shall be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus.

LEBANON

Of the funds appropriated under the heading ''Economic Support Fund'', not less than $35,000,000 should be made available for Lebanon to be used, among other programs, for scholarships and direct support of the American educational institutions in Lebanon: Provided, That, notwithstanding section 534(a) of this Act, none of the funds appropriated under the heading ''Economic Support Fund'' may be made available for assistance for the Central Government of Lebanon until the Secretary of State determines and certifies to the Committees on Appropriations that the Government of Lebanon has enforced the custody and international pickup orders, issued during calendar year 2001, of Lebanon's civil courts regarding abducted American children in Lebanon.

INDONESIA

Of the funds appropriated under the headings ''Economic Support Fund'', ''Child Survival and Health Programs Fund'' and ''Development Assistance'', not less than $135,000,000 should be made available for Indonesia: Provided, That not less than $10,000,000 should be made available for humanitarian, economic rehabilitation, and related activities in Aceh, West Papua and Maluka: Provided further, That funds made available in the previous proviso may be transferred to and merged with the appropriation for Transition Initiatives.

BURMA

Of the funds appropriated under the heading ''Economic Support Fund'', not less than $6,500,000 should be made available to support democracy activities in Burma, democracy and humanitarian activities along the Burma-Thailand border, and for Burmese student groups and other organizations located outside Burma: Provided, That funds made available for Burma-related activities under this heading may be made available notwithstanding any other provision of law: Provided further, That the provision of such funds shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That Title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, as enacted by section 101(a) of Public Law 106–429, is amended, under the heading ''Burma'', by inserting '', 'Child Survival and Disease Programs Fund','' after ''Fund''.

INTERNATIONAL DISASTER ASSISTANCE

For necessary expenses for international disaster relief, rehabilitation, and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, as amended, $255,000,000, to remain available until expended.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $52,500,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: Provided, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: Provided further, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees, up to $25,000,000, as authorized by sections 108 and 635 of the Foreign Assistance Act of 1961: Provided, That such funds shall be derived by transfer from funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, and under the heading ''Assistance for Eastern Europe and the Baltic States'': Provided further, That such funds shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of the Act: Provided further, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading. In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, $7,500,000, all of which may be transferred to and merged with the appropriation for Operating Expenses of the United States Agency for International Development: Provided further, That funds appropriated under this heading shall remain available until September 30, 2003.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the ''Foreign Service Retirement and Disability Fund'', as authorized by the Foreign Service Act of 1980, $44,880,000.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667, $549,000,000: Provided, That none of the funds appropriated under this heading may be made available to finance the construction (including architect and engineering services), purchase, or long term lease of offices for use by the United States Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: Provided further, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long term lease of offices does not exceed $1,000,000: Provided further, That of the funds appropriated under this heading, up to $10,000,000 may remain available until expended for overseas facilities construction, leasing, and other security-related costs.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667, $32,000,000, to remain available until September 30, 2003, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,239,500,000, to remain available until September 30, 2003: Provided, That of the funds appropriated under this heading, not less than $720,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act or by October 31, 2001, whichever is later: Provided further, That not less than $655,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years, and of which not less than $160,000,000 shall be provided as Commodity Import Program assistance: Provided further, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country and that Israel enters into a side letter agreement in an amount proportional to the fiscal year 1999 agreement: Provided further, That of the funds appropriated under this heading, $150,000,000 shall be made available for assistance for Jordan: Provided further, That of the funds appropriated under this heading, not less than $25,000,000 shall be made available for assistance for East Timor of which up to $1,000,000 may be transferred to and merged with the appropriation for Operating Expenses of the United States Agency for International Development: Provided further, That of the funds appropriated under this heading, $12,000,000 should be made available for Mongolia: Provided further, That up to $10,000,000 of the funds appropriated under this heading may be used, notwithstanding any other provision of law, to provide assistance to the National Democratic Alliance of Sudan to strengthen its ability to protect civilians from attacks, slave raids, and aerial bombardment by the Sudanese Government forces and its militia allies, and the provision of such funds shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That in the previous proviso, the term ''assistance'' includes non-lethal, non-food aid such as blankets, medicine, fuel, mobile clinics, water drilling equipment, communications equipment to notify civilians of aerial bombardment, non-military vehicles, tents, and shoes.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $603,000,000, to remain available until September 30, 2003, which shall be available, notwithstanding any other provision of law, for assistance and for related programs for Eastern Europe and the Baltic States: Provided, That funds made available for assistance for Kosovo from funds appropriated under

this heading and under the headings ''Economic Support Fund'' and ''International Narcotics Control and Law Enforcement'' should not exceed 15 percent of the total resources pledged by all donors for calendar year 2002 for assistance for Kosovo as of March 31, 2002: Provided further, That none of the funds made available under this Act for assistance for Kosovo shall be made available for large scale physical infrastructure reconstruction.

(b) Funds appropriated under this heading or in prior appropriations Acts that are or have been made available for an Enterprise Fund may be deposited by such Fund in interest-bearing accounts prior to the Fund's disbursement of such funds for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(c) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(d) With regard to funds appropriated under this heading for the economic revitalization program in Bosnia and Herzegovina, and local currencies generated by such funds (including the conversion of funds appropriated under this heading into currency used by Bosnia and Herzegovina as local currency and local currency returned or repaid under such program) the Administrator of the United States Agency for International Development shall provide written approval for grants and loans prior to the obligation and expenditure of funds for such purposes, and prior to the use of funds that have been returned or repaid to any lending facility or grantee.

(e) The provisions of section 529 of this Act shall apply to funds made available under subsection (d) and to funds appropriated under this heading: Provided, That notwithstanding any provision of this or any other Act, including provisions in this subsection regarding the application of section 529 of this Act, local currencies generated by, or converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989.

(f) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between Iranian officials and Bosnian officials has not been terminated.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, $800,000,000, to remain available until September 30, 2003: Provided, That the provisions of such chapters shall apply to funds appropriated by this paragraph: Provided further, That of the funds made available for the Southern Caucasus region, notwithstanding any other provision of law, funds may be used for confidence-building measures and other activities in furtherance of the peaceful resolution of the regional conflicts, especially those in the vicinity of Abkhazia and Nagorno-Karabagh: Provided further, That of the funds appropriated under this heading not less than $20,000,000 shall be made available solely for the Russian Far East.

(b) Of the funds appropriated under this heading, not less than $180,000,000 should be made available for assistance for Ukraine: Provided, That of this amount, not less than $25,000,000 should be made available for nuclear reactor safety initiatives: Provided further, That not later than 60 days after the date of enactment of this Act, and 120 days thereafter, the Department of State shall submit to the Committees on Appropriations a report on progress by the Government of Ukraine in investigating and bringing to justice individuals responsible for the murders of Ukrainian journalists.

(c) Of the funds appropriated under this heading, not less than $90,000,000 shall be made available for assistance for Armenia: Provided, That of this amount, not less than $5,000,000 shall be made available to the Government of Armenia to support an education initiative in Armenia, including the provision of computer equipment and internet access to Armenian primary and secondary schools.

(d) Of the funds appropriated under this heading, not less than $90,000,000 shall be made available for assistance for Georgia, of which not less than $3,000,000 should be made available for a small business development project.

(e) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee, or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

(f) Of the funds made available under this heading for nuclear safety activities, not to exceed 8 percent of the funds provided for any single project may be used to pay for management costs incurred by a United States agency or national lab in administering said project.

(g)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation:

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability;

(B) is cooperating with international efforts to investigate allegations of war crimes and atrocities in Chechnya;

(C) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya; and

(D) is in compliance with article V of the Treaty on Conventional Armed Forces in Europe regarding forces deployed in the flank zone in and around Chechyna.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(h) Of the funds appropriated under this heading, not less than $45,000,000 should be made available, in addition to funds otherwise available for such purposes, for assistance for child survival, environmental and reproductive health, and to combat HIV/AIDS, tuberculosis, and other infectious diseases, and for related activities.

INDEPENDENT AGENCIES

PEACE CORPS

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), $275,000,000, including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States: Provided, That none of the funds appropriated under this heading shall be used to pay for abortions: Provided further, That funds appropriated under this heading shall remain available until September 30, 2003.

INTER-AMERICAN FOUNDATION

For expenses necessary to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, and to make commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104(b)(3), $13,106,950.

AFRICAN DEVELOPMENT FOUNDATION

For expenses necessary to carry out title V of the International Security and Development Cooperation Act of 1980, Public Law 96–533, and to make commitments without regard to fiscal year limitations, as provided by 31 U.S.C. 9104(b)(3), $16,542,000: Provided, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the President of the Foundation: Provided further, That interest earned shall be used only for the purposes for which the grant was made: Provided further, That this authority applies to interest earned both prior to and following enactment of this provision: Provided further, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project: Provided further, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $217,000,000, to remain available until expended: Provided, That any funds made available under this heading for anti-crime programs and activities shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That during fiscal year 2002, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: Provided further,

That of the funds appropriated under this heading, not less than $10,000,000 should be made available for anti-trafficking in persons programs, including trafficking prevention, protection and assistance for victims, and prosecution of traffickers: Provided further, That of the funds appropriated under this heading, not more than $16,660,000 shall be available for administrative expenses.

ANDEAN COUNTERDRUG INITIATIVE

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 solely to support counterdrug activities in the Andean region of South America, $567,000,000, to remain available until expended: Provided, That of the amount appropriated under this heading, not less than $200,000,000 shall be apportioned directly to the United States Agency for International Development, to be used for economic and social programs: Provided further, That funds appropriated by this Act that are used for the procurement of chemicals for aerial coca fumigation programs may be made available for such programs only if the Secretary of State, after consultation with the Secretary of the Department of Health and Human Services and the Surgeon General, determines and reports to the Committees on Appropriations that (1) the chemicals used in the aerial fumigation of coca, in the manner in which they are being applied, do not pose an undue risk to human health or safety; (2) that aerial coca fumigation is being carried out according to the health, safety, and usage procedures recommended by the Environmental Protection Agency, the Centers for Disease Control and Prevention, and the manufacturers of the chemicals; and (3) that effective mechanisms are in place to evaluate claims of local citizens that their health was harmed or their licit agricultural crops were damaged by such aerial coca fumigation, and provide fair compensation for meritorious claims: Provided further, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: Provided further, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961, as amended, shall be made available subject to the regular notification procedures of the Committees on Appropriations: Provided further, That section 3204(b) of the Emergency Supplemental Act, 2000 (Public Law 106–246) shall be applicable to funds appropriated by this Act: Provided further, That the President shall ensure that if any helicopter procured with funds under this heading is used to aid or abet the operations of any illegal self-defense group or illegal security cooperative, such helicopter shall be immediately returned to the United States: Provided further, That funds made available under this heading shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That of the funds appropriated under this heading, not more than $14,240,000 shall be available for administrative expenses of the Department of State.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $735,000,000, which shall remain available until expended: Provided, That not more than $16,000,000 shall be available for administrative expenses: Provided further, That not less than $60,000,000 of the funds made available under this heading shall be made available for refugees from the former Soviet Union and Eastern Europe and other refugees resettling in Israel.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 260(c)), $15,000,000, to remain available until expended: Provided, That the funds made available under this heading are appropriated notwithstanding the provisions contained in section 2(c)(2) of the Act which would limit the amount of funds which could be appropriated for this purpose.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism and related programs and activities, $326,500,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law, including activities implemented through nongovernmental and international organizations, section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA) and a voluntary contribution to the Korean Peninsula Energy Development Organization (KEDO), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided, That the Secretary of State shall inform the Committees on Appropriations at least 10 days prior to the obligation of funds for the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: Provided further, That of this amount not to exceed $14,000,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: Provided further, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so following consultation with the appropriate committees of Congress: Provided further, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: Provided further, That of the funds appropriated under this heading, $40,000,000 should be made available for demining, clearance of unexploded ordnance, and related activities: Provided further, That of the funds made available for demining and related activities, not to exceed $500,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: Provided further, That of the funds appropriated under this heading, $3,500,000 should be made available to support the Small Arms Destruction Initiative.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961 (relating to international affairs technical assistance activities), $6,000,000, to remain available until expended, which shall be available notwithstanding any other provision of law.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, and of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, and concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113, $235,000,000, to remain available until expended: Provided, That not less than $11,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961, and up to $14,000,000 of unobligated balance of funds available under this heading from prior year appropriations acts should be made available to carry out such provisions: Provided further, That funds appropriated or otherwise made available under this heading in this Act may be used by the Secretary of the Treasury to pay to the Heavily Indebted Poor Countries (HIPC) Trust Fund administered by the International Bank for Reconstruction and Development amounts for the benefit of countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113: Provided further, That amounts paid to the HIPC Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

(1) the Inter-American Development Bank;

(2) the African Development Fund;

(3) the African Development Bank; and

(4) the Central American Bank for Economic Integration:

Provided further, That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: Provided further, That on the basis of final appropriations, the Secretary of the Treasury shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: Provided further, That the Secretary of the Treasury shall inform the Committees on Appropriations not less than 15 days in advance of the signature of an agreement by the United States to make payments to

the HIPC Trust Fund of amounts for such countries and institutions: Provided further, That the Secretary of the Treasury may disburse funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—

(a) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institution to export-oriented commercial projects that generate foreign exchange which are generally referred to as ''enclave'' loans; and

(b) have documented and demonstrated their commitment to redirect their budgetary resources from international debt repayments to programs to alleviate poverty and promote economic growth that are additional to or expand upon those previously available for such purposes:

Provided further, That any limitation of subsection (e) of section 411 of the Agricultural Trade Development and Assistance Act of 1954 shall not apply to funds appropriated under this heading: Provided further, That none of the funds made available under this heading in this or any other appropriations Acts shall be made available for Sudan or Burma unless the Secretary of Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office: Provided further, That the authority provided by section 572 of Public Law 100–461 may be exercised only with respect to countries that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as ''IDA-only'' countries.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $75,000,000, of which up to $5,000,000 may remain available until expended: Provided, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: Provided further, That funds appropriated under this heading for military education and training for Zimbabwe, Indonesia and Guatemala may only be available for expanded international military education and training and funds made available for Zimbabwe, Cote D'Ivoire, The Gambia, the Democratic Republic of the Congo, Algeria, Indonesia and Guatemala may only be provided through the regular notification procedures of the Committees on Appropriations.

FOREIGN MILITARY FINANCING PROGRAM

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $3,674,000,000: Provided, That of the funds appropriated under this heading, not less than $2,040,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: Provided further, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act or by October 31, 2001, whichever is later: Provided further, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $535,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: Provided further, That of the funds appropriated by this paragraph, not less than $75,000,000 shall be made available for assistance for Jordan: Provided further, That of the funds appropriated by this paragraph, not less than $10,000,000 shall be made available for assistance for Tunisia: Provided further, That during fiscal year 2002, the President is authorized to, and shall, direct the draw-downs of defense articles from the stocks of the Department of Defense, defense services of the Department of Defense, and military education and training of an aggregate value of not less than $5,000,000 under the authority of this proviso for Tunisia for the purposes of part II of the Foreign Assistance Act of 1961 and any amount so directed shall count toward meeting the earmark in the preceding proviso: Provided further, That funds appropriated by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: Provided further, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: Provided, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Sudan and Liberia: Provided further, That funds made available under this heading may be used, notwithstanding any other provision of law, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: Provided further, That none of the funds appropriated under this heading shall be available for assistance for Guatemala: Provided further, That only those countries for which assistance was justified for the ''Foreign Military Sales Financing Program'' in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: Provided further, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: Provided further, That not more than $35,000,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: Provided further, That not more than $348,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2002 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: Provided further, That foreign military financing program funds estimated to be outlayed for Egypt during fiscal year 2002 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act or by October 31, 2001, whichever is later.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $140,000,000: Provided, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

GLOBAL ENVIRONMENT FACILITY

For the United States contribution for the Global Environment Facility, $109,500,000, to the International Bank for Reconstruction and Development as trustee for the Global Environment Facility, by the Secretary of the Treasury, to remain available until expended.

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $775,000,000, to remain available until expended: Provided, That in negotiating United States participation in the next replenishment of the International Development Association, the Secretary of the Treasury shall accord high priority to providing the International Development Association with the policy flexibility to provide new grant assistance to countries eligible for debt reduction under the enhanced HIPC Initiative: Provided further, That the Secretary of the Treasury shall instruct the United States executive director to the International Bank for Reconstruction and Development to vote against any water or sewage project in India that does not prohibit the use of scavenger labor.

CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

For payment to the Multilateral Investment Guarantee Agency by the Secretary of the Treasury, $9,500,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Multilateral Investment Guarantee Agency may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $50,000,000.

CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

For payment to the Inter-American Investment Corporation, by the Secretary of the Treasury, $20,000,000, for the United States share of the increase in subscriptions to capital stock, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, $103,017,050, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, $5,100,000, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $79,991,500.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $100,000,000, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $35,778,717, for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $123,237,803.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, $20,000,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $217,000,000: Provided, That not less than a total of $18,000,000 should be made available for the International Panel on Climate Change, the United Nations Framework Convention on Climate Change, the World Conservation Union, the International Tropical Timber Organization, the Convention on International Trade in Endangered Species, the Ramsar Convention on Wetlands, the Convention to Combat Desertification, the United Nations Forum on Forests, and the Montreal Process on Criteria and Indicators for Sustainable Forest Management: Provided further, That not less than $6,000,000 should be made available to the World Food Program: Provided further, That of the funds appropriated under this heading, not less than $39,000,000 shall be made available for the United Nations Fund for Population Activities (UNFPA): Provided further, That none of the funds appropriated under this heading that are made available to UNFPA shall be made available for activities in the People's Republic of China: Provided further, That with respect to any funds appropriated under this heading that are made available to UNFPA, UNFPA shall be required to maintain such funds in a separate account and not commingle them with any other funds: Provided further, That none of the funds appropriated under this heading may be made available to the Korean Peninsula Energy Development Organization (KEDO) or the International Atomic Energy Agency (IAEA).

TITLE V—GENERAL PROVISIONS

OBLIGATIONS DURING LAST MONTH OF AVAILABILITY

SEC. 501. Except for the appropriations entitled ''International Disaster Assistance'', and ''United States Emergency Refugee and Migration Assistance Fund'', not more than 15 percent of any appropriation item made available by this Act shall be obligated during the last month of availability.

PRIVATE AND VOLUNTARY ORGANIZATIONS

SEC. 502. (a) None of the funds appropriated or otherwise made available by this Act for development assistance may be made available to any United States private and voluntary organization, except any cooperative development organization, which obtains less than 20 percent of its total annual funding for international activities from sources other than the United States Government: Provided, That the Administrator of the United States Agency for International Development, after informing the Committees on Appropriations, may, on a case-by-case basis, waive the restriction contained in this subsection, after taking into account the effectiveness of the overseas development activities of the organization, its level of volunteer support, its financial viability and stability, and the degree of its dependence for its financial support on the agency.

(b) Funds appropriated or otherwise made available under title II of this Act should be made available to private and voluntary organizations at a level which is at least equivalent to the level provided in fiscal year 1995.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $126,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the United States Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $95,000 shall be available for representation allowances for the United States Agency for International Development during the current fiscal year: Provided, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: Provided further, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading ''Foreign Military Financing Program'', not to exceed $2,000 shall be available for entertainment expenses and not to exceed $100,000 shall be available for representation allowances: Provided further, That of the funds made available by this Act under the heading ''International Military Education and Training'', not to exceed $50,000 shall be available for entertainment allowances: Provided further, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: Provided further, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: Provided further, That of the funds made available by this Act under the heading ''Trade and Development Agency'', not to exceed $2,000 shall be available for representation and entertainment allowances.

PROHIBITION ON FINANCING NUCLEAR GOODS

SEC. 506. None of the funds appropriated or made available (other than funds for ''Nonproliferation, Anti-terrorism, Demining and Related Programs'') pursuant to this Act, for carrying out the Foreign Assistance Act of 1961, may be used, except for purposes of nuclear safety, to finance the export of nuclear equipment, fuel, or technology.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Iraq, Libya, North Korea, Iran, Sudan, or Syria: Provided, That for purposes of this section, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to any country whose duly elected head of government is deposed by decree or military coup: Provided, That assistance may be resumed to such country if the President determines and reports to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office.

TRANSFERS BETWEEN ACCOUNTS

SEC. 509. None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

DEOBLIGATION/REOBLIGATION AUTHORITY

SEC. 510. Obligated balances of funds appropriated to carry out section 23 of the Arms Export Control Act as of the end of the fiscal year immediately preceding the current fiscal year are, if deobligated, hereby continued available during the current fiscal year for the same purpose under any authority applicable to such appropriations under this Act: Provided, That the authority of this subsection may not be used in fiscal year 2002.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: Provided, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 667, chapter 4 of part II of the Foreign Assistance Act of 1961, as amended, section 23 of the Arms Export Control Act, and funds provided under the heading ''Assistance for Eastern Europe and the Baltic States'', shall remain available for an additional four years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: Provided further, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to any country which is in default during a period in excess of one calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on

Appropriations, that assistance to such country is in the national interest of the United States.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: Provided, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: Provided, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact in the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. (a) For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for ''Child Survival and Health Programs Fund'', ''Development Assistance'', ''International Organizations and Programs'', ''Trade and Development Agency'', ''International Narcotics Control and Law Enforcement'', ''Andean Counterdrug Initiative'', ''Assistance for Eastern Europe and the Baltic States'', ''Assistance for the Independent States of the Former Soviet Union'', ''Economic Support Fund'', ''Peacekeeping Operations'', ''Operating Expenses of the United States Agency for International Development'', ''Operating Expenses of the United States Agency for International Development Office of Inspector General'', ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', ''Foreign Military Financing Program'', ''International Military Education and Training'', ''Peace Corps'', and ''Migration and Refugee Assistance'', shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings unless the Appropriations Committees of both Houses of Congress are previously notified 15 days in advance: Provided, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: Provided further, That this section shall not apply to any reprogramming for an activity, program, or project under chapter 1 of part I of the Foreign Assistance Act of 1961 of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: Provided further, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: Provided further, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: Provided further, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

(b) Drawdowns made pursuant to section 506(a)(2) of the Foreign Assistance Act of 1961 shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2003.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 517. (a) None of the funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' shall be made available for assistance for a government of an Independent State of the former Soviet Union—

(1) unless that government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investment; and

(2) if that government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: Provided, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(c) None of the funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' shall be made available for any state to enhance its military capability: Provided, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(d) Funds appropriated under the heading ''Assistance for the Independent States of the Former Soviet Union'' for the Russian Federation, Armenia, Georgia, and Ukraine shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) Funds appropriated in this or prior appropriations Acts that are or have been made available for an Enterprise Fund in the Independent States of the Former Soviet Union may be deposited by such Fund in interest-bearing accounts prior to the disbursement of such funds by the Fund for program purposes. The Fund may retain for such program purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress. Funds made available for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(g) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading ''Assistance for the Independent States of the Former Soviet Union'' and under comparable headings in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to the New Independent States and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

OVERSEAS PRIVATE INVESTMENT CORPORATION AND EXPORT-IMPORT BANK RESTRICTIONS

SEC. 518. (a) LIMITATION ON USE OF FUNDS BY OPIC.—None of the funds made available in this Act may be used by the Overseas Private Investment Corporation to insure, reinsure, guarantee, or finance any investment in connection with a project involving the mining, polishing or other processing, or sale of diamonds in a country that fails to meet the requirements of subsection (c).

(b) LIMITATION ON USE OF FUNDS BY THE EXPORT-IMPORT BANK.—None of the funds made available in this Act may be used by the Export-Import Bank of the United States to guarantee, insure, extend credit, or participate in an extension of credit in connection with the export of

any goods to a country for use in an enterprise involving the mining, polishing or other processing, or sale of diamonds in a country that fails to meet the requirements of subsection (c).

(c) REQUIREMENTS.—The requirements referred to in subsection (a) and (b) are that the country concerned is implementing a system of controls on the export and import of rough diamonds that—

(1) is consistent with United Nations General Assembly Resolution 55/56 adopted on December 1, 2000.

(2) the President determines to be functionally equivalent to the system of controls specified in subparagraph (1); or

(3) meets the requirements of an international agreement which requires controls specified in subparagraph (1) and to which the United States is a party.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 519. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2002, for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: Provided, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated by this Act shall be obligated or expended for Burma, Colombia, Haiti, Liberia, Serbia, Sudan, Ethiopia, Eritrea, Zimbabwe, Pakistan, or the Democratic Republic of the Congo except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act, ''program, project, and activity'' shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, ''program, project, and activity'' shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development ''program, project, and activity'' shall also be considered to include central program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL AND HEALTH ACTIVITIES

SEC. 522. Up to $14,500,000 of the funds made available by this Act for assistance under the heading ''Child Survival and Health Programs Fund'', may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the United States Agency for International Development for the purpose of carrying out activities under that heading: Provided, That up to $3,500,000 of the funds made available by this Act for assistance under the heading ''Development Assistance'' may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: Provided further, That funds appropriated by this Act that are made available for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any other provision of law: Provided further, That funds appropriated under title II of this Act may be made available pursuant to section 301 of the Foreign Assistance Act of 1961 if a primary purpose of the assistance is for child survival and related programs.

PROHIBITION AGAINST INDIRECT FUNDING TO CERTAIN COUNTRIES

SEC. 523. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated to finance indirectly any assistance or reparations to Cuba, Iraq, Libya, Iran, Syria, North Korea, or Sudan, unless the President of the United States certifies that the withholding of these funds is contrary to the national interest of the United States.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 524. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: Provided, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: Provided further, That such Committees shall also be informed of the original acquisition cost of such defense articles.

AUTHORIZATION REQUIREMENT

SEC. 525. Funds appropriated by this Act, except funds appropriated under the headings ''Peace Corps'' and ''Trade and Development Agency'', may be obligated and expended notwithstanding section 10 of Public Law 91–672 and section 15 of the State Department Basic Authorities Act of 1956.

DEMOCRACY PROGRAMS

SEC. 526. Funds appropriated by this Act that are provided to the National Endowment for Democracy may be made available notwithstanding any other provision of law or regulation: Provided, That notwithstanding any other provision of law, of the funds appropriated by this Act to carry out provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, not less than $10,000,000 shall be made available for assistance for the People's Republic of China for activities to support democracy and the rule of law in that country, of which not to exceed $2,500,000 may be made available to nongovernmental organizations located outside the People's Republic of China to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in Tibet: Provided further, That notwithstanding any other provision of law or regulation, funds appropriated by this or any other Act making appropriations pursuant to part I of the Foreign Assistance Act of 1961 that are available for the United States-Asia Environmental Partnership, may be made available for activities in the People's Republic of China: Provided further, That funds made available pursuant to the authority of this section for programs, projects, and activities in the People's Republic of China shall be subject to the regular notification procedures of the Committees on Appropriations.

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

DEBT-FOR-DEVELOPMENT

SEC. 528. In order to enhance the continued participation of nongovernmental organizations in economic assistance activities under the Foreign Assistance Act of 1961, including endowments, debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts funds made available under this Act or prior Acts or local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 529. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the United States Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The United States Agency for International Development shall take all necessary steps to ensure

that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the United States Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 530. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section, ''international financial institutions'' are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

COMPLIANCE WITH UNITED NATIONS SANCTIONS AGAINST IRAQ

SEC. 531. None of the funds appropriated or otherwise made available pursuant to this Act to carry out the Foreign Assistance Act of 1961 (including title IV of chapter 2 of part I, relating to the Overseas Private Investment Corporation) or the Arms Export Control Act may be used to provide assistance to any country that is not in compliance with the United Nations Security Council sanctions against Iraq unless the President determines and so certifies to the Congress that—

(1) such assistance is in the national interest of the United States;

(2) such assistance will directly benefit the needy people in that country; or

(3) the assistance to be provided will be humanitarian assistance for foreign nationals who have fled Iraq and Kuwait.

AUTHORITIES FOR THE PEACE CORPS, INTERNATIONAL FUND FOR AGRICULTURE DEVELOPMENT, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 532. (a) Unless expressly provided to the contrary, provisions of this or any other Act, including provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

(b) Unless expressly provided to the contrary, limitations on the availability of funds for ''International Organizations and Programs'' in this or any other Act, including prior appropriations Acts, shall not be construed to be applicable to the International Fund for Agriculture Development.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 533. None of the funds appropriated by this Act may be obligated or expended to provide—

(a) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(b) assistance for any project or activity that contributes to the violation of internationally recognized workers rights, as defined in section 502(a)(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: Provided, That in recognition that the application of this subsection should be commensurate with the level of development of the recipient country and sector, the provisions of this subsection shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

SPECIAL AUTHORITIES

SEC. 534. (a) AFGHANISTAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated in titles I and II of this Act that are made available for Afghanistan, Lebanon, Montenegro, and for victims of war, displaced children, and displaced Burmese, may be made available notwithstanding any other provision of law: Provided, That any such funds that are made available for Cambodia shall be subject to the provisions of section 531(e) of the Foreign Assistance Act of 1961 and section 906 of the International Security and Development Cooperation Act of 1985.

(b) TROPICAL FORESTRY AND BIODIVERSITY CONSERVATION ACTIVITIES.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law, for the purpose of supporting tropical forestry and biodiversity conservation activities and energy programs aimed at reducing greenhouse gas emissions: Provided, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by the United States Agency for International Development to employ up to 25 personal services contractors in the United States, notwithstanding any other provision of law, for the purpose of providing direct, interim support for new or expanded overseas programs and activities and managed by the agency until permanent direct hire personnel are hired and trained: Provided, That not more than 10 of such contractors shall be assigned to any bureau or office: Provided further, That such funds appropriated to carry out the Foreign Assistance Act of 1961 may be made available for personal services contractors assigned only to the Office of Health and Nutrition; the Office of Procurement; the Bureau for Africa; the Bureau for Latin America and the Caribbean; the Bureau for Asia and the Near East; and for the Global Development Alliance initiative: Provided further, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(e) SPECIAL AUTHORITY.—During fiscal year 2002, the President may use up to $35,000,000 under the authority of section 451 of the Foreign Assistance Act, notwithstanding the funding ceiling in section 451(a).

POLICY ON TERMINATING THE ARAB LEAGUE BOYCOTT OF ISRAEL AND NORMALIZING RELATIONS WITH ISRAEL

SEC. 535. It is the sense of the Congress that—

(1) the Arab League countries should immediately and publicly renounce the primary boycott of Israel and the secondary and tertiary boycott of American firms that have commercial ties with Israel and should normalize their relations with Israel;

(2) the decision by the Arab League in 1997 to reinstate the boycott against Israel was deeply troubling and disappointing;

(3) the fact that only three Arab countries maintain full diplomatic relations with Israel is also of deep concern;

(4) the Arab League should immediately rescind its decision on the boycott and its members

should develop normal relations with their neighbor Israel; and

(5) the President should—

(A) take more concrete steps to encourage vigorously Arab League countries to renounce publicly the primary boycotts of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to normalize their relations with Israel;

(B) take into consideration the participation of any recipient country in the primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel when determining whether to sell weapons to said country;

(C) report to Congress annually on the specific steps being taken by the United States and the progress achieved to bring about a public renunciation of the Arab primary boycott of Israel and the secondary and tertiary boycotts of American firms that have commercial relations with Israel and to expand the process of normalizing ties between Arab League countries and Israel; and

(D) encourage the allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ADMINISTRATION OF JUSTICE ACTIVITIES

SEC. 536. Of the funds appropriated or otherwise made available by this Act for ''Economic Support Fund'', assistance may be provided to strengthen the administration of justice in countries in Latin America and the Caribbean and in other regions consistent with the provisions of section 534(b) of the Foreign Assistance Act of 1961, except that programs to enhance protection of participants in judicial cases may be conducted notwithstanding section 660 of that Act. Funds made available pursuant to this section may be made available notwithstanding section 534(c) and the second and third sentences of section 534(e) of the Foreign Assistance Act of 1961.

ELIGIBILITY FOR ASSISTANCE

SEC. 537. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading ''Assistance for Eastern Europe and the Baltic States'': Provided, That the President shall take into consideration, in any case in which a restriction on assistance would be applicable but for this subsection, whether assistance in support of programs of nongovernmental organizations is in the national interest of the United States: Provided further, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: Provided further, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2002, restrictions contained in this or any other Act with respect to assistance for a country shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: Provided, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

EARMARKS

SEC. 538. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this or any other Act: Provided, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: Provided, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 539. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 540. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress: Provided, That not to exceed $750,000 may be made available to carry out the provisions of section 316 of Public Law 96–533.

PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS

SEC. 541. To the maximum extent practicable, assistance provided under this Act should make full use of American resources, including commodities, products, and services.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 542. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

SEC. 543. None of the funds appropriated or made available pursuant to this Act shall be available to a nongovernmental organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 544. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 6(j) of the Export Administration Act. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES OWED BY FOREIGN COUNTRIES

SEC. 545. (a) IN GENERAL.—Of the funds made available for a foreign country under part I of the Foreign Assistance Act of 1961, an amount equivalent to 110 percent of the total unpaid fully adjudicated parking fines and penalties owed to the District of Columbia and New York City, New York by such country as of the date of the enactment of this Act shall be withheld from obligation for such country until the Secretary of State certifies and reports in writing to the appropriate congressional committees that such fines and penalties are fully paid to the governments of the District of Columbia and New York City, New York.

(b) DEFINITION.—For purposes of this section, the term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 546. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104–107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: Provided, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 547. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961, as amended, of up to $35,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: Provided, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): Provided further, That funds made available for tribunals other than Yugoslavia or Rwanda shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 548. Notwithstanding any other provision of law, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe: Provided, That section 1365(c) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 22 U.S.C., 2778 note) is amended by striking ''During the 11-year period beginning on October 23, 1992'' and inserting ''During the 16-year period beginning on October 23, 1992''.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 549. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles: Provided, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: Provided further, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 550. None of the funds appropriated or otherwise made available by this Act under the heading ''International Military Education and Training'' or ''Foreign Military Financing Program'' for Informational Program activities or under the headings ''Child Survival and Health Programs Fund'', ''Development Assistance'', and ''Economic Support Fund'' may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including entrance fees at sporting events and amusement parks.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 551. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89–808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95–501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as ''Paris Club Agreed Minutes''.

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as ''IDA-only'' countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading ''Debt Restructuring''.

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 552. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading ''Debt Restructuring''.

HAITI COAST GUARD

SEC. 553. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard: Provided, That the authority provided by this section shall be subject to the regular notification procedures of the Committees on Appropriations.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 554. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is

important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 555. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: Provided further, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

GREENHOUSE GAS EMISSIONS REPORT

SEC. 556. Not later than the date on which the President's fiscal year 2003 budget request is submitted to Congress, the President shall submit a report to the Committees on Appropriations describing in detail the following—

(1) all Federal agency obligations and expenditures, domestic and international, for climate change programs and activities in fiscal year 2002, including an accounting of expenditures by agency with each agency identifying climate change activities and associated costs by line item as presented in the President's Budget Appendix;

(2) all fiscal year 2001 expenditures and fiscal year 2002 projected expenditures by the United States Agency for International Development to assist developing countries and countries in transition in adopting and implementing policies to measure, monitor, report, verify, and reduce greenhouse gas emissions, and to meet their responsibilities under the Framework Convention on Climate Change;

(3) all funds requested for fiscal year 2003 by the United States Agency for International Development to promote the measurement, monitoring, reporting, verification, and reduction of greenhouse gas emissions reductions, to promote the transfer and deployment of United States clean energy technologies and carbon capture and sequestration measures, and to develop assessments of the vulnerability to impacts of climate change and response strategies; and

(4) all fiscal year 2002 obligations and expenditures by the United States Agency for International Development for climate change programs and activities by country or central program and activity.

ZIMBABWE

SEC. 557. The Secretary of the Treasury shall instruct the United States executive director to each international financial institution to vote against any extension by the respective institution of any loans, to the Government of Zimbabwe, except to meet basic human needs or to promote democracy, unless the Secretary of State determines and certifies to the Committees on Appropriations that the rule of law has been restored in Zimbabwe, including respect for ownership and title to property, freedom of speech and association.

CENTRAL AMERICA RELIEF AND RECONSTRUCTION

SEC. 558. Funds made available to the Comptroller General pursuant to title I, chapter 4 of Public Law 106–31, to monitor the provision of assistance to address the effects of hurricanes in Central America and the Caribbean and the earthquake in Colombia, shall also be available to the Comptroller General to monitor earthquake relief and reconstruction efforts in El Salvador.

ENTERPRISE FUND RESTRICTIONS

SEC. 559. Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

CAMBODIA

SEC. 560. (a) The Secretary of the Treasury shall instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Central Government of Cambodia, except loans to meet basic human needs.

(b)(1) None of the funds appropriated by this Act may be made available for assistance for the Central Government of Cambodia unless the Secretary of State determines and reports to the Committees on Appropriations that the Central Government of Cambodia—

(A) is making significant progress in resolving outstanding human rights cases, including the 1994 grenade attack against the Buddhist Liberal Democratic Party, and the 1997 grenade attack against the Khmer Nation Party;

(B) has held local elections that are deemed free and fair by international and local election monitors; and

(C) is making significant progress in the protection, management, and conservation of the environment and natural resources, including in the promulgation and enforcement of laws and policies to protect forest resources.

(2) A determination by the Secretary of State under paragraph (1) shall cease to be effective if it becomes known to the Secretary that the Central Government of Cambodia is no longer making significant progress under subparagraph (A) or (C).

(3) In the event the Secretary of State makes the determination under paragraph (1), assistance may be made available to the Central Government of Cambodia only through the regular notification procedures of the Committees on Appropriations.

FOREIGN MILITARY TRAINING REPORT

SEC. 561. (a) The Secretary of Defense and the Secretary of State shall jointly provide to the Congress by March 1, 2002, a report on all military training provided to foreign military personnel (excluding sales, and excluding training provided to the military personnel of countries belonging to the North Atlantic Treaty Organization) under programs administered by the Department of Defense and the Department of State during fiscal years 2001 and 2002, including those proposed for fiscal year 2002. This report shall include, for each such military training activity, the foreign policy justification and purpose for the training activity, the cost of the training activity, the number of foreign students trained and their units of operation, and the location of the training. In addition, this report shall also include, with respect to United States personnel, the operational benefits to United States forces derived from each such training activity and the United States military units involved in each such training activity. This report may include a classified annex if deemed necessary and appropriate.

(b) For purposes of this section a report to Congress shall be deemed to mean a report to the Appropriations and Foreign Relations Committees of the Senate and the Appropriations and International Relations Committees of the House of Representatives.

KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION

SEC. 562. (a) Of the funds made available under the heading ''Nonproliferation, Anti-terrorism, Demining and Related Programs'', not to exceed $95,000,000 may be made available for the Korean Peninsula Energy Development Organization (hereafter referred to in this section as ''KEDO''), notwithstanding any other provision of law, only for the administrative expenses and heavy fuel oil costs associated with the Agreed Framework.

(b) Such funds may be made available for KEDO only if, 30 days prior to such obligation of funds, the President certifies and so reports to Congress that—

(1) the parties to the Agreed Framework have taken and continue to take demonstrable steps to implement the Joint Declaration on Denuclearization of the Korean Peninsula;

(2) North Korea is complying with all provisions of the Agreed Framework; and

(3) the United States is continuing to make significant progress on eliminating the North Korean ballistic missile threat, including further missile tests and its ballistic missile exports.

(c) The President may waive the certification requirements of subsection (b) if the President determines that it is vital to the national security interests of the United States and provides written policy justifications to the appropriate congressional committees. No funds may be obligated for KEDO until 15 days after submission to Congress of such waiver.

(d) The Secretary of State shall, at the time of the annual presentation for appropriations, submit a report providing a full and detailed accounting of the fiscal year 2003 request for the United States contribution to KEDO, the expected operating budget of KEDO, proposed annual costs associated with heavy fuel oil purchases, including unpaid debt, and the amount of funds pledged by other donor nations and organizations to support KEDO activities on a per country basis, and other related activities.

(e) The final proviso under the heading ''International Organizations and Programs'' in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1996 (Public Law 104–107) is repealed.

COLOMBIA

SEC. 563. (a) DETERMINATION AND CERTIFICATION REQUIRED.—Notwithstanding any other provision of law, funds appropriated by this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, may be made available for assistance for the Colombian Armed Forces only if the Secretary of State has made the determination and certification contained in subsection (b).

(b) DETERMINATION AND CERTIFICATION.—The determination and certification referred to in subsection (a) is a determination by the Secretary of State and a certification to the appropriate congressional committees that—

(1) the Commander General of the Colombian Armed Forces is suspending from the Armed Forces those members, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary groups, and is providing to civilian prosecutors and judicial authorities requested information concerning the nature and cause of the suspension;

(2) the Colombian Armed Forces are cooperating with civilian prosecutors and judicial authorities (including providing unimpeded access to witnesses and relevant military documents and other information), in prosecuting and punishing in civilian courts those members of the Colombian Armed Forces, of whatever rank,

who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary groups; and

(3) the Colombian Armed Forces are taking effective measures to sever links (including by denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation), at the command, battalion, and brigade levels, with paramilitary groups, and to execute outstanding arrest warrants for members of such groups.

(c) CONSULTATIVE PROCESS.—Ten days prior to making the determination and certification required by this section, and every 120 days thereafter, the Secretary of State shall consult with internationally recognized human rights organizations regarding progress in meeting the conditions contained in subsection (b).

(d) REPORT.—One hundred and twenty days after the enactment of this Act, and every 120 days thereafter, the Secretary of State shall submit a report to the Committees on Appropriations describing actions taken by the Colombian Armed Forces to meet the requirements set forth in subparagraphs (b)(1) through (3); and

(e) DEFINITIONS.—In this section:

(1) AIDED OR ABETTED.—The term ''aided or abetted'' means to provide any support to paramilitary groups, including taking actions which allow, facilitate, or otherwise foster the activities of such groups.

(2) PARAMILITARY GROUPS.—The term ''paramilitary groups'' means illegal self-defense groups and illegal security cooperatives.

ILLEGAL ARMED GROUPS

SEC. 564. (a) DENIAL OF VISAS TO SUPPORTERS OF COLOMBIAN ILLEGAL ARMED GROUPS.—Subject to subsection (b), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

(1) has willfully provided any support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Self-Defense Forces of Colombia (AUC), including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups; or

(2) has committed, ordered, incited, assisted, or otherwise participated in the commission of gross violations of human rights, including extra-judicial killings, in Colombia.

(b) WAIVER.—Subsection (a) shall not apply if the Secretary of State determines and certifies to the appropriate congressional committees, on a case-by-case basis, that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for urgent humanitarian reasons.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 565. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

IRAQ

SEC. 566. Notwithstanding any other provision of law, funds appropriated under the heading ''Economic Support Fund'' may be made available for programs benefitting the Iraqi people and to support efforts to bring about a democratic transition in Iraq: Provided, That funds may be made available through the Iraqi National Congress Support Foundation or the Iraqi National Congress only if the Inspector General of the Department of State determines and certifies to the Committees on Appropriations that such organizations are implementing adequate and transparent financial controls to ensure that funds are used exclusively for the purposes of this section, and that not more than 14 percent of the funds is used for administrative expenses, including expenditures for salaries, office rent and equipment.

WEST BANK AND GAZA PROGRAM

SEC. 567. For fiscal year 2002, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading ''Economic Support Fund'' for the West Bank and Gaza.

INDONESIA

SEC. 568. (a) Funds appropriated by this Act under the headings ''International Military Education and Training'' and ''Foreign Military Financing Program'' may be made available for assistance for Indonesian Ministry of Defense or military personnel only if the President determines and submits a report to the appropriate congressional committees that the Government of Indonesia and the Indonesian Armed Forces are—

(1) taking effective measures to bring to justice members of the armed forces and militia groups against whom there is credible evidence of human rights violations in East Timor and Indonesia;

(2) taking effective measures to bring to justice members of the armed forces against whom there is credible evidence of aiding or abetting militia groups in East Timor and Indonesia;

(3) allowing displaced persons and refugees to return home to East Timor, including providing safe passage for refugees returning from West Timor;

(4) not impeding the activities of the United Nations Transitional Authority in East Timor;

(5) demonstrating a commitment to preventing incursions into East Timor by members of militia groups in West Timor;

(6) demonstrating a commitment to accountability by cooperating with investigations and prosecutions of members of the armed forces and militia groups responsible for human rights violations in East Timor and Indonesia;

(7) demonstrating a commitment to civilian control of the armed forces by having in place a functioning system for reporting to civilian authorities audits of receipts and expenditures that fund activities of the armed forces;

(8) allowing United Nations and other international humanitarian and human rights workers and observers unimpeded access to West Timor, Aceh, West Papua, and Maluka; and

(9) releasing political detainees.

RESTRICTIONS ON ASSISTANCE TO GOVERNMENTS DESTABILIZING SIERRA LEONE

SEC. 569. (a) None of the funds appropriated by this Act may be made available for assistance for the government of any country for which the Secretary of State determines there is credible evidence that such government has provided lethal or non-lethal military support or equipment, directly or through intermediaries, within the previous 6 months to the Sierra Leone Revolutionary United Front (RUF), Liberian Armed Forces, or any other group intent on destabilizing the democratically elected government of the Republic of Sierra Leone.

(b) None of the funds appropriated by this Act may be made available for assistance for the government of any country for which the Secretary of State determines there is credible evidence that such government has aided or abetted, within the previous 6 months, in the illicit distribution, transportation, or sale of diamonds mined in Sierra Leone.

(c) None of the funds appropriated by this Act may be made available for assistance for the government of any country for which the Secretary of State determines there is credible evidence that such government has knowingly facilitated the safe passage of weapons or other equipment to the RUF, Liberian security forces, or any other group intent on destabilizing the democratically elected government of the Republic of Sierra Leone.

(d) Whenever the prohibition on assistance required under subsection (a), (b) or (c) is exercised, the Secretary of State shall notify the Committees on Appropriations in a timely manner.

VOLUNTARY SEPARATION INCENTIVES

SEC. 570. Section 579(c)(2)(D) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000, as enacted by section 1000(a)(2) of the Consolidated Appropriations Act, 2000 (Public Law 106–113), as amended, is amended by striking ''December 31, 2001'' and inserting in lieu thereof ''December 31, 2002''.

AMERICAN CHURCHWOMEN AND OTHER CITIZENS IN EL SALVADOR AND GUATEMALA

SEC. 571. (a) To the fullest extent possible information relevant to the December 2, 1980, murders of four American churchwomen in El Salvador, and the May 5, 2001, murder of Sister Barbara Ann Ford and the murders of six other American citizens in Guatemala since December 1999, should be investigated and made public.

(b) The Department of State is urged to pursue all reasonable avenues in assuring the collection and public release of information pertaining to the murders of the six American citizens in Guatemala.

(c) The President shall order all Federal agencies and departments, including the Federal Bureau of Investigation, that possess relevant information, to expeditiously declassify and release to the victims' families such information.

(d) In making determinations concerning declassification and release of relevant information, all Federal agencies and departments shall presume in favor of releasing, rather than of withholding, such information.

(e) All reasonable efforts should be taken by the American Embassy in Guatemala to work with relevant agencies of the Guatemalan Government to protect the safety of American citizens in Guatemala, and to assist in the investigations of violations of human rights.

BASIC EDUCATION ASSISTANCE FOR PAKISTAN

SEC. 572. Funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be made available for assistance for basic education programs for Pakistan, notwithstanding any provision of law that restricts assistance to foreign countries: Provided, That such assistance is subject to the regular notification procedures of the Committees on Appropriations.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 573. Notwithstanding any other provision of law, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

WAR CRIMINALS

SEC. 574. (a)(1) None of the funds appropriated or otherwise made available pursuant to

this Act may be made available for assistance, and the Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions to vote against any extension by such institutions of any financial or technical assistance, to any country, entity, or municipality whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to implement its international legal obligations to apprehend and transfer to the International Criminal Tribunal for the former Yugoslavia (the ''Tribunal'') all persons in their territory who have been publicly indicted by the Tribunal and to otherwise cooperate with the Tribunal.

(2) The provisions of this subsection shall not apply to humanitarian assistance or assistance for democratization.

(b) The provisions of subsection (a) shall apply unless the Secretary of State determines and reports to the appropriate congressional committees that the competent authorities of such country, entity, or municipality are—

(1) cooperating with the Tribunal, including access for investigators, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension; and

(2) are acting consistently with the Dayton Accords.

(c) Not less than 15 days before any vote in an international financial institution regarding the extension of financial or technical assistance or grants to any country or entity described in subsection (a), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committees on Appropriations a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(d) In carrying out this section, the Secretary of State, the Administrator of the United States Agency for International Development, and the United States executive directors of the international financial institutions shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent publicly indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (a).

(e) The Secretary of State may waive the application of subsection (a) with respect to a specific project within a country, entity, or municipality upon a written determination to the Committees on Appropriations that such assistance directly supports the implementation of the Dayton Agreement and its Annexes, which include the obligation to apprehend and transfer indicted war criminals to the Tribunal and to provide all possible assistance to refugees and displaced persons and work to facilitate their voluntary return.

(f) DEFINITIONS.—As used in this section—

(1) COUNTRY.—The term ''country'' means Bosnia and Herzegovina, Croatia and Serbia.

(2) ENTITY.—The term ''entity'' refers to the Federation of Bosnia and Herzegovina, Kosovo, Montenegro and the Republika Srpska.

(3) MUNICIPALITY.—The term ''municipality'' means a city, town or other subdivision within a country or entity as defined herein.

(4) DAYTON ACCORDS.—The term ''Dayton Accords'' means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

FUNDING FOR SERBIA

SEC. 575. (a) Of funds made available in this Act, up to $115,000,000 may be made available for assistance for Serbia: Provided, That none of these funds may be made available for assistance for Serbia after March 31, 2002, unless the President has made the determination and certification contained in subsection (c).

(b) After March 31, 2002, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of the Federal Republic of Yugoslavia subject to the conditions in subsection (c): Provided, That section 576 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as amended, shall not apply to the provision of loans and assistance to the Federal Republic of Yugoslavia through international financial institutions.

(c) The determination and certification referred to in subsection (a) is a determination by the President and a certification to the Committees on Appropriations that the Government of the Federal Republic of Yugoslavia is—

(1) cooperating with the International Criminal Tribunal for Yugoslavia including access for investigators, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law.

(d) Subsections (b) and (c) shall not apply to Montenegro, Kosovo, humanitarian assistance or assistance to promote democracy in municipalities.

USER FEES

SEC. 576. The Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions (as defined in section 1701(c)(2) of the International Financial Institutions Act) and the International Monetary Fund to oppose any loan of such institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention and treatment efforts for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' lending programs.

HEAVILY INDEBTED POOR COUNTRIES TRUST FUND AUTHORIZATION

SEC. 577. Section 801(b)(1) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001 (Public Law 106–429) is amended by striking ''$435,000,000'' and inserting ''$600,000,000''.

FUNDING FOR PRIVATE ORGANIZATIONS

SEC. 578. Notwithstanding any other provision of law, regulation, or policy, in determining eligibility for assistance authorized under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), foreign nongovernmental organizations—

(1) shall not be ineligible for such assistance solely on the basis of health or medical services including counseling and referral services, provided by such organizations with non-United States Government funds if such services do not violate the laws of the country in which they are being provided and would not violate United States Federal law if provided in the United States; and

(2) shall not be subject to requirements relating to the use of non-United States Government funds for advocacy and lobbying activities other than those that apply to United States nongovernmental organizations receiving assistance under part I of such Act.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 579. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

CUBA

SEC. 580. (a) AMOUNTS FOR COOPERATION WITH CUBA ON COUNTER-NARCOTICS MATTERS.—Subject to subsection (b), of the amounts appropriated or otherwise made available by this Act, $1,500,000 shall be available for purposes of preliminary work by the Department of State, or such other entities as the Secretary of State may designate, to establish cooperation with appropriate agencies of the Cuba Government on counter-narcotics matters, including matters relating to cooperation, coordination, and mutual assistance in the interdiction of illicit drugs being transported through Cuba airspace or over Cuba waters.

(b) LIMITATION.—The amount in subsection (a) shall not be available under that subsection until the President certifies to Congress the following:

(1) That Cuba has in place appropriate procedures to protect against loss of innocent life in the air and on the ground in connection with the interdiction of illicit drugs.

(2) That there is no evidence of the involvement of the Government of Cuba in drug trafficking.

This Act may be cited as the ''Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002''.

The PRESIDING OFFICER. Under the previous order, the committee substitute is agreed to.

The Senator from Nevada.

Mr. REID. Mr. President, the two managers of the bill, Senators LEAHY and MCCONNELL, are due back any minute. It is my understanding that they are prepared to give their opening statements, and that they have at least a dozen amendments that the two managers have already cleared. We have accomplished a great deal on this bill already.

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, I am sorry some of our colleagues have had to wait. Both Senator MCCONNELL and I have been down at the White House meeting with the President and other Members on foreign policy issues. It is a day when I have been wearing two hats—going from the Judiciary Committee, and some of the issues we are handling there, to the foreign policy issues. But I am glad we are going to do the foreign operations appropriations bill. We tried bringing it up a week ago, but it was held hostage by partisan sniping over judicial nominations. I think that is both unnecessary and unwarranted.

I consider it an honor that the desk that I sit in was once held by Senator Vandenberg, who coined the phrase that ''politics ends at the water's edge.'' The senior Senator from Kentucky and I have done this for years in writing the foreign aid bill, alternating us chairman and ranking member of the subcommittee. We work closely together, and I have stated many times how much I respect and admire him for his efforts to get a good, balanced foreign aid bill through.

There are things on which we can have partisan debates, but we should not allow it on this bill, especially today when our Nation is at war.

This bill is of enormous importance to our country. In fact, in the last 15 or 20 years when I have been either chairman or ranking member of this subcommittee, I don't know if I can think of a more critical time when we needed to quickly pass this bill.

Before we start, though, I think it is appropriate to pay tribute to Ken Ludden, an official at the Treasury Department's Office of the Assistant Secretary for International Affairs, and formerly a congressional staff member, who died suddenly of a heart attack on September 10. Senator MCCONNELL's staff, Senator STEVENS' staff and my own staff, knew him well. At an appropriate time, Senator MCCONNELL and I will offer an amendment to name this Foreign Operations Appropriations Act after him in recognition of his years of government service, and in particular for the invaluable assistance he gave to our subcommittee.

Mr. President, in the past, there were times when the foreign operations appropriations bill has been the vehicle for divisive and time-consuming amendments on controversial foreign policy issues. But we are in an unusual time. Our country has suffered a grievous loss. This is a time for unity and for getting our work done quickly. I have amendments, Senator MCCONNELL has amendments, and I am sure other Senators have amendments that would be controversial.

Senator MCCONNELL and I do not plan to offer our controversial amendments. This is not the time. We should work together to get this bill passed as quickly as possible.

Frankly, I was impressed this afternoon, listening to the President speak of his discussions with foreign leaders during the APEC summit in Shanghai. The President forthrightly told us what he said. I am sure he did so there. It was not carefully drawn out diplomatic language, it was the President's own words, and I commend him for it.

I think of the situation today. The President has a limited window of opportunity to do a number of things to help counter this long-term threat. Whether the President serves one or two terms, that threat will continue after he is gone. I am afraid it is going to continue long after every one of us is gone, whether one is new in the Senate and just beginning a career, or those who are winding down their careers in the Senate. No matter who one is, we are going to face this threat of terrorism for years to come. For the sake of our children, grandchildren, and generations to come, we have to make sure to do the right thing and take the steps that diminish the threat of terrorism over the long term.

I know the President feels that way. I suspect all 100 Members of the Senate feel that way.

What does this mean? It means that special forces attacks in Afghanistan, brave and effective as they were—and I think they were the right steps to take—are not enough. It goes well beyond the momentary alliances. It will not even end with the capture or the destruction of Osama bin Laden. All of these things are critical. But, there will be others who will rise in the same kind of milieu that created Osama bin Laden, rise in countries that fear us or hate us or cannot believe in the diversity we relish and practice, the democracy we cherish, the same democracy, Mr. President, that you and I and every Senator take a solemn oath to uphold.

There are people in the world who may fear our Constitution. I have often said that the greatest part of our Constitution is probably the same part they fear—the first amendment. It gives us the freedom of speech. We do not all have to say the same thing. We can say what we want in this country. It also allows us to practice whatever religion we want or to choose to practice no religion at all.

There is this wall, this Jeffersonian wall, between us. Think what that has allowed. It has allowed each one of us to hold whatever beliefs we want, free of any interference by the Government. It allows us to say what we want to say, free of interference from our Government. Perhaps, most importantly, it guarantees we are going to have diversity in this country. It means Nebraska will have its unique nature as will Vermont. It means there will be people in Nebraska who think differently than people in Vermont on some issues and think the same on others. It is this wonderful diversity that helps to guarantee a vibrant democracy in this country.

It is that same diversity and that same attitude that holds totalitarianism to be an anathema to our way of life.

It is this tolerance and diversity which frightens some other parts of the world. Unfortunately, we can build the most powerful army on Earth, and we have, the most powerful air force on Earth, and we have, the most powerful navy on Earth, and we have, and as a proud father of a young marine, the most amazing and powerful marine corps in the world. But none of that by itself can protect us. To truly have security, we must also do the things that help do away with ignorance and fear, abhorrence of the United States in parts of the world. And, we must sustain this effort for decades to come.

One good example of this are the programs to help combat the spread of disease in the developing world. Many parts of the world, simply do not possess the health care infrastructure to treat a number of life-threatening conditions that are curable with the proper treatment and care. And as a result far too many do not live beyond the age of 3 or 4.

Think what the United States can do to help eradicate disease, not only help eradicate disease but also to make sure diseases stay away, by putting in place the infrastructure so people are there to give the shots—polio vaccines, diphtheria shots—and remove river blindness once and for all. We can do that, and we will have a better and healthier populace in doing it, and we can point to this record and say: This is what the United States stands for. We do not speak your language, we do not follow your culture or customs, but we want your children to be healthier. Don't my colleagues think that in the long run this makes everyone better off and minimizes the kind of terrorist attacks we face?

I would also ask my colleagues to think about the fact that every disease in the world is only an airplane trip away from our shores—or maybe even a postal stamp—away from our shores. Think about the things in this bill that will have countries to identify diseases, such as the ebola plague or some new strain of disease to which we are not resistant, to help isolate them, and to help cure them.

We have a good bill. It was not an easy task. Senator MCCONNELL has been an invaluable partner in putting this together.

We are trying to do many things. We want to help educate people. We want to improve health care around the world. We want people to see and understand the best of the United States.

At the same time, we are trying to combat these global problems by spending less than 1 percent of our budget.

It is embarrassingly little for a superpower that is in a position to lead the world in solving these critical issues that threaten our interests and the health and safety of every American citizen.

As a result, we often find ourselves unable to respond effectively to serious threats. That has proven to be true with international terrorism, but also when you consider what is needed to spot the spread of HIV/AIDS and other infectious diseases.

It is the case when you consider how little we are spending to protect the environment. We are more than $200 million in arrears in our payments to the Global Environment Facility.

The amount in this bill for family planning, although $25 million above the Administrations request, is $89 million less than we provided in 1995. Yet hundreds of millions of impoverished people who want safe, voluntary family planning services are not able to get them. For those who have concerns about the numbers of abortions worldwide, think of the number of abortions that could be prevented if we had had adequate family planning, voluntary family planning services, in place.

We ought to do a lot more to support the development of free markets and to strengthen democratic institutions, from central Asia to Macedonia to Latin America.

There are major humanitarian disasters today in many regions of the world. We are hearing a lot about the looming catastrophe in Afghanistan, but similar tragedies exist in the Congo and Sudan, and drought and earthquakes have devastated parts of Central America.

We are by far the richest country in the world—the richest country history has ever known—but on a per capita basis we often spend less than other industrialized countries to help people whose lives are hanging by a thread. This bill attempts to respond, within our limited allocation, to these and other problems.

I very much appreciate the support we have received from Chairman BYRD and Senator STEVENS. They have the unenviable task of dividing up a shrinking pie for 13 appropriations subcommittees.

The bill contains $15.5 billion in discretionary budget authority. Although our 302(b) allocation was higher than the House's allocations, the House cut deeply into many of the President's requests for essential programs—programs which are also Strongly Supported by Senators. The Senate bill has restored many of those cuts.

We restore sufficient funding for the Export-Import Bank to support subsidy financing well above the fiscal year 2000 level. We restore full funding for the foreign military financing program and provide a $10 million increase above the President's request for international military training.

We restore most of the House cuts in the Economic Support Fund, as well as assistance for the former Soviet Republics.

We provide additional funding for international peacekeeping and for assistance for the former Yugoslavia, including Serbia, Montenegro, and Macedonia.

We include $450 million to combat HIV/AIDS, including $50 million for the Global Fund to combat AIDS, TB, and malaria. This falls well short of what we should be spending, it is an increase above last year's level.

We also increase funding against other infectious diseases and for children's health programs, and I would note that both Republican and Democratic Senators have requested this.

These programs are desperately needed to strengthen the capacity of developing countries to conduct surveillance and respond to diseases such as polio and measles. They are also equally important for combating the spread of biological agents such as anthrax used in acts of terrorism. There are tens of millions of dollars for those programs in this bill.

We provide $718 million for the Andean countries, primarily Colombia, Bolivia, Ecuador, and Peru, of which over half a billion dollars is for counterdrug programs. That is in addition to the $1.3 billion for Plan Colombia we appropriated last year. It is interesting, that about—who made requests to our subcommittee—even mentioned the Andean program, items which has not accomplished a great deal.

The bill contains the usual earmarks for Middle East countries. It also continues various limitations or conditions on assistance to several countries.

Senator MCCONNELL and I have a number of amendments, including one to name this bill after Ken Ludden, and another to prohibit U.S. assistance to governments that harbor or provide financing for individuals involved in the September 11 terrorist attacks.

We have a bill that that was reported in record time by the appropriations committee. And while I will now reveal a political secret that has probably gone unnoticed in this body, Senator MCCONNELL and I are not politically ideological soulmates. We have kept this well hidden, but it is a fact. Only because it is late in the evening and the Chamber is nearly empty do I dare whisper that. I would not want anybody to know that outside of this Chamber.

This political odd couple has worked together to bring before this Senate a bill, within the amount of money we had, that I think is well balanced. It is not precisely the bill Senator MCCONNELL would have written by himself, nor that I would have written, but I am proud to join with Senator MCCONNELL in support of this bill. I appreciate his friendship in working with him.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I am indeed shocked to hear that Senator LEAHY does not make a practice of watching how I vote every time so he may be so guided.

In fact, we have had a good relationship over the years and seen many of these issues in like manner, and I commend him for his leadership as chairman of the subcommittee. This is a bill that I can enthusiastically support, and we anticipate it to pass by a large vote sometime tomorrow.

I thank my good friend from Vermont for his leadership, as I said, in crafting this $15.5 billion bill. This is, I think, probably our ninth bill together. When we started out, he was chairman and I was ranking member. Then I was chairman for a while and he was ranking member. Now the roles are reversed again. We have throughout, no matter who was in the majority, been able to move in the right direction.

Obviously the world has changed since we marked up this bill on July 26. The horror and grief of the September 11 attacks in New York, Virginia, and Pennsylvania are still very fresh in our hearts and minds. The recent anthrax mailings to Congress and the media are further indications of the diabolical nature of America's enemies. Our thoughts and prayers are with the many victims of these evil deeds.

The President and the administration have done a superb job in responding to this national crisis, both at home and abroad. In the darkest hours of the 21st century the American people have rallied in support of the new war against terrorism. This speaks to the strength of our Nation and the highest principles upon which it was founded.

Within 3 days of the September 11 attacks, the Senate passed a $40 billion emergency supplemental bill to aid in recovery and reconstruction efforts. I am pleased that a portion of those funds will be used to bolster counterterrorism and other security programs conducted by the State Department.

In addition to the funds contained in the supplemental, the bill now before the Senate fully funds the President's $38 million request for the State Department's antiterrorism assistance program. These funds will be used to provide training, equipment, and advice to foreign countries to enhance their antiterrorism skills and to increase the capabilities of foreign law enforcement and security officials. Those programs are critical to America's national security and those of our allies.

My colleagues should be aware that Senator LEAHY and I intend to offer an amendment to prohibit assistance to

any country that harbors or finances those individuals or organizations responsible for the mass murder of American citizens on September 11. President Bush and Secretary Powell are right to hold those nations who aid and abet terrorism responsible for their actions. They have my full cooperation and support in this endeavor.

Let me offer concrete evidence of that support. Senator FEINSTEIN and I intended to offer an amendment to this bill requiring the President to report on the Palestinian Liberation Organization's compliance with its commitments to renounce terrorism and violence. We were asked by Secretary Powell, in light of his efforts to forge an international coalition against terrorism, to simply not offer that amendment. We agreed to withhold the amendment out of respect for this Nation's desire and demand for justice for the September 11 murders. The administration's request for our foreign policy priorities and needs are, for the most part, met through this bill.

In some accounts, including IMET and the Child Survival and Disease Programs Fund, the President's request was exceeded. The bill increases the Export Import Bank's subsidy appropriations from the requested amount of $633 million to $753 million, and we provide $450 million for HIV/AIDS programs and activities.

My colleagues will note that while we have provided substantial funding for counterdrug efforts in the Andean Region, the bill does not meet the Administration's $731 million request for the Andean Counterdrug Initiative. Not everyone may agree with the $567 million the bill provides for this program. However, funds are still in the pipeline for social, economic, and judicial programs in Colombia. Spillover of the narcotics trade to neighboring countries remains a concern. Successful counterdrug and alternative development programs in countries such as Bolivia must be continued.

Funding is also provided to continue vital democracy building activities in Asia, including Burma, Indonesia, and East Timor. The bill earmarks $10 million for rule of law programs in China, which are being successfully conducted by a variety of American academic and nongovernmental institutions. I would suggest to my colleagues that advancing democracy and the rule of law abroad is essential in the fight against terrorism.

I want to share with my colleagues an observation on U.S. foreign policy in the wake of the terrible attacks earlier this month. The very nature of our foreign assistance programs and priorities will change as America and its allies wage war against the foes of freedom and democracy. As one who believes that foreign aid is not an entitlement, assistance can—and should—be used as leverage to reward cooperation on common objectives, such as identifying and destroying terrorist networks. Conversely, nations that refuse to join the fight against terrorism should face restrictions on U.S. assistance they receive. As President Bush said, ''Every nation in every region now has a decision to make: Either you are with us or you are with the terrorists.''

Finally, I want to express my condolences to the family of Ken Ludden, Legislative Coordinator to the Office of the Assistant Secretary for International Affairs who passed away of a heart attack on September 10. Ken will be sorely missed by this subcommittee. Given his long and dedicated service to our country in many capacities, I have joined Senator LEAHY in sponsoring an amendment to designate the bill the ''Kenneth M. Ludden Foreign Operations, Export, Financing, and Related Programs Appropriations Act.''

Again, I thank Senator LEAHY, and his capable staff—Tim Rieser and Mark Lippert—for their leadership on this bill.

Senator LEAHY and I are open for business and fully intend to finish this bill at the earliest possible time tomorrow.

I see the chairman is on his feet, and I yield the floor.

Mr. LEAHY. Madam President, we have a number of things we can probably do in a couple of minutes to go through here.

I would like to note that there is some promising news from Ireland. The International Independent Commission on Decommissioning, led by GEN John de Chastelain, of Canada, has announced that the IRA has begun to decommission its weapons. The Irish Taoiseach, Bertie Ahern, has appropriately called this an ''unparalleled breakthrough.'' David Trimble, with whom I talked here in Washington a few days ago, has said he will recommend to the Ulster Unionist Council that the party reenter the Northern Ireland Executive.

I commend Gerry Adams and Martin McGuinness from Sinn Fein for their efforts to take this important step. I have been one who has been critical of the IRA taking so long to begin to decommission its weapons.

There are justifiable and long-held grievances on both the Protestant and Catholic sides in Northern Ireland, and there are generations who will never completely forgive or forget. But for the sake of the children in Ireland, both in the Republic of Ireland and Northern Ireland, they must move forward, and this is a critical step. Peace will not be won by assassinations or guns and bullets, whether done by Protestants or by Catholics. Peace will only come about if children are allowed to grow up in peace so we will not have scenes such as we saw just in the opening of school this year of little children, 7- and 8-year-old girls and boys, running terrified past a mob, screaming at them because all they wanted to do was go to school. That cannot continue.

I ask unanimous consent that a number of news items be printed in the RECORD.

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

[From the Irish Times, Oct. 23, 2001]

DE CHASTELAIN SAYS IRA HAS BEGUN DECOMMISSIONING ARMS

(By Patrick Logue)

The International Independent Commission on Decommissioning, led by General John de Chastelain, has said it has witnessed the IRA begin to decommission its arsenal of weapons, including guns, ammunition and explosives.

''We are satisfied the arms in question have been dealt with in accordance with the scheme and regulations. We are also satisfied it would not further the process of putting all arms beyond use were we to provide further details of this event.''

''We will continue our contact with the IRA representative in the pursuit of our mandate.'' This afternoon the IRA said in a statement that it had begun the process.

In a statement the IRA said its motivation behind the move on weapons was ''to save the peace process''.

* * * says: ''The political process is now on the point of collapse. Such a collapse would certainly, and eventually, put the overall peace process in jeopardy.

''There is a responsibility upon everyone seriously committed to a just peace to do our best to avoid this.

''Therefore, in order to save the peace process, we have implemented the scheme agreed with the IICD in August.

''Our motivation is clear. This unprecedented move is to save the peace process and to persuade others of our genuine intentions''.

In August the IICD said in a statement it had agreed a method for putting arms ''completely and verifiably beyond use''. Details of the method were not made public however.

The move comes in response to a call yesterday by the Sinn Féin president Mr. Gerry Adams for a ''ground-breaking'' gesture to save the peace process.

Speaking in West Belfast last night Mr. Adams said: ''We have put to the IRA the view that if it could make a ground-breaking move on the arms issue that this could save the peace process from collapse and transform the situation''.

Sinn Féin this evening welcomed the IRA statement saying it was a courageous initiative to save the peace process''.

IRA'S ESTIMATED ARSENAL

650 AK47/AKM assault rifles;
36 Armalite AR–15 assault rifles;
2 Barret M82A1 sniper rifles;
60 Webley .455 revolvers;
20 12.7 107mm DshK heavy machine guns;
12 7.62mm FN MAG machine guns;
6 LPO–50 flamethrowers;
1 SAM–7 surface-to-air missile;
600 bomb detonators;
3 tons of Semtex plastic explosives

[From the Irish Times, Oct. 23, 2001]

TRIMBLE HINTS UUP WILL REENTER EXECUTIVE

(By Kilian Doyle)

The leader of the Ulster Unionists Mr. David Trimble said tonight he would recommend to his party that they reenter the

Northern Ireland executive following IRA weapons decommissioning.

Mr. Trimble was speaking after a meeting with the head of international decommissioning body, General John de Chastelain, where he said he was told the IRA had begun to put its arms beyond use.

''This is the day we were told would never happen'', he said. Mr. Trimble said he would attend of meeting of the Ulster Unionists Council later this week, and he would be recommending that they re-enter the Northern Ireland Executive.

UUP ministers could be back in their offices in Stormont as early as next week, Mr. Trimble said.

[From the Irish Times, Oct. 23, 2001]

AHERN HAILS 'UNPARALLELED BREAKTHROUGH'

(By Kilian Doyle)

The Taoiseach, Mr. Bertie Ahern, said the IRA statement was an ''unparalleled breakthrough'' that was of ''profound importance'' to the peace process.

He said the IRA had now done enough to satisfy General de Chastelain, but there was still an ''enormous'' amount of work remaining to be done.

Mr. Ahern paid tribute to the leaders of the IRA, who he said had made a brave and difficult decision in agreeing to decommission.

The Minister for Foreign Affairs, Mr. Brian Cowen, said the statements from the IRA and the International Commission on decommissioning heralded a new era in the history of Ireland.

''That is a moment for political leaders to be responsive and generous. The reaction to decommissioning will be as important as decommissioning itself,'' he said.

''It is imperative that politics is made to work and that the nightmarish scenes like those from north Belfast are consigned forever to the pages of history.''

''We must harness the new energy that has been released by today's developments and begin a new, dynamic era on this island at all levels, based on partnership, equality and mutual respect.

''We simply cannot afford to let this opportunity slip.''

Mr. Michael Noonan, the leader of Fine Gael, said he believed decommissioning had ''already occurred'' and that General de Chastelain would be confirming that ''before too long''.

''What we had was the Good Friday Agreement, there is an opportunity now to make it the Good Friday Settlement.

''Now that [decommissioning] has happened, it seems to me that there is no difference in principal between putting some arms beyond use and putting all arms beyond use.''

Mr. Ruairí Quinn, the leader of the Labour Party, said we are now witnessing events of ''historic proportions.''

He said all parties must now intensify efforts to overcome the ''distrust and sectarianism that has bedevilled Northern Ireland for so long.''

There is a particular obligation on the loyalist paramilitaries to honour the statements made that they would follow suit if the IRA started decommissioning.

Mr. LEAHY. Madam President, as one who, like many here, traces part of his ancestry back to that beautiful and often troubled island of Ireland, I am happy with this news.

AMENDMENTS NOS. 1909 THROUGH 1920, EN BLOC

Mr. LEAHY. Madam President, I have a series of managers' amendments: Leahy-McConnell amendment and statement regarding Ken Ludden; McConnell-Leahy, antiterrorism; Brownback, human antitrafficking; Leahy-McConnell, AID operating expenses; Leahy-McConnell, notification; a Leahy endangered species; a Helms-Leahy-McConnell amendment on Iraq; a McConnell-Leahy on Hong Kong; McConnell on Georgia; Leahy-McConnell on Federal Republic of Yugoslavia; Leahy-McConnell on orphans; and McConnell on computer equipment.

I ask unanimous consent that they be considered en bloc, that the statements and colloquies be printed in the RECORD, and they be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself and Mr. MCCONNELL, for themselves and others, proposes amendments numbered 1909 through 1920, en bloc.

The amendments are as follows:

AMENDMENT NO. 1909

At the appropriate place in the bill insert the following:

KENNETH M. LUDDEN

SEC. . This Act shall be cited as the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002.

AMENDMENT NO. 1910

(Purpose: To prohibit assistance to the government of any nation that harbored or financed individuals involved in the September 11, 2001 terrorist attacks in the United States)

On page 163, line 19, after ''Syria'' insert the following: '', or to the government of any nation which the President determines harbored or is harboring, or provided or is providing financing for, individuals or organizations involved in the September 11, 2001 terrorist attacks in the United States''.

On page 177, line 19 after ''Sudan,'', insert the following: ''or to the government of any nation which the President determines harbored or is harboring, or provided or is providing financing for, individuals or organizations involved in the September 11, 2001 terrorist attacks in the United States,''.

AMENDMENT NO. 1911

(Purpose: To authorize assistance to the Government of Cambodia's Ministry of Women and Veteran's Affairs to combat human trafficking)

On page 212, line 25, after the period insert the following:

(c) Notwithstanding subsection (b) of this section or any other provision of law, funds appropriated by this Act may be made available for assistance to the Government of Cambodia's Ministry of Women and Veteran's Affairs to combat human trafficking, subject to the regular notification procedures of the Committees on Appropriations.

AMENDMENT NO. 1912

On page 144, line 6, after ''That'', insert: '', in addition to funds otherwise available for such purposes,''.

On page 144, line 9, after ''State'', insert: '', and not more than $4,500,000 shall be available for administrative expenses of the United States Agency for International Development''.

AMENDMENT NO. 1913

On page 214, line 13, strike ''30'' and insert in lieu thereof: ''15''.

AMENDMENT NO. 1914

On page 121, line 10, after ''1961,'' insert the following: ''including in areas where population growth threatens biodiversity or endangered species,''.

AMENDMENT NO. 1915

On page 219, line 15, strike everything after ''That'' through ''equipment'' on line 24, and insert in lieu thereof the following: ''not more than 15 percent of the funds may be used for administrative and representational expenses, including expenditures for salaries, office rent and equipment: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Secretary of State shall consult with the Committees on Appropriations regarding plans for the expenditure of funds under this section: *Provided further*, That funds made available under this heading are made available subject to the regular notification procedures of the Committees on Appropriations''.

AMENDMENT NO. 1916

(Purpose: To extend the reporting requirements of title III of the United States-Hong Kong Policy Act)

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

SEC. . REPORTS ON CONDITIONS IN HONG KONG.

(a) Section 301 of the United States-Hong Kong Policy Act (22 U.S.C. 5731) is amended by striking ''and March 31, 2000,'' and inserting: ''March 31, 2000, March 31, 2001, March 31, 2002, March 31, 2003, March 31, 2004, March 31, 2005, and March 31, 2006''.

(b) The requirement in section 301 of the United States-Hong Kong Policy Act, as amended by subsection (a), that a report under that section shall be transmitted not later than March 31, 2001, shall be considered satisfied by the transmittal of such report by August 7, 2001.

AMENDMENT NO. 1917

On page 155, line 21, after ''later'' insert the following: '': *Provided further*, That the ninth proviso under the heading ''Foreign Military Financing Program'' in title III of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, as enacted by Public Law 106–429, is amended by inserting ''or 2002'' after ''2001''.

AMENDMENT NO. 1918

On page 225, line 18, after ''any'' insert the following: ''new project involving the ''.

On page 226, line 16, strike ''15'' and insert in lieu thereof: ''10''.

On page 227, lines 5 and 6, strike ''United States executive directors of the international financial institutions'' and insert in lieu thereof: ''Secretary of the Treasury''.

On page 227, line 17, strike ''Agreement and its Annexes'' and insert in lieu thereof: ''Accords''.

AMENDMENT NO. 1919

On page 125, line 1, strike ''$25,000'' and insert in lieu thereof: ''$35,000''.

AMENDMENT NO. 1920

On page 137, strike everything after ''available'' on line 9 through ''schools'' on line 12

and insert in lieu thereof: ''to support an education initiative in Armenia to provide computer equipment and internet access to Armenian primary and secondary schools''.

The PRESIDING OFFICER. Is there further debate on the amendments?

Without objection, the amendments are agreed to.

The amendments (Nos. 1909 through 1920) were agreed to, en bloc.

Mr. McCONNELL. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

HONORING KENNETH MARTIN LUDDEN

Mr. McCONNELL. Madam President, each year, many people assist in the creation of the Foreign Operations bill. Besides the efforts of our staffs, hundreds of individuals from the Federal Government provide information and expertise on the Administration's funding requests. Unfortunately, on September 10, we lost one of the people who played a very important part of the creation of this bill for a number of years, Ken Ludden. Ken worked at the Department of Treasury as their Legislative Coordinator to the Office of the Assistant Secretary for International Affairs. Ken was a very capable and attentive liaison. Not only did he go the extra mile in trying to answer any questions we had, but he was so good at his job that he would know which member might be more concerned about one issue and provide information before staff would request it.

This was not Ken's first position in Government, in fact he dedicated most of his life to public service. He worked for Congressman Edwin Forsythe, at the United States Agency for International Development, for Senator LUGAR on the Senate Foreign Relations Committee, the Department of State and then Treasury. In between his time at the Departments of State and Treasury, Ken did spend some time in the private sector but then returned to public service to work as a congressional liaison. He seemed to genuinely enjoy working with the Hill. Like many former staff, Ken never forgot his Hill roots. he understood the needs of staff and members and the demands and expectations we face from our constituents. Ken also even made bad news easy to take—he would not stall or press an unworkable position but would work until common ground could be found between the Department and Congress.

In light of his dedicated service to the Committee, Senator LEAHY and I have offered an amendment in the manager's package that would designate the fiscal year 2002 foreign operations bill as the ''Kenneth M. Ludden Foreign Operations, Export Financing and Related Programs Appropriations Act, for Fiscal year 2002.'' This is just a small gesture to acknowledge our appreciation for a life time of service to the American people. On behalf of the Senate, Senator LEAHY and I offer our deepest condolences to his wife, Mary, and their daughters, and his colleagues at the Department. We will miss him.

THE WHEELCHAIR FOUNDATION

Mr. STEVENS. Madam President, I rise today to express my appreciation to the Secretary of State, Colin Powell, for his assistance in the coming fiscal year to an exceptional organization—the Wheelchair Foundation. Since its launch in June 2000, the Wheelchair Foundation has delivered over 26,000 wheelchairs to individuals in 74 countries and throughout the United States. The World Health Organization estimates that some 25 million people around the world are unable to walk due to one cause or another. Various country officials and non-government officials in different countries around the world put the number at over 100 million.

To date, the foundation has been financed by private donations from the Kenneth E. Behring Foundation, private individuals, corporations, athletic teams and various non-profit organizations. Additionally, partnerships exist with the International Red Cross, Project Hope, Goodwill Global, Rotary International, Ronald McDonald House Charities, and Operations USA, among others. However, the Wheelchair Foundation has decided to intensify its efforts by launching a goal of delivering 1,000,000 wheelchairs to those in need in the next five years. In order to take its efforts to this next level, the foundation is seeking a public/private partnership with the Federal Government.

My staff has been working with the Secretary's office to try and create a workable partnership. One of the Federal programs we believe the Wheelchair Foundation can work with is the Denton Program. The Denton Program allows the Department of Defense, through a memorandum of understanding with the U.S. Agency for International Development to provide space available transportation of humanitarian cargo at little or no cost to the donor. The donor must ensure that (1) there is a legitimate need for the supplies by the people for whom they are intended; (2) that the supplies will in fact be used for humanitarian purposes; and (3) that the beneficiaries are capable of using the donated commodities safely. I think I can safely say that each of these requirements can be easily met by the Wheelchair Foundation. We have had notification from Secretary Powell's office that he agrees with these sentiments.

We have also been notified, that, assuming that we provide the adequate resources in the foreign operations bill, the Secretary will support providing funding to assist the program. The Wheelchair Foundation estimates that it will cost $150,000,000 to provide the 1,000,000 chairs. This approximately $150 per chair. Combined with the Denton Program support, any additional financial assistance that the Department of State provides would be greatly appreciated.

Mr. McCONNELL. Senator STEVENS, would you pause for a question? This program sounds like it has been very successful—but now requires some of the Federal Government's global contacts to make that extra step—is that correct?

Mr. STEVENS. Senator McCONNELL you are exactly right. The efforts by the foundation will not only utilize the vast resources of the private sector—but combine that with the experience and knowledge of the Department of State and the United States Agency for International Development. State and USAID each have personnel around the globe who are aware of the need for these chairs—from Central America to the nations of Africa to the Balkans to South East Asia. We are confident that these U.S. personnel can utilize their contacts in each of these communities to bring relief to those in need—and in five years—to reach one million people.

Mr. LEAHY. Senator, one more question please? Is there any limitation on who may receive these chairs? Are they designated for one group in particular?

Mr. STEVENS. No—one must only show a need—from innocent victims of landmines to those with muscular dystrophy—the Wheelchair Foundation has a single mission of bringing mobility and independence to those who cannot walk.

Mr. McCONNELL. Senator LEAHY, it is clear that Senator STEVENS has come to us on behalf of an organization worthy of receiving U.S. support and I look forward to hearing of the accomplishments they make in the coming year.

Mr. LEAHY. Senator, I concur with your assessment and hope that the foundation reaches its goals for the coming year.

Mr. STEVENS. Thank you both for your support and, again, for the support of the Secretary. I look forward to working with you all to ensure that this project is a success.

TREATMENT FOR PRIMARY IMMUNODEFICIENCIES IN LATIN AMERICA

Mrs. CLINTON. Madam President: I would like to begin by commending my friend from Vermont, Senator LEAHY, for his tremendous work in putting this foreign operations appropriations bill together. I also want to applaud the efforts of USAID for its support of child health programs over the last 25 years, and, particularly, for intensifying its efforts in 1985 with the child survival initiative. Today more than 4 million infant and child deaths are prevented annually due to the critical lifesaving health services provided by USAID and its partners.

It has been estimated that in Central and South America over one million

children are afflicted with primary immunodeficiency. Individuals with undiagnosed primary immunodeficiency are a source of viral and bacterial infection. When left undiagnosed and unprotected this population harbors serious viruses, bacteria, fungi and deep-seated infections. I am aware that an immunology infrastructure is in place in several Central and South American countries to conduct early diagnosis and treatment. However, funds are needed to further enhance and develop appropriate treatment. The Jeffrey Modell Foundation has developed a successful model for combating primary immuno-deficiencies in the United States and around the world. I am hopeful that USAID, in collaboration with the foundation, will consider this model in Latin America. The components of this program would include physician education and public awareness, prevention, diagnosis and treatment.

I would be grateful if the chairman would join me in urging USAID to consider supporting the establishment of such programs in Latin America.

Mr. LEAHY. I want to thank my good friend from New York for bringing this to the Senate's attention. She has been a strong supporter of USAID's programs to improve the health of women and children in poor countries, and I applaud her for that. I look forward to having the benefit of her expertise on these issues, and will certainly encourage USAID to consider supporting the initiative she speaks of to combat primary immunodeficiencies in Latin America.

CAMBODIA'S MINISTRY OF WOMEN AND VETERAN'S AFFAIRS

Mr. BROWNBACK. The amendment I am offering will allow U.S. assistance to support programs and activities conducted by Cambodia's Ministry of Women and Veteran's Affairs, and local and international nongovernmental organizations to counter human trafficking in the Kingdom of Cambodia. The State Department's ''Trafficking in persons Report'' dated July 2001 designates Cambodia as a source, destination, and transit country for trafficked persons. I offer this amendment with the full understanding that the climate of impunity in Cambodia today has allowed the trafficking of persons—and other illicit activities—to flourish. However, the Ministry of Women and Veteran's Affairs has demonstrated the political will to address this problem in a meaningful way—and to coordinate its work with the NGO community—and I encourage the State Department and the U.S. Agency for International Development to support the Ministry's efforts. I yield to my friend from Kentucky for a question.

Mr. McCONNELL. My colleague has given serious thought to this amendment, and I commend him for his approach in selectively engaging the Cambodian government on issues of importance to the Cambodian people and the region. As a point of clarification does the Senator intend his amendment to allow the provision of U.S. assistance to any other segment of the Cambodian government, with the exception of the Ministry of Women and Veteran's Affairs for the sole purpose of combating human trafficking?

Mr. BROWNBACK. No. This amendment would permit U.S. assistance only to that Ministry for the sole purpose you mention. It is not my intention to subvert Section 560 of the FY 2002 Foreign Operations Appropriations bill. I seek only to support the reform efforts of the Ministry. It is a tragedy and horror that Cambodians can be abducted and sold into some form of slavery for as little as $30. One survey found that 68 percent of sex workers in Cambodia had been forced into prostitution by outright sale by parents or boyfriends or by being lured into brothels with promises of a good job. I thank Senator McCONNELL and Senator LEAHY for their interests in helping Cambodia's women and children.

Mr. McCONNELL. I thank the Senator from Kansas for that clarification. I also want to note that the democratic opposition in Cambodia fully supports this amendment, and I ask that a letter from Cambodian Member of Parliament Sam Rainsy be inserted in the record following my remarks. I ask that I be added as a cosponsor to this amendment.

Mr. LEAHY. This is an important amendment that will enable the United States to support efforts by Cambodia's Ministry of Women and Veteran's Affairs to combat human trafficking, which as Senator BROWNBACK has noted is a terrible problem in that country. I commend him for his commitment to address this problem and ask that I be added as a cosponsor as well.

Madam President, if the distinguished Senator from Kentucky and I were to have our way about it, we would go to final passage, but I have a feeling there are probably some who may not be in favor of that.

I don't have anything else.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. LEAHY. Madam President, I ask unanimous consent that it be in order to go back into morning business.

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

TERRORISM WILL NOT WIN

Mr. DASCHLE. Madam President, I come to the Senate floor today to share with my colleagues a speech that former President Clinton gave earlier this month to the Greater Washington Society of Association Executives. It is an excellent speech that underscores a point many of us have made right here on this floor: the terrorists will not win, because we will not allow them to win.

If the terrorists thought they would succeed in dividing us, they need only read this strong endorsement of President Bush by President Clinton.

If the terrorists thought they could use terror to force us to withdraw from the world, they need only read this blueprint for greater U.S. engagement across the globe.

And, if the terrorists thought that they would get us to succumb to fear, they need only read this testament to the bravery shown by thousands of Americans since September 11.

Mr. President, I ask unanimous consent that President Clinton's October 9, 2001 speech be printed in the RECORD.

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

FORMER PRESIDENT CLINTON'S REMARKS AT THE GREATER WASHINGTON SOCIETY OF ASSOCIATION EXECUTIVES

Thank you.

I never imagined that I could draw a crowd like this just because my wife is a senator. Well, Helen, you'll have a lot of mentions in the index. When I was told Helen Thomas was going to introduce me, I said, ''God, I hope she's doesn't get to ask a question.'' I thought her questions to me were term-limited. You know when Helen left the UPI, some reporters wrote that she had given up her front row seat at the White House press conferences. But it turned out not to be so. In a town where power is supposed to be vested in the office and not the individual, she is the exception to the rule: The only person powerful enough to quit her job and still keep her seat, and I am profoundly honored to be with her tonight. America is a better place today because of the 50-plus years she has given to the noble work of journalism.

Tonight, as we ask God's blessings on our men and women in uniform and their allies on their mission and pray that they return home safely, I thank the Greater Washington Society of Association Executives for going forward with this event, consistent with President Bush's request to us to go on with normal life in America.

Of course, it is not quite normal, and having been president and having been used to being second-guessed a bit, I want to make sure that anything I say here tonight about where we are and where we're going will be understood in the context of my complete support as an American for our president, his national security team and our allies in our efforts to deal with the challenges of terrorism.

Now, this bipartisan thing's getting downright amazing. Last week Bob Dole and I taped a public service announcement. To—he did make sure I sat on the left and he sat on the right. To make America aware of the Families of Freedom Scholarship Fund which has been established to raise $100 million for the children and spouses of those

killed or disabled on September the 11th, including people from other nations. These people are going to make a big contribution to our national life in the years ahead if we make sure that we don't forget them, even in three, five, 10, 15 years. An amazing number of the men who died left wives who were pregnant. And this endeavor will therefore carry forward at least 21 years.

I thank the Greater Washington Society of Association Executives for assisting with a very special fund-raising event on October the 23rd from 5 to 7 at the Washington Hilton where President Gorbachev will be talking about the world after September the 11th. Attendance there will be free, but those attending are asked to bring a check payable to the Families of Freedom Scholarship Fund.

Thank you very much for supporting this effort.

Since September the 11th, I have spent a lot of time in New York with rescue and recovery workers, with survivors, with the families of the victims, with schoolchildren and their teachers, with people working to help people find answers and help people deal with their problems.

Today I attended the funeral of New York Fire Department Captain Fred Ill, a man who used to support my trips to New York as president. He was one of 10 firemen lost in one small firehouse in Midtown Manhattan and a remarkable man, who leaves a beautiful wife and three children, including a 22-year-old son who is a New York fireman. The fire department, you know, is like a Medieval army. The generals lead the charge. They don't sit on a hill and direct. So after this terrible incident, we lost our fire chief and his top three deputies. We lost the Catholic chaplain who was a friend of Hillary's and mine. Over 300 firemen died and it required the New York Fire Department to promote over 200 of its firemen to fill the ranks of their superiors who went in first. But because they did, thousands and thousands of others who would have died did not.

After one person in the temple of our home town of Chappaqua perished, Hillary and I were invited to come to Rosh Hashanah service there. And I happened to meet one of those two amazing men who was on the 84th floor of the World Trade Center Tower, which was hit on the 85th floor. He immediately told everybody to get in the stairs and go down and then, with another man, carried a women in a wheelchair 84 floors to safety.

I have been to the crisis center, first at the old armory on 26th and Lex and now at Pier 94, three times. There a man came to me and said President Clinton, ''I'm glad to see you again. I first met you in Oklahoma City.'' And I said, ''How did we come to meet?'' He said, ''You came to console me. My wife was in the building and I lost her.'' And he said, ''The minute this happened, I took a leave of absence, got in my car and drove to New York because I had no one to talk to who knew what I was going through. And I thought maybe I could be there for these people.'' So he said, ''I just come in and sit here all day and the people who are working with the victims bring them to see me.''

I've met a lot of victims' families from all over the world and every conceivable group here in America. I met the British and the Germans and the Italians, the Chinese, the Japanese, the Indians, the Pakistanis, the Bangladeshis. I've met people from several African countries, from Mexico, Brazil, the Caribbean and elsewhere.

I've been in three schools, and two of them had double student bodies because the schools took in grade school kids in one case and high school kids in another who were blown out of their schools on September the 11th. One of these schools has a principal whose sister was killed at the World Trade Center. And she knew immediately that her sister might have been lost, but after her school was vacated, she walked five miles to the central office of the New York City school system to tell them that her children and teachers were well, and that as soon as they found them a building, they would conduct school again.

I have also had the great good fortune in the last few days of talking to people like you in Chicago, Los Angeles, El Paso, Little Rock and New Haven. And there are so many questions people have. You probably do too.

In the schools, the children want to know, the 9- and 10-year-olds, why do they hate us so much? How did bin Laden get all of these people to commit suicide anyway? If we hit them, won't they retaliate? The kind of things that you can't imagine a 9- or 10-year-old should ever have to think about. And I do my best to give them honest answers.

The men I talked with often speak with awe and admiration of what happened on the plane that went down in Pennsylvania. We ask each other whether we would have had the guts to take it down too.

When my oldest friend in the world, Mack McClarty called me and asked me how I was doing, and I asked him how he was doing and whether we would have had the guts to take the plane down if we had been on it, he said, ''I think so and I sure hope so.''

The mothers I talked to—and an astonishing number of women that Hillary and I know who are mothers of young children, have called me. They just, almost uniformly say, ''Bill, is it going to be all right? Tell me it's going to be all right.''

Tonight I'd like to sort through those questions with you, and I'd like to make these points.

First of all, though neither I nor anyone can tell you there will not be another terrorist attack on American soil, it will be all right, if we unite behind the president and our allies to fight terror now, if we spread the benefits and shrink the burdens of the 21st century all across the globe, if we bring freedom today to people who don't have it, and if we continue our efforts to become the people we ought to be, the polar opposite of what the terrorists represent.

We saw that in the sacrifices of the men and women of the police and fire departments in New York. The terrorists died to kill people, and they died to save them.

Make no mistake about it, this conflict represents a fundamental struggle that will go on for the next few years to define the soul of the 21st-century world. Mr. bin Laden, the Taliban have one set of answers. America and all the people who have rallied to our side, we have another.

Here's how, at least I think about this question. Try to imagine yourself on September the 10th. If I had asked you on September the 10th, ''What do you believe is the dominant factor of the 21st-century world?'' what would you have answered?

If you're an optimist, you might have said, ''The globalization of the economy.'' After all, its lifted more people out of poverty in the last 20 years than have ever been lifted out in all of human history; brought America 22.5 million jobs, the lowest unemployment in 30 years; and brought benefits to people around the world.

If you're into technology, you might say, ''No, no, it was the explosion of information technology.'' Think about this, when I became president in January of 1993, there were only 50 sites on the World Wide Web—50.

Unbelievable. It was still the private province of research physicists. When I left office in January of 2001, there were 350 million. Today, 30 times as much—as many messages are sent by e-mail as by the postal service or what the kids call snail mail.

If you're interested in politics and society, you might say, ''No, it's the explosion of democracy and diversity within democracies.''

I was honored to be president when, for the first time in all of human history, more people lived under governments of their own choosing than every before. And America became wildly more diverse. And I might add, much more interesting as a consequence of it.

The children I saw in Lower Manhattan who were blown out of their schools, represented at least 80 different ethnic groups and many, many different religions.

Or you might say, ''No, it is the advances in science that will shape the early 21st century.'' We're going to find out what's in the black holes outer space. We're still finding new forms of life at the deepest points of our rivers and oceans.

The sequencing of the human genome, which was announced a couple of years ago, is going to enable us to give genetic profiles of young babies to mothers when they bring them home from the hospital. And really quite soon, countries with good health systems will be seeing babies born with life expectancies in excess of 90 years.

Scientists are working on digital chips to replicate the incredibly sophisticated nerve movements in the spines, raising the specter that we might be able to implant a chip at the base of the spine that will work like a heart pacemaker and enable people with damaged spines confined to wheelchairs to stand up and walk.

So you might say that will be the dominant thing in this new century.

On the other hand, if you're not much of an optimist, or if you're what Hillary refers to as the designated worrier in your family, you might mention negative things that you think are the dominant forces of the 21st century.

You might have said that environmental challenges will dominate the next 50 years and if not addressed they will swamp all these positive developments. Climate change, the water shortage, the deterioration of the oceans, nine of the hottest 11 years recorded since 1400 occurred in the last decade or so. If the Earth warms for the next 50 years at the rate of the last 10, we'll lose 50 feet of Manhattan island, the Florida Everglades I worked so hard to save, the sugar cane fields in Louisiana, several Pacific island nations, we will totally disrupt agricultural patterns all across the world and create tens of millions of food refugees meaning more fighting and more terrorism.

We have a terrible water shortage in the world. One in four people here today never get a clean glass of water. It also threatens agricultural production and the stability of life on the planet.

And, of course, the oceans provide most of our oxygen. There is now a dead space in the Gulf of New Mexico the size of New Jersey. And many people believe the deterioration of the oceans is a serious threat, which is one of the reasons we protected so much of the great coral reefs and the northern Hawaiian Islands and the coast there.

Or you might say, ''No, no, long before global warming gets us, the public health

crisis will get us.'' The health systems are breaking down all over the world. And we're going to be awash in epidemics. AIDS is the beginning. There are now 36 million cases of AIDS in the world; 22 million people have died. If present trends continue, there will be 100 million AIDS cases in four years. And while 70 percent of today's cases are in Africa, the fastest growing rates are in the former Soviet Union, on Europe's back door. The second fastest growing rate is in the Caribbean on our front door. The third fastest growing rate is in India, the biggest democracy in the world with nearly a billion people. And the Chinese recently announced they have twice as many AIDS cases as had previously been thought, and tragically, only 4 percent of their adults know how the disease is contracted and spread. If that keeps going, it will be the biggest plague since the bubonic plague killed one-fourth of Europe in the 14th century.

Or you might say, ''President Clinton, you have got it all backwards. The global economy is not the positive development; it's the negative development, because Americans are getting rich, but half of the people in the world are still living on less than $2 a day.'' Think about that the next time you buy a cup of coffee. Half of the people in the world are living on less than $2 a day. A billion people are living on less than $1 a day. A billion people go to bed hungry every single night. One in four people die of AIDS, TB and malaria and complications from diarrhea every year. That's how—of all of the deaths in the world from wars, from terrorism, from heart attacks, from strokes, from accidents, one in four people die of AIDS, TB, malaria and complications from diarrhea, most of it little kids that never got a clean glass of water because they are poor. And it is projected that in the next 50 years the world's population will increase by 50 percent, almost all of it in the countries that are poorest and least able to handle it, creating a breeding ground for terrorists, who feel that they can recruit among the disposed.

Or even on September the 10th, if you'd been thinking about it a long time, you might have said, ''No, the thing that could shape the 21st century most is the marriage of terrorism with weapons of mass destruction and ancient racial, religious, ethnic and tribal hatreds.''

You might have pointed out that 700,000 people were killed in Rwanda, all innocents, with machetes in three months. Or that Bosnia, a country of only 6 million, lost 250,000 innocents in Milosevic's campaign of ethnic cleansing. Or that Kosovo had 1 million refugees created overnight.

Now here's the question I would like to ask you, since obviously all eight of these things probably had some resonance in reality for each of you. I mentioned four positive things: the global economy, the explosion of information technology, the advance of democracy and diversity and the advances in medical sciences and other sciences. I mentioned four negative things: environmental crises, health crises, half the world in poverty and the growth of terrorism rooted in ancient hatreds.

Here's the real question: What do all things have in common, the positive and the negative? They all are manifestations of a breathtaking increase in global interdependence. And it is very important that we understand this. The reason we have to be concerned about all of them, the positive and the negative, is that we live in a world where we have collapsed distances, torn down walls and spread information.

For Americans, it has brought us great bounty and has been, on balance, an enormous blessing. But it has also created vast new opportunities for the forces of destruction to come into our lives. My wife represents New York in the Senate. They have a million Dominicans alone. If the Caribbean has the second fastest growing rates of AIDS in the world, can New York escape it? We depend upon continually expanding markets for America's economy to grow. If half the people are still living on $2 a day or less 10 years from now can we continue to grow? We haven't changed human nature. And therefore, there will always be organized forces of destruction unless we succeed in finding a pill to change human nature or solve every problem on Earth. So if we take down barriers, collapse distances, spread knowledge, we are inevitably vulnerable here in ways that we never were before to those organized forces of destruction. Therefore, what happened on September the 11th is the dark flip side of the positive things that have come into a world without walls. That means that the great question of the 21st century is whether, on balance, it'll be a good thing for you and your family, your country and people like you in every corner of the world; whether we can expand the forces and reach of positive interdependence and shrink the impact of negative interdependence.

What are we going to do now?

First, let me try to put this into some perspective. In the whole of human history, no terrorist campaign has ever won on its own. Even when coupled with a successful conventional military strategy, terrorism has almost always backfired. In the great crusade that succeeded in capturing Jerusalem, the Christian soldiers burned a synagogue and killed 300 Jews, and proceeded to slaughter every man, woman and child who was a Muslim on the Temple Mount. And I promise you that story is being told today in the Middle East. We are still paying for it, and it was not necessary for the military campaign.

When I was a boy growing up in the South, when we should have been focusing on civil rights and equal rights for African-Americans, instead young white boys still learned the story about how General Sherman marched to the sea by burning all of the farms and burning Atlanta. It was, in fact, a brilliant military campaign, and by modern and ancient standards, rather tepid terrorism. He didn't kill innocent women and children. He just burned all of the farms and burned Atlanta to break their spirit and make them hungrier. But it was dumb politics that our efforts at national unity had to deal with for a century afterward.

The terrorist therefore, cannot win unless they affect the way we think and act. They want us to be afraid of them. They want us to be afraid of each other, and they want us to be afraid of the future—don't get on an airplane, don't put any money in the stock market, don't expand your business, lay people off, the Moslem sitting next to you might have a gun or a knife and they're coming again.

They want us to shrink. And they believe that terrorism might work in this modern world to achieve their objectives because we have collapsed distances and because the filaments of our economy are so delicately interrelated, so that they can have a big economic impact in southern Manhattan and scare the living daylights out of people all over the world who see it unfold. But they still can't win unless we give them permission. We are not about to give them permission.

So what are we going to do?

First, we have to support the president and all those who are leading us in the fight against the present terrorist threat. We will get better at this. Better at playing defense. Better at offense.

You should know that hundreds and hundreds of your fellow citizens, dedicated public servants, have been working at this for years to protect you from the awful thing that occurred on September the 11th. And they have had some astonishing successes since we got our own wake-up call back in the early '80s when our soldiers were killed by the suicide truck bomb in Lebanon. In my time, they stopped planned attacks on the Holland Tunnel, on airplanes flying from Los Angeles to the Philippines, on the pope. During the millennium celebration alone, a dozen planned terrorist attacks were thwarted, including planned attacks on the northeast and the northwest of our country by bombers who were picked up coming across from Canada. A plan to put a bomb at the Los Angeles airport, a plan to blow up the biggest hotel in Amman, Jordan. A plan even to blow up one of the Christian holy sites in the Holy Land. For those things which have been done, many people have been arrested and put in jail or executed. But obviously, everything that was done was not enough to prevent what happened on September 11th. So we have to make our defenses better. Airline security is being improved. We are also facing the fact that we have to do a much better job of using modern technology to track people when they are in our country. That will be done. And the president in the current campaign against the Taliban and Mr. bin Laden, with the help of our allies, is bringing to bear military forces to support our law enforcement efforts. And I might add, doing it in a way which deserves our commendation, accompanying it with humanitarian aid and making every effort not to do what bin Laden wants us to do, which is to kill as many civilians as he did so he can say we're no better than him. And I applaud the way this campaign has been conducted. Now, so we have to continue to do this.

But the second thing I want to say is that though nothing can ever justify the killing of innocents and terror tactics, we have to realize that we must do more to reduce the pool of potential terrorists. This is manifestly not about blaming America. I don't belong to that crowd. But it is about knowing our enemy, understanding the threats and acting according to our interests and our values. So many of the countries where terrorists recruit have 50 or 60 or more percent of the people who are under 18. Kids who never go to school, or if they do, are mostly indoctrinated instead of educated and know they won't have a job when they get out. So America must continue to work to reduce global poverty and to increase economic empowerment through education and other proven strategies.

We had a huge bipartisan effort last year to lead the world to its first big round of targeted debt relief for the 24 poorest countries in the world. So they got the debt relief, but only if it went to education, health care or economic development. We should do more of that. We funded 2 million micro-enterprise loans for economic empowerment among the world's poor. We should do more of that. We tripled overseas efforts to reduce AIDS by treatment and prevention. And the current administration has pledged $300 million, I think, to the Secretary General's Global Health Fund to fight AIDS, TB, malaria and

diarrhea-related disease. We should do more of that. We should reduce the pool of potential terrorists by showing people that we will not claim for ourselves what we would deny to them.

We should continue to promote democracy throughout the world. It is no accident that the most fertile recruitment grounds for terrorists in the world occur in countries that are not democracies. Because when people cannot exercise any responsibility for themselves, they are kept in a state of permanent collective immaturity, and it becomes quite easy if they are in distress to convince them that our success is the cause of their problems. This creates, I might add, agonizing dilemmas for leaders of such countries, many of whom have been our friends but also are terrified by stirring dissent in their own countries. And it is going to be a significant challenge for us when the current military campaign is over.

But if you look at the Middle East, it's no accident that perhaps the stablest country is not the richest. Jordan is a country that is ripe for trouble. A majority of its people are no longer Jordanians; they are Palestinians. Indeed, the young queen of Jordan is a Palestinian. But the late King Hussein several years ago recognized that he had to find a way if he wished to preserve the monarchy as a relevant institution in modern times to give the people of Jordan some greater say over their own lives. So they began to have elections, real elections where real parties could run, including militant Islamic fundamentalists who could get elected to parliament. The problem is, as we all find, after the campaign when you get one of these jobs, you actually have to show up for work. And when you have to show up for work, people expect you to deliver, especially if they can hold you accountable. And so people of highly extreme political views have to reconcile them to get decisions made so that the country can go forward. You may have noticed some of that occurring in the previous years in America.

The same thing will happen in other countries with people of different views. The king of Jordan can still replace the prime minister. He is still the spokesperson and the leader of the state and the person who charts a course in foreign affairs. He comes to see our president in times like this. But it's an example of the kind of thing that we need more of. Because if people have no outlet for their frustrations at home and never have to take any responsibility for themselves, then they will never have an awareness of what they have to do to solve their own problems and to get the help that they may well deserve and to make the most of it if it comes.

This is a big issue and will grow larger in the years ahead.

Finally, we have to continue our efforts to show people all over the world that America is not the enemy of any faith or any people. Actually, Mr. bin Laden has a pretty hard case to make against America if you look at all the facts.

The last time we used military power was to protect the lives of poor Muslims in Bosnia and Kosovo. We lead the world in the debt forgiveness campaign I just mentioned. We stood for a fair and a just peace in the Middle East, which would have given the Palestinians their state, and their equities in their religious sites and a chance to make a genuine economically successful partnership with the Israelis.

We are not the enemy of the poor of Islam in the Middle East or anywhere else in the world.

I also think it's important to point out, however, that we'll have to keep working on this. We've got more to do there. And we have to keep working at home.

I was very encouraged when the president went to the mosque and met with the Muslim leaders to point out to the American people that Islam is not our enemy. The attacks on Muslims and mosques are regrettable. They are by in large carried out by people who are angry and scared and still ignorant of the roots and the diversity of Islam, because we're still learning about each other.

Sikhs have been attacked because they wear turbans and the Taliban does too. An Indian Christian was attacked because he looked like he might have been one of them.

We're still getting it right here. One the most moving encounters I've had since I started going into New York was outside the armory crisis center when I was talking to all of these victim's families, this huge guy was a head taller than me, was standing there, and he had big tears in his eyes. And I said, ''Have you lost someone?'' He said, ''Not in my family.'' But he said, ''I am an Egyptian Muslim American.'' And he said, ''Believe it or not, I probably regret what happened more than you do. And I am so afraid my fellow Americans will never trust me again.'' That's one of the things they want. And we can't give it to them. We have to continue to live up to our founders' injunction about making a more perfect union.

The last thing I want to say is this: This is about more than what we do, it's about who we are, who they are and what the 21st century's going to be about. For between ourselves and the Taliban and Mr. bin Laden, there are radically different views about the nature of truth, the value of life and the content of community. It is at the root of all of this, would not be solved if we had perfect policies in all the areas that I mentioned.

They believe they have the truth. And if you agree with them, you've got it too. And if you don't—well, you know that.

We believe, and have believed since we were founded as a democracy, that no one has the whole truth; that the truth is something we can only fully realize when we're in a different place than Earth; that we are humans, be definition, fallible. We are on a journey toward understanding the truth.

This difference leads to radically different conclusions about the value of life. We believe everybody counts, everybody has a role to play, everybody deserves a chance. We have to learn from each other. They believe there are three categories of people: the people who accept their truth, who are Muslims; the Muslims who don't, who are heretics; and those that are Muslims, who are infidels. And if you are in the latter two categories, well, just to hell with you, even if you are a 6-year-old girl who just wanted to go to work with her mother on September the 11th at the World Trade Center.

They believe a community is people—made up of people who are all the same, who have the same religion, and the same beliefs and practice the same way, and that those beliefs have to be enforced by rigorous authority so we see on the television the excerpts from that movie, ''Behind the Veil,'' with those Afghan women imprisoned in their burqas—I don't even know how they breathe in them—being beaten on the street by sanctimonious men with their little sticks, or in one case shot.

We believe that anybody can be part of our community as long as you accept the rules of engagement: individual equality, mutual respect, obedience to the law. We think we all do better when we work together. And this is a much more interesting country than it was 30 years ago because we have people here from everywhere. We've got people in this room here tonight from everywhere. Now our kind of community has a lot of problems. We still have hate crimes. We still have—because we're more open, we're vulnerable to the things that happen that we deplore. But it has created a lot of good, and it's given a lot of people from everywhere a chance to live their dreams.

Their kind of community has created 4.5 million refugees. So people are voting even there.

It's very important that you understand that we are up against a worthy adversary: a man of great intelligence, great wealth, great boldness who honestly believes he has the truth with his top aides.

It's also important that you believe—even though sitting here tonight you agree with me, that you understand this is very hard to do. We all organize the world into categories so we can think and function. We have to. Men, women, boys, girls, adults, children, black, white, Muslim, Christian, Ba'hai. Buddhist, business, labor, government, education. We have to. We have to organize reality into these little boxes.

And then our whole lives are spent acquiring the wisdom to understand that they do not reflect reality, they just capture a piece of it we can use so we can come to understand the unity of the human spirit and the human community. But it's very hard.

Look what happened to the greatest people of the age. Gandhi killed, not by a Muslim, but by a Hindu because he was a Hindu who wanted India for the Muslims and the Jains and the Sikhs.

Sadat killed by the organization the number two guy in Afghanistan heads today. Not by an Israeli rocket, but by an angry Egyptian who hated him for being willing to lay down a lifetime of military service to make peace with Israel.

My friend Yitzak Rabin killed, not by a Palestinian terrorist, but by an angry Israeli who thought he should not reach across the divide to recognize the legitimate aspirations of the Palestinians and try to bring an end to decades of slaughter and insecurity.

Mandela survived, praise God, but only after giving up 27 of the best years of his life, so that he was able to reach out to the other side without having the people of his own ethnic group and political views think he had betrayed them. This is not easy to do.

But if you look at America's long journey, it is worth the effort. So, yes, let us support the president. Let us win this battle. But let us look down the road to reduce those negative resources and spread the reach of those positive ones so that what we have sought for America we can one day offer to all of the world, and so that our children will see that we met this task in a way that not only helped their lives, but the children like them in every corner of the Earth.

Thank you, very much.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages

from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

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

THE ANNUAL REPORT OF THE RAILROAD RETIREMENT BOARD FOR FISCAL YEAR 2000—MESSAGE FROM THE PRESIDENT—PM 50

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

To the Congress of the United States:

I transmit herewith the Annual Report of the Railroad Retirement Board for Fiscal Year 2000, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act and section 12(1) of the Railroad Unemployment Insurance Act.

GEORGE W. BUSH.

THE WHITE HOUSE, *October 23, 2001*.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar.

S. 1564. A bill to convey land to the University of Nevada at Las Vegas Research Foundation for a research park and technology center.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1909. Mr. LEAHY (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes.

SA 1910. Mr. MCCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2506, supra.

SA 1911. Mr. MCCAIN (for Mr. BROWNBACK (for himself, Mr. MCCONNELL, and Mr. LEAHY)) proposed an amendment to the bill H.R. 2506, supra.

SA 1912. Mr. LEAHY (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 2506, supra.

SA 1913. Mr. LEAHY (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 2506, supra.

SA 1914. Mr. LEAHY proposed an amendment to the bill H.R. 2506, supra.

SA 1915. Mr. MCCONNELL (for Mr. HELMS (for himself, Mr. LEAHY, and Mr. MCCONNELL)) proposed an amendment to the bill H.R. 2506, supra.

SA 1916. Mr. MCCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2506, supra.

SA 1917. Mr. MCCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2506, supra.

SA 1918. Mr. LEAHY (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 2506, supra.

SA 1919. Mr. LEAHY (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 2506, supra.

SA 1920. Mr. MCCONNELL proposed an amendment to the bill H.R. 2506, supra.

SA 1921. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2506, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1909. Mr. LEAHY (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

At the appropriate place in the bill insert the following:

KENNETH M. LUDDEN

SEC. . This Act shall be cited as the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002.

SA 1910. Mr. MCCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 163, line 19, after ''Syria'' insert the following: '' , or to the government of any nation which the President determines harbored or is harboring, or provided or is providing financing for, individuals or organizations involved in the September 11, 2001 terrorist attacks in the United States''.

On page 177, line 19 after ''Sudan,'', insert the following: ''or to the government of any nation which the President determines harbored or is harboring, or provided or is providing financing for, individuals or organizations involved in the September 11, 2001 terrorist attacks in the United States.''.

SA 1911. Mr. MCCAIN (for Mr. BROWNBACK (for himself, Mr. MCCONNELL, and Mr. LEAHY)), proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 212, line 25, after the period insert the following:

(c) Notwithstanding subsection (b) of this section or any other provision of law, funds appropriated by this Act may be made available for assistance to the Government of Cambodia's Ministry of Women and Veteran's Affairs to combat human trafficking, subject to the regular notification procedures of the Committees on Appropriations.

SA 1912. Mr. LEAHY (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 144, line 6, after ''That'', insert: '', in addition to funds otherwise available for such purposes,''.

On page 144, line 9, after ''State'', insert: '', and not more than $4,500,000 shall be available for administrative expenses of the United States Agency for International Development''.

SA 1913. Mr. LEAHY (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 214, line 13, strike ''30'' and insert in lieu thereof: ''15''.

SA 1914. Mr. LEAHY proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 121, line 10, after ''1961,'' insert the following: ''including in areas where population growth threatens biodiversity or endangered species,''.

SA 1915. Mr. MCCONNELL (for Mr. HELMS (for himself, Mr. LEAHY, and Mr. MCCONNELL)) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 219, line 15, strike everything after ''That'' through ''equipment'' on line 24, and insert in lieu thereof the following: ''not more than 15 percent of the funds may be used for administrative and representational expenses, including expenditures for salaries, office rent and equipment: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Secretary of State shall consult with the Committees on Appropriations regarding plans for the expenditure of funds under this section: *Provided further*, That funds made available under this heading are made available subject to the regular notification procedures of the Committee on Appropriations''.

SA 1916. Mr. MCCONNELL (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

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

SEC. . REPORTS ON CONDITIONS IN HONG KONG.

(a) Section 301 of the United States-Hong Kong Policy Act (22 U.S.C. 5731) is amended by striking ''and March 31, 2000,'' and inserting: ''March 31, 2000, March 31, 2001, March 31, 2002, March 31, 2003, March 31, 2004, March 31, 2005, and March 31, 2006''.

(b) The requirement in section 301 of the United States-Hong Kong Policy Act, as amended by subsection (a), that a report under that section shall be transmitted not later than March 31, 2001, shall be considered satisfied by the transmittal of such report by August 7, 2001.

SA 1917. Mr. MCCONNELL (for himself and Mr. LEAHY) proposed an

amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 155, line 21, after ''later'' insert the following: ''*Provided further*, That the ninth proviso under the heading ''Foreign Military Financing Program'' in title III of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2001, as enacted by Public Law 106–429, is amended by inserting ''or 2002'' after ''2001''.

SA 1918. Mr. LEAHY (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 225, line 18, after ''any'' insert the following: ''new project involving the''.

On page 226, line 16, strike ''15'' and insert in lieu thereof: ''10''.

On page 227, lines 5 and 6, strike ''United States executive directors of the international financial institutions'' and insert in lieu thereof: ''Secretary of the Treasury''.

On page 227, line 17, strike ''Agreement and its Annexes'' and insert in lieu thereof: ''Accords''.

SA 1919. Mr. LEAHY (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 125, line 1, strike ''$25,000'' and insert in lieu thereof ''$35,000''.

SA 1920. Mr. MCCONNELL proposed an amendment to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; as follows:

On page 137, strike everything after ''available'' on line 9 through ''schools'' on line 12 and insert in lieu thereof: ''to support an education initiative in Armenia to provide computer equipment and internet access to Armenian primary and secondary schools''.

SA 1921. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2506, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2002, and for other purposes; which was ordered to lie on the table; as follows:

On page 232, between lines 23 and 24, insert the following:

WAIVER OF RESTRICTION ON ASSISTANCE TO AZERBAIJAN

SEC. 581. Section 907 of the FREEDOM Support Act (Public Law 102–511; 22 U.S.C. 5812 note) is amended—

(1) by striking ''United States'' and inserting ''(a) RESTRICTION.—United States''; and

(2) by adding at the end the following:

''(b) WAIVER.—The President is authorized to waive the restriction in subsection (a) if the President determines that it is in the national security interest of the United States to do so.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Madam President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, October 23, 2001, at 9:30 a.m., in open session to consider the nominations of Joseph E. Schmitz to be Inspector General, Department of Defense and Sandra L. Pack to be Assistant Secretary of the Army for Financial Management and Comptroller.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Madam President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 23, 2001 at 10:15 a.m. to hold a hearing.

Agenda

International Convention for the Suppression of Terrorist Bombings (Treaty Doc. 106–6) and International Convention for the Suppression of the Financing of Terrorism (Treaty Doc. 106–49).

Witnesses: The Honorable Francis X. Taylor, Coordinator for Counter- terrorism, Department of State, Washington, DC; the Honorable William H. Taft, IV, Legal Adviser, Department of State, Washington, DC; the Honorable Michael Chertoff, Assistant Attorney General, Criminal Division, Department of Justice, Washington, DC.

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

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Madam President, I ask unanimous consent that Brian Hanley, a fellow in my office, be allowed to be in the Chamber throughout the debate on the foreign operations appropriations bill.

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

UNANIMOUS CONSENT REQUEST—S. 739

Mr. WELLSTONE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 191, and I ask unanimous consent that the committee amendment be agreed to, the amendment to the title be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

This is the veterans homeless bill. This is a bill that provides support for homeless veterans.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Madam President, on behalf of another Member on this side of the aisle and not myself, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WELLSTONE. Madam President, I very much appreciate the Senator from Kentucky saying that the objection is not on his behalf. I say to whoever is objecting that I am going to do this every day. I would like to know who objects. It is interesting. I am not going to mix the agenda. But in all due respect, it is hardly helpful to veterans to object to a piece of legislation that passed with unanimous support out of the veterans committee of Republicans and Democrats alike focusing on what is a national scandal.

If you look at the number of men who are homeless—there are too many women and children—probably about 30 percent of them are veterans. Many of them are Vietnam veterans. Many of them struggle with addictions.

This piece of legislation was a bipartisan piece of legislation coming out of committee. LANE EVANS has done great work for veterans in the House of Representatives. He has taken the lead. It is legislation named after Katie Marie Harman, who is Miss America. Her dad is a disabled veteran. She has made it her priority.

I say to whoever is objecting that I would like for them to come out on the floor of the Senate and object. Tomorrow I will spend as much time as I can finding out who is objecting to this piece of legislation. Pretty soon we will either find out, and we can work it out together, or I will figure out a way to come out on the floor with this legislation and take a long time talking about what is on for veterans and the health care needs in particular.

The fact that I can't even move a piece of legislation that passed with unanimous support out of a committee that deals with providing a little bit of help to homeless veterans—I am not being histrionic; I am not trying to be melodramatic—is just plain maddening.

My God, in order to have a piece of legislation that deals with universal health care coverage and national health insurance, there can be a debate about the role of the Government.

Economic stimulus, I hope we will have that debate. There are many other issues. But when you take the most modest step that you can think of—I will start outlining the provisions of this bill tomorrow when I get a chance—and you have support among Republicans and Democrats in the committee and you believe you can move it and you have a lot of veterans who are hopeful about it—a number of them came from all around the country to testify for this legislation—then we have some anonymous objection.

That is enough said for tonight. I hope tomorrow I can find out who is objecting and that we can pass this by unanimous consent.

I was working on amendments for this foreign operations appropriations bill. I want to let Senator REID, the whip, and other Senators know that the first thing tomorrow morning, or whatever best accommodates the Senate's schedule, I will come to the floor with amendments and be ready to go with time limits.

I will be very anxious to get done tomorrow. I am glad we are in session. I am glad we are on this piece of legislation.

Mr. REID. Madam President, that is very good. We want to finish this bill as quickly as we can. It is an important piece of legislation. We talked about it for a long time today. We are going to come in tomorrow at 10:30. If the Senator can be here at 10:30, as soon as we finish the business of the day, we will move right to his amendments. I would like to be able to tell the managers.

How many amendments will the Senator have tomorrow?

Mr. WELLSTONE. Madam President, if it is OK, I will ask unanimous consent when we come back on the floor that I be allowed to introduce the first amendment.

Mr. REID. The managers are not here. I wouldn't like to do that without their being here. How many amendments is the Senator going to have?

Mr. WELLSTONE. Three amendments. I will have one amendment that deals with the humanitarian crisis right now in Afghanistan. I am hoping the managers will accept it. I think it is a good statement. I think it is exactly what we are committed to as a nation.

I will take 20 seconds tonight to say that the President—and he was eloquent—said our military effort is not aimed at the innocent people in Afghanistan; we are going after terrorists and those who harbor terrorists. I think one of the best ways we can show that we are good people who commit by way of deed is to make a serious effort on the humanitarian front. We are going to have hundreds of thousands of children who are going to starve to death. The first amendment is going to be a resolution that talks about the need to make this a priority.

The second one is going to deal with the Andean plan, Colombia, and some of my concerns about human rights. The third one will be also a human rights amendment. I can do all of these with a time limit.

Mr. REID. Senator DURBIN and I spoke at some length on the floor this morning about the war in Afghanistan. It is certainly not against the people of Afghanistan. It is against the Taliban, which has treated people so brutally, especially women.

There are some good provisions in this bill already that relate to aid generally for the people of Afghanistan. So I personally look forward to hearing the Senator tomorrow. I am sure the managers look forward to his amendments. I am sure they would look forward to some reasonable time agreement to move forward on those amendments as quickly as possible. Hopefully one, two, or three of them can be accepted tomorrow.

Mr. WELLSTONE. I thank the majority whip. I hope one, two, and three of them will be accepted as well. That would be a first for me, but I will certainly try.

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

Mr. REID. Will the Senator withhold that, please?

Mr. WELLSTONE. I withhold and yield the floor.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 464 through 469, 476 through 489, and the nominations at the Secretary's desk; 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 are as follows:

DEPARTMENT OF COMMERCE

Phillip Bond, of Virginia, to be Under Secretary of Commerce for Technology.

EXECUTIVE OFFICE OF THE PRESIDENT

John H. Marburger, III, of New York, to be Director of the Office of Science and Technology Policy.

COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral

Rear Adm. (lh) James C. Olson, 7892
Rear Adm. (lh) James W. Underwood, 8189
Rear Adm. (lh) Ralph D. Utley, 9691
Rear Adm. (lh) Kenneth T. Venuto, 2213

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. Dale G. Gabel, 5350
Capt. Jeffrey M. Garrett, 5563
Capt. David W. Kunkel, 1601
Capt. David B. Peterman, 1735

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Duncan C. Smith, III, 8281

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral (lower half)

Capt. Stephen W. Rochon, 4866

DEPARTMENT OF JUSTICE

Jay S. Bybee, of Nevada, to be an Assistant Attorney General.

Anna Mills S. Wagoner, of North Carolina, to be United States Attorney for the Middle District of North Carolina for the term of four years.

Margaret M. Chiara, of Michigan, to be United States Attorney for the Western District of Michigan for the term of four years.

Robert J. Conrad, Jr., of North Carolina, to be United States Attorney for the Western District of North Carolina for the term of four years.

Thomas C. Gean, of Arkansas, to be United States Attorney for the Western District of Arkansas for the term of four years.

James Ming Greenlee, of Mississippi, to be United States Attorney for the Northern District of Mississippi for the term of four years.

Raymond W. Gruender, of Missouri, to be United States Attorney for the Eastern District of Missouri for the term of four years.

Daniel G. Bogden, of Nevada, to be United States Attorney for the District of Nevada for the term of four years.

Thomas M. DiBiagio, of Maryland, to be United States Attorney for the District of Maryland for the term of four years.

Thomas E. Johnston, of West Virginia, to be United States Attorney for the Northern District of West Virginia for the term of four years.

Donald W. Washington, of Louisiana, to be United States Attorney for the Western District of Louisiana for the term of four years.

Patrick J. Fitzgerald, of Illinois, to be United States Attorney for the Northern District of Illinois for the term of four years.

John McKay, of Washington, to be United States Attorney for the Western District of Washington for the term of four years.

Karl K. Warner, II, of West Virginia, to be United States Attorney for the Southern District of West Virginia for the term of four years.

COAST GUARD

PN1107 Coast Guard nominations (63) beginning Bryon Ing, and ending Joseph E. Vorbach, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of October 3, 2001.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

THE EXECUTIVE CALENDAR AND APPROPRIATIONS BILLS

Mr. REID. Madam President, let me just say, and spread on the RECORD today, these are 20 nominations that have been approved today, not counting those military promotions that are also part of the Executive Calendar. We have approved four judges. We have approved some very important Department of Justice nominations, including

U.S. attorneys. We have an Assistant Attorney General. There are some very important matters we have done today. I think it is important we have done this.

I say to my friends on the other side of the aisle, speaking for Senator DASCHLE and all of us on this side of the aisle, we are very happy that we are moving to the appropriations bills. We need to work together. We are glad we are able to do that now.

We are so happy we have been able to confirm these nominations. We look forward to confirming a lot more in the immediate future. We also look forward to working through these appropriations bills.

The two managers on the foreign operations appropriations bill—Senator LEAHY, the chairman of the subcommittee, and the ranking member, Senator MCCONNELL—are two of the most experienced legislators we have. I think we should be able to move through this legislation very quickly.

I am happy that in the morning we will have something on which to work. The Senator from Minnesota is going to be in this Chamber to offer amendments. We have every intent of finishing this bill tomorrow afternoon as early as possible.

ORDERS FOR WEDNESDAY, OCTOBER 24, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10:30 a.m., Wednesday, October 24; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the Foreign Operations Appropriations Act.

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

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:33 p.m., adjourned until Wednesday, October 24, 2001, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 23, 2001:

DEPARTMENT OF COMMERCE

ARDEN BEMENT, JR., OF INDIANA, TO BE DIRECTOR OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, VICE RAYMOND G. KAMMER, RESIGNED.

DEPARTMENT OF STATE

MELVIN F. SEMBLER, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ITALY.

ROBERT M. BEECROFT, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS HEAD OF MISSION, ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE), BOSNIA AND HERZEGOVINA.

CHARLES LESTER PRICHARD, OF VIRGINIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL ENVOY FOR NEGOTIATIONS WITH THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA (DPRK) AND UNITED STATES REPRESENTATIVE TO THE KOREAN PENINSULA ENERGY DEVELOPMENT ORGANIZATION (KEDO).

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

JOHN MARSHALL, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE TERRENCE J. BROWN, RESIGNED.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate October 23, 2001:

DEPARTMENT OF COMMERCE

PHILLIP BOND, OF VIRGINIA, TO BE UNDER SECRETARY OF COMMERCE FOR TECHNOLOGY.

EXECUTIVE OFFICE OF THE PRESIDENT

JOHN H. MARBURGER, III, OF NEW YORK, TO BE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH) JAMES C. OLSON
REAR ADM. (LH) JAMES W. UNDERWOOD
REAR ADM. (LH) RALPH D. UTLEY
REAR ADM. (LH) KENNETH T. VENUTO

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. DALE G. GABEL
CAPT. JEFFREY M. GARRETT
CAPT. DAVID W. KUNKEL
CAPT. DAVID B. PETERMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. DUNCAN C. SMITH III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. STEPHEN W. ROCHON

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

JAMES H. PAYNE, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN, EASTERN AND WESTERN DISTRICTS OF OKLAHOMA.

KAREN K. CALDWELL, OF KENTUCKY, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF KENTUCKY.

LAURIE SMITH CAMP, OF NEBRASKA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEBRASKA.

CLAIRE V. EAGAN, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OKLAHOMA.

DEPARTMENT OF JUSTICE

JAY S. BYBEE, OF NEVADA, TO BE AN ASSISTANT ATTORNEY GENERAL.

ANNA MILLS S. WAGONER, OF NORTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS.

MARGARET M. CHIARA, OF MICHIGAN, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF MICHIGAN FOR THE TERM OF FOUR YEARS.

ROBERT J. CONRAD, JR., OF NORTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS.

THOMAS C. GEAN, OF ARKANSAS, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS.

JAMES MING GREENLEE, OF MISSISSIPPI, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF MISSISSIPPI FOR THE TERM OF FOUR YEARS.

RAYMOND W. GRUENDER, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS.

DANIEL G. BOGDEN, OF NEVADA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF NEVADA FOR THE TERM OF FOUR YEARS.

THOMAS M. DIBIAGIO, OF MARYLAND, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MARYLAND FOR THE TERM OF FOUR YEARS.

THOMAS E. JOHNSTON, OF WEST VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF FOUR YEARS.

DONALD W. WASHINGTON, OF LOUISIANA, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS.

PATRICK J. FITZGERALD, OF ILLINOIS, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS.

JOHN MCKAY, OF WASHINGTON, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF WASHINGTON FOR THE TERM OF FOUR YEARS.

KARL K. WARNER, II, OF WEST VIRGINIA, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA FOR THE TERM OF FOUR YEARS.

COAST GUARD NOMINATIONS BEGINNING BRYON ING AND ENDING JOSEPH E VORBACH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 3, 2001.

HOUSE OF REPRESENTATIVES—*Tuesday, October 23, 2001*

The House met at 12:30 p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2904) ''An Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.''

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

S. 423. An act to amend the Act entitled ''An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes''.

S. 941. An act to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to extend the term of the advisory commission for the recreation area, and for other purposes.

S. 1057. An act to authorize the addition of lands to Pu'uhonua o Hõnaunau National Historical Park in the State of Hawaii, and for other purposes.

S. 1097. An act to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of the Great Smoky Mountains National Park.

S. 1105. An act to provide for the expeditious completion of the acquisition of State of Wyoming lands within the boundaries of Grand Teton National Park, and for other purposes.

The message also announced that the Senate disagrees to the amendment of the House to the bill (S. 1438) ''An Act to authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes,'' agrees to a conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LEVIN, Mr. KENNEDY, Mr. BYRD, Mr. LIEBERMAN, Mr. CLELAND, Ms. LANDRIEU, Mr. REED, Mr. AKAKA, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mrs. CARNAHAN, Mr. DAYTON, Mr. BINGAMAN, Mr. WARNER, Mr. THURMOND, Mr. MCCAIN, Mr. SMITH of New Hampshire, Mr. INHOFE, Mr. SANTORUM, Mr. ROBERTS, Mr. ALLARD, Mr. HUTCHINSON, Mr. SESSIONS, Ms. COLLINS, and Mr. BUNNING, to be the conferees on the part of the Senate.

MORNING HOUR DEBATES

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

The Chair recognizes the gentleman from Alabama (Mr. BACHUS) for 5 minutes.

LET US BE STRONG AND COURAGEOUS

Mr. BACHUS. Mr. Speaker, America has proven time and time again that when we as a people are challenged and we dedicate ourselves to meeting that challenge, nothing can stop our Nation and nothing can stop our people. On September 11, our country was challenged yet again, challenged to defend our democracy, challenged to fight for our freedom and our way of life. When we as America accept a challenge, we are usually up to that challenge. That is the history of our forefathers; that is the history of our Nation.

As Americans, we are best when challenged. We proved that during World War I, our grandfathers; our fathers proved that during World War II. Now, in our own time, passengers aboard United Flight 93 proved that when they sacrificed their own lives to save more lives on the ground. Hundreds of firefighters, police officers, and paramedics, before our own eyes, rushed to save thousands of fleeing persons from the World Trade Towers. They were up to the challenge. They proved that when it was their time, they were ready, ready to face danger, ready to sacrifice, ready to put others first. At the Pentagon, we saw that same courage, that same willingness to sacrifice.

In Afghanistan, and the throughout the world, our servicemen and women are accepting the challenge of protecting the country. When they do serve our Nation, they put themselves at risk; and they are willing to take that risk.

That is a tradition we should be proud of; it is also a tradition that we in this House should live up to. It is that time now. We in Washington, we across America, are now confronted with a new mode of terrorism in the form of anthrax. It is yet only the latest in a series of a different mode of attack upon our country and upon our democracy and upon our freedom and upon this very institution.

We should take as an example past generations, their sacrifice, their willingness to risk, their willingness, if necessary, to face danger. In the past, they have fought to protect our land. Let us take as an example their sacrifice, that of the passengers of United Flight 93, that of the firefighters in New York, that of our brave troops around the world. Let us not back down from the challenge. Let us meet it head on. Let us not give in to the terrorists. Let us not give them the pleasure of seeing this House flinch at shadows.

With the words of FDR as an example, that ''the only thing we have to fear is fear itself,'' a nameless, unreasonable, unjustified terror, let us not give in to that fear. President Roosevelt said those words in 1933, but they are still true today. Let us not be paralyzed in needed efforts to advance against our enemy. Let us not retreat from the floor of this House.

Let us also be willing to sacrifice as we have seen others sacrifice. Let us keep this floor open for business. Yes, it may entail some risk. Yes, it may entail some danger. But let us think of our troops in Afghanistan, what they face; let us think about those firefighters; let us think about that crew and the passengers on United Flight 93; let us think of our fathers during World War II and our grandfathers during World War I. Let us take up that same tradition.

Fear is the currency of terrorism. Let us not contribute to that fear by shuttering the doors of this House. Let us, instead, convert temporary retreat into long-term advance. Let us not tremble and be afraid. Let us be strong and courageous.

FEAR IS USELESS; WHAT IS NEEDED IS TRUST

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

Mr. PENCE. Mr. Speaker, it is such a privilege to be among the very first to rise in this Chamber after some uncertain days, to rise recognizing that timeless truth, that fear is useless, what is needed is trust.

We in this Chamber day in and day out do not only trust the American

people but we trust in the God whose name is ascribed above the Speaker's chair. By reconvening here today, we make an important statement to the world, to our friends and our foes alike, that the American Government stands ready and willing and able to do the people's business even in these challenging days.

Mr. Speaker, along those lines, I rise today specifically to speak about a relationship that the United States of America enjoys. It is not difficult for Americans since September 11 to imagine living in a country made the subject of repeated attacks against our citizens and even now against our leaders. It is also easy for every American to understand why a country whose innocent citizens have been murdered and whose leaders have been attacked would take temporary and necessary military action against the government and against the perpetrators of these acts to establish a just government in the land from which these attacks were launched and also to bring to justice those who harmed those citizens and harmed those leaders.

Well, even though it is so easy to imagine and identify with that as Americans, nevertheless, Mr. Speaker, in the wake of the first-ever assassination of a cabinet official in Israel, as our partners and friends since 1948 took the necessary military action to move not only against the perpetrators of this dastardly attack but also against the authorities that have harbored them and refused to bring them to justice, what did the State Department of the United States of America say, Mr. Speaker? Permit me to quote. Philip T. Reeker, State Department spokesman, spoke to the world media yesterday and accused Israel, the Nation in question, of killing ''numerous innocent citizens,'' in its ''unacceptable military action in six West Bank towns.''

We have seen the tanks on the news, Mr. Speaker. We know, as foreign minister Shimon Peres said from our Nation's capital this morning, they have not the slightest intention of remaining in any of these West Bank towns. They are about the business of requiring that the Palestinian Authority bring to justice those who not only killed a cabinet official, have organized the death of innocent citizens in Israel, but also, Mr. Speaker, have boasted about it on television, just like Osama bin Laden has done. The United States said we, quote, ''deeply regret and deplore Israel's actions.''

What have they said of the Palestinian Authority or of Yasser Arafat or those who committed these crimes? Well, Mr. Speaker, we wrote a letter. The State Department of the United States deplores what Israel does, but we did write a letter to Yasser Arafat; not a public letter, but a very clear letter, we are told in the media, telling Arafat to make absolutely certain that the assassins were arrested.

Mr. Speaker, there is a great verse in the Bible that we have inherited from the great people of Israel. It is: ''There is a friend who sticks closer than a brother, and now is a time for such friends.'' But why do we capitulate about Israel? I submit, Mr. Speaker, it is very simple. The reason we capitulate about Israel is because we are afraid. We are afraid, Mr. Speaker, to offend, to offend moderate Arab states that are assisting us in our own quest against a morally bankrupt government and against terrorists who attack our leaders and our innocent citizens.

But we need not be afraid. We need to recognize that fear is useless. What is needed is trust. The most powerful message we can send to our new friends in the Arab world is that we are good friends. What is a more powerful or compelling message to send to King Abdullah in Jordan or King Fahd in Saudi Arabia than to say, ''When the going gets tough, when your Nation does what is necessary to be done, we will stand with you.'' America will always stand for justice and restraint. But America must stand with Israel.

America will stand with its friends, for fear is useless. What is needed is trust.

RECESS

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

Accordingly (at 12 o'clock and 43 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

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

PRAYER

The Reverend Pete Williams, Harvest Baptist Church, Goldsboro, North Carolina, offered the following prayer:

Heavenly Father, we thank You for this beautiful day and for all the wonderful gifts that You have given to us. We thank You for the gift of salvation through Your son, Jesus Christ. We thank You for our families. We thank You for our country and the gift of government. We especially thank You for this House where we are gathered today and for the leaders that guide and defend our Nation. We pray that You will give the wisdom and knowledge that is needed to do Your business today. We ask that at this time of uncertainty that You would give the extra grace needed for the difficult tasks ahead.

We also remember those who have recently suffered and died for our country. These are true heroes. Father, on this anniversary of the Beirut bombing, we remember those heroes also. We thank You that we are a nation that is built on the foundation of Your word. Help us keep our Nation on these never-failing principles. Heavenly Father, we are proud to be ''one nation, under God'' and we commend this country into Your hands. We also ask for Your hand of protection during these times and we also want to especially leave this House in the blessed arms of our Lord and Saviour, Jesus Christ. In Jesus' name I pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. 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 pro tempore. Will the gentlewoman from New York (Mrs. MCCARTHY) come forward and lead the House in the Pledge of Allegiance.

Mrs. MCCARTHY of New York 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.

WELCOME TO PASTOR PETE WILLIAMS

(Mr. JONES of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. JONES of North Carolina. Mr. Speaker, I am proud and pleased to welcome Pastor Pete Williams and his family and friends to the United States House of Representatives.

Pastor Williams and his family live in Goldsboro, North Carolina, in Wayne County, home of Seymour Johnson Air Force Base. Pastor Williams is the pastor of Harvest Freewill Baptist Church in Wayne County.

I have known Pastor Williams and his family for 8 years, and I am most grateful for the friendship he has extended to me.

Pastor Williams is a true disciple for our Lord and he understands and reminds his congregation that the strength of America comes from God Almighty.

In this trying time, I want to especially thank Pastor Pete Williams and all ministers, priests, rabbis, and clerics who have helped all of America remember it is God who we must trust.

Again, I would like to thank my friend and brother from Christ, Pastor Pete Williams, for being with us today. God bless America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolution and bill on Wednesday, October 17, 2001:

H.J. Res. 69, making further continuing appropriations for the fiscal year 2002, and for other purposes; and

S. 1465, to authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 23, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on October 17, 2001 at 7:00 p.m.

That the Senate passed without amendment H.J. Res. 69.

That the Senate agreed to conference report H.R. 2217.

That the Senate passed without amendment H. Con. Res. 251.

That the Senate passed without amendment H.R. 146.

That the Senate passed without amendment H.R. 182.

That the Senate passed without amendment H.R. 1000.

That the Senate passed without amendment H.R. 1161.

That the Senate passed without amendment H.R. 1668.

Appointments: U.S. Capitol Preservation Commission (2).

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS ACT OF 2001

Mr. MCKEON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3086) 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, as amended.

The Clerk read as follows:

H.R. 3086

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 ''Higher Education Relief Opportunities for Students Act of 2001''.

SEC. 2. WAIVER AUTHORITY FOR RESPONSE TO NATIONAL EMERGENCY.

(a) WAIVERS AND MODIFICATIONS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, unless enacted with specific reference to this section, the Secretary of Education (referred to in this Act as the ''Secretary'') may waive or modify any statutory or regulatory provision applicable to the student financial aid programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) as the Secretary deems necessary in connection with the national emergency to provide the waivers or modifications authorized by paragraph (2).

(2) ACTIONS AUTHORIZED.—The Secretary is authorized to waive or modify any provision described in paragraph (1) as may be necessary to ensure that—

(A) borrowers of Federal student loans who are affected individuals are not placed in a worse position financially in relation to those loans because of their status as affected individuals;

(B) administrative requirements placed on affected individuals who are borrowers of Federal student loans are minimized, to the extent possible without impairing the integrity of the student loan programs, to ease the burden on such borrowers and avoid inadvertent, technical violations or defaults;

(C) the calculation of ''annual adjusted family income'' and ''available income'', as used in the determination of need for student financial assistance under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) for any such affected individual (and the determination of such need for his or her spouse and dependents, if applicable), may be modified to mean the sums received in the first calendar year of the award year for which such determination is made, in order to reflect more accurately the financial condition of such affected individual and his or her family; and

(D) institutions of higher education, eligible lenders, guaranty agencies, and other entities participating in the student assistance programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) that are located in, or whose operations are directly affected by, areas that are declared disaster areas by any Federal, State, or local official in connection with the national emergency may be granted temporary relief from requirements that are rendered infeasible or unreasonable by the national emergency, including due diligence requirements and reporting deadlines.

(b) NOTICE OF WAIVERS OR MODIFICATIONS.—

(1) IN GENERAL.—Notwithstanding section 437 of the General Education Provisions Act (20 U.S.C. 1232) and section 553 of title 5, United States Code, the Secretary shall, by notice in the Federal Register, publish the waivers or modifications of statutory and regulatory provisions the Secretary deems necessary to achieve the purposes of this section.

(2) TERMS AND CONDITIONS.—The notice under paragraph (1) shall include the terms and conditions to be applied in lieu of such statutory and regulatory provisions.

(3) CASE-BY-CASE BASIS.—The Secretary is not required to exercise the waiver or modification authority under this section on a case-by-case basis.

(c) IMPACT REPORT.—The Secretary shall, not later than 15 months after first exercising any authority to issue a waiver or modification under subsection (a), report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate on the impact of any waivers or modifications issued pursuant to subsection (a) on affected individuals and the programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), and the basis for such determination, and include in such report the Secretary's recommendations for changes to the statutory or regulatory provisions that were the subject of such waiver or modification.

(d) NO DELAY IN WAIVERS AND MODIFICATIONS.—Sections 482(c) and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089(c), 1098a) shall not apply to the waivers and modifications authorized or required by this Act.

SEC. 3. TUITION REFUNDS OR CREDITS FOR MEMBERS OF ARMED FORCES.

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

(1) all institutions offering postsecondary education should provide a full refund to students who are members of the Armed Forces serving on active duty during the national emergency, for that portion of a period of instruction such student was unable to complete, or for which such individual did not receive academic credit, because he or she was called up for such service; and

(2) if affected individuals withdraw from a course of study as a result of such service, such institutions should make every effort to minimize deferral of enrollment or reapplication requirements and should provide the greatest flexibility possible with administrative deadlines related to those applications.

(b) DEFINITION OF FULL REFUND.—For purposes of this section, a full refund includes a refund of required tuition and fees, or a credit in a comparable amount against future tuition and fees.

SEC. 4. USE OF PROFESSIONAL JUDGMENT.

At the time of publishing any waivers or modifications pursuant to section 2(b), the Secretary shall publish examples of measures which institutions may take in the appropriate exercise of discretion under section 479A of the Higher Education Act of 1965 (20 U.S.C. 1087tt) to adjust financial need and aid eligibility determinations for affected individuals.

SEC. 5. DEFINITIONS.

In this Act:

(1) ACTIVE DUTY.—The term ''active duty'' has the meaning given such term in section 101(d)(1) of title 10, United States Code, except that such term does not include active duty for training or attendance at a service school.

(2) AFFECTED INDIVIDUAL.—The term ''affected individual'' means an individual who—

(A) is serving on active duty during the national emergency;

(B) resides or is employed in an area that is declared a disaster area by any Federal, State, or local official in connection with the national emergency; or

(C) suffered direct economic hardship as a direct result of the national emergency, as

determined under a waiver or modification issued under this Act.

(3) FEDERAL STUDENT LOAN.—The term ''Federal student loan'' means a loan made, insured, or guaranteed under part B, D, or E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 20 U.S.C. 1087a et seq., and 20 U.S.C. 1087aa et seq.).

(4) NATIONAL EMERGENCY.—The term ''national emergency'' means the national emergency by reason of certain terrorist attacks declared by the President on September 14, 2001, or subsequent national emergencies declared by the President by reason of terrorist attacks.

(5) SERVING ON ACTIVE DUTY DURING THE NATIONAL EMERGENCY.—The term ''serving on active duty during the national emergency'' shall include an individual who is—

(A) a Reserve of an Armed Force ordered to active duty under section 12301(a), 12301(g), 12302, 12304, or 12306 of title 10, United States Code, or any retired member of an Armed Force ordered to active duty under section 688 of such title, for service in connection with such emergency or subsequent actions or conditions, regardless of the location at which such active duty service is performed; and

(B) any other member of an Armed Force on active duty in connection with such emergency or subsequent actions or conditions who has been assigned to a duty station at a location other than the location at which such member is normally assigned.

SEC. 6. TERMINATION OF AUTHORITY.

The provisions of this Act shall cease to be effective on September 30, 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. MCKEON) and the gentlewoman from New York (Mrs. MCCARTHY) each will control 20 minutes.

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

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3086.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 3086, the Higher Education Relief Opportunities for Students Act of 2001, or the HEROS Act.

This important bill provides the Secretary of Education with specific waiver authority under title IV of the Higher Education Act of 1965, which governs student financial assistance programs, to provide immediate relief to active-duty students with Federal loans who have been called up because of the war. This waiver authority addresses the need to assist students who are being called up to active duty, those active duty military being relocated, and those students directly affected by the attacks.

The events of September 11 changed our lives forever, and our peaceful way of life was shattered. Thousands of law-abiding citizens never realized their lives would end instantly in such an atrocity.

Earlier that day, I watched in horror as the second plane crashed into the World Trade Center. Later, when I stepped outside my house to go to the Capitol, a neighbor running by said, Congressman, it is going to be a rough day; they just blew up the Pentagon. I could see the smoke from the end of the street.

So to say that that moment was surreal is an understatement.

In response to the September 11 terrorist attack, many men and women who serve in our Nation's armed services are being called to active duty, including many college and university students. Many of these students participate in Federal financial aid programs and will be put in the difficult position of having to make student loan payments while on active duty unless Congress and the Department of Education act now to provide relief.

As America mobilizes for the war against terrorism, students serving in our armed services need our full support. The Education Secretary needs the authority to act quickly to protect the interests of U.S. students as well as the integrity of the financial aid programs themselves.

Under the bipartisan HEROS bill, the Education Secretary can grant waivers so that reservists leaving their jobs and families may be relieved from making student loan payments, for a time; victims' families may be relieved from receiving collection calls from lenders, and consecutive service requirements for loan forgiveness programs may be considered uninterrupted.

The waiver authority is similar to that provided to the Secretary during the Desert Shield and Desert Storm operations in 1991.

The Secretary of Education is in a unique position to act as ambassador between students, institutions of higher education, and the student aid community to ensure the necessary accommodations are provided to victims, their families, and our military personnel while, at the same time, ensuring the integrity of the student financial assistance programs.

The bipartisan HEROS Act also expresses the sense of Congress that higher education institutions should provide a full tuition refund or credit to students who serve in the military during this national emergency and cannot complete a course for academic credit.

I believe that we need to do all we can to support our men and women in the military. They should not have to be concerned about financial responsibilities at home while they are focusing on their task of defending our freedom.

This legislation will provide relief for the men and women of our military who are defending the freedoms of this great Nation. As families send loved ones into harm's way, the Higher Education Relief Opportunity for Students Act will allow the Secretary of Education to reduce some of the effects of that upheaval here at home.

This bill is an indication of the Congress's commitment to our military and to our students and families, as well as to those on the front lines who make higher education accessible.

Mr. Speaker, I urge my colleagues to support the bipartisan HEROS Act, and I look forward to swift passage of this legislation.

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

Mrs. MCCARTHY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I applaud the gentleman from California (Mr. MCKEON) for introducing this bill, of which I am a proud cosponsor, which provides student loan relief to individuals serving on active duty during this national emergency, and individuals residing in the disaster areas caused by the September 11 terrorist attack.

The Federal Government must do everything in its power to help ease the financial burden our brave men and women may endure while they fight overseas to rid the world of terrorism, as well as those directly impacted by the tragic events of September 11.

Although I believe this is a good bill and urge all of my colleagues to support it, I believe we are missing a good opportunity to vote on more sweeping legislation that benefits the spouse of a policeman, fireman, or other safety and rescue personnel that died in the line of duty on September 11. The gentleman from California (Mr. MCKEON), right before we started this debate, said that we would continue this discussion to see if we can do something in that regard in the future.

This body has worked aggressively to bail out our airline industry and will most likely debate an economic stimulus package later this week, but we have not done enough to help the spouses of the brave men and women who risked their lives in the line of duty on that tragic day.

I know firsthand how difficult it is to pay bills when one suddenly loses one's spouse who provided the majority of the family's income. Expenses such as a mortgage, food and clothes for kids, and car payments suddenly become daunting. Although I did not have student loans to repay, many spouses do.

Currently, the individual who died has their loan forgiven, but not the spouse who may have relied on the working spouse to pay the loans. I have spoken to several of these spouses who are in similar situations, and they need all of the help that is available.

Earlier today, legislation was introduced to provide student loan relief to

all spouses directly impacted by the terrorist attack on September 11. It expands upon the measure introduced by the gentleman from California and provides spouses with desperately needed financial relief.

Although this language was not included in today's bill, I would hope, with the help of the gentleman from California, we can move separate legislation that helps the spouses as well as our military personnel with their student loan relief.

Today's legislation is a big step in the right direction which we can build upon, and I urge all of my colleagues to support it.

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

□ 1415

Mr. MCKEON. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I appreciate the proposal of my good friend, the gentlewoman from New York (Mrs. MCCARTHY), and we tried to work through some of these issues, but given what has happened the last few days, it has been impossible to get everything worked out in time.

But I do promise to work with the gentlewoman on a separate bill to provide for the other victims that the gentlewoman commented on. I appreciate her efforts on their behalf.

Mr. Speaker, I yield 6 minutes to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, I rise today in support of H.R. 3086, the Higher Education Relief Opportunities for Students Act of 2001.

First, I want to offer my thanks and congratulations to the gentleman from California (Mr. MCKEON), the chairman of the Subcommittee on 21st Century Competitiveness, the author of this bill, and the gentlewoman from New York (Mrs. MCCARTHY) for their efforts in bringing this bill to the floor today.

Mr. Speaker, on September 11, the lives of our citizens were turned upside down. Since that day, the President has asked us to try to get on with our lives and to get things back to normal, or at least as normal as normal will be.

In doing so, the people across the Nation have come together to help each other to do just that. Congress is also coming together to bring forward legislation to aid those directly affected by the attacks, as well as the military personnel that are being called to active duty. H.R. 3086 is one more step on the path towards recovery and normalcy.

This bill is simple in its purpose. It grants the Secretary of Education waiver authority within title IV of the Higher Education Act to provide necessary relief to those affected by recent attacks on America and any subsequent attacks. This waiver authority allows the Secretary of Education to address the needs of students who are being called up to active duty, those active-duty military being relocated, and those students directly affected by the attacks.

Mr. Speaker, this legislation provides the Secretary the ability to provide relief to affected individuals and institutions where it is deemed necessary while ensuring the integrity of the students' assistance programs.

The Secretary may relax repayment obligations for our active-duty Armed Forces, provide a period of time victims and their families may reduce or delay monthly student loan payments, and assist institutions and lenders with reporting requirements.

The bill will allow the Secretary to provide relief for the men and women of our military who are defending the freedoms of this great Nation. As families say good-bye to their sons, daughters, husbands, wives, and they embark on Operation Enduring Freedom, this legislation will allow the Secretary of Education to diminish at least some of the hardship for them and their families here at home.

This bill, while it addresses the issue arising from what has occurred, also allows the Secretary to address needs arising from incidents that may occur in the future. In doing so, the Secretary is authorized to waive statutory and regulatory provisions within the student assistance programs of the Higher Education Act to ensure that affected borrowers of Federal student loans are not in a worse financial position; to relieve administrative requirements on affected individuals so they are minimized without affecting the integrity of the programs; current year income of affected individuals may be used to determine need for purposes of financial assistance; and institutions and organizations participating in the Federal student loan programs that are affected by the attacks may receive temporary relief from certain administrative requirements.

Some are concerned that these waivers will be made in a vacuum. I trust that that will not occur. I will encourage the Secretary of Education and his staff to work closely with the higher education community, lenders, servicers, and others directly involved in the delivery of student aid to ensure that any waivers granted by the authority of this bill and any accompanying guidance is communicated swiftly and, where possible, after consultation.

These student aid providers know the programs and the impact on their students better than anyone here in Washington. Where it is appropriate and feasible to engage in a consultative process, I will encourage the Secretary to do so. This will only result in better communication and a more appropriate response to the students' needs.

I do want to thank the Secretary of Education for his swift response to the September 11 attacks by putting forward guidance to address what he could with the limited authority that he already has.

I also want to express appreciation to the institutions of higher education, lenders, servicers, guaranty agencies, secondary markets, and others for their swift response to the attacks, and for their willingness to take some additional administrative burdens to address the needs of students during a very difficult time for everyone.

Additionally, H.R. 3086 requires the Secretary of Education to report to Congress on the impact of the waivers implemented as a result of this bill. He will also provide recommendations for changes to statutory or regulatory provisions that were the subject of the waivers for our review for the upcoming reauthorization.

The bill has the support of my colleagues on both sides of the aisle. Congress is making clear its commitment to our military and to our students and families, as well as to those working with students directly in making higher education available.

Mr. Speaker, I am confident that all my colleagues in this Congress will stand proudly to vote yes today on H.R. 3086, and send yet another message to those who believe that they can topple the resolve of this great Nation or this government's commitment to its citizens.

I urge all of my colleagues to vote yes on this very important bill today.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER), someone who sits with me on the Committee on Education and the Workforce.

Mr. ROEMER. Mr. Speaker, I thank my good friend from the Committee on Education and the Workforce for yielding time to me.

Mr. Speaker, first of all, I commend the sponsors of the legislation, my friend, the gentleman from California (Mr. MCKEON), and of course the gentlewoman from New York (Mrs. MCCARTHY), for their strong work on this bipartisan legislation.

I thank the gentleman from Ohio (Mr. BOEHNER) and certainly the gentleman from California (Mr. MILLER), the ranking member, for their work on this as well.

On September 11, Mr. Speaker, we lost two buildings in New York City, another very important building was damaged and scarred, and we are even temporarily out of our office building today, but the determination and the tenacity of Congress, but more importantly the American people, to conduct the affairs and the important business of this country continues to move along.

We are currently engaged in debate on another bipartisan piece of legislation that addresses a couple of important topics.

One, it takes into consideration some of the personal sacrifices and the family sacrifices of people in the military.

Secondly, it continues to embrace firmly the ideals and the importance of a very, very good education in this country.

The HEROS Act, H.R. 3086, lives up to all these accounts. This ensures that those in the military do not have to make student loan payments while on active duty, and that they have a grace period upon returning to civilian life.

It also adjusts the eligibility for aid for students affected by the September 11 attacks, and adjusts deadlines for borrowers, schools, and lenders who live in the affected areas or are due to mail delays.

Finally, I would say that we have one shortcoming in this legislation. That is, as the gentlewoman from New York (Mrs. MCCARTHY) mentioned, we do not bring up, which should be in this bill and not be part of separate legislation, the fact that while we do address loan forgiveness for somebody who has perished or died in the tragic activities of September 11, we do not forgive the widow or widower's loan, or have direct loan forgiveness in this legislation.

Certainly, there are huge sacrifices that this family makes upon losing someone, but that pain and suffering and financial duress does not go away for the surviving spouse. I think it is very important for this committee to address this in conference; not later on, not in a separate piece of legislation, but within this bill, H.R. 3086, called the HEROS Act, because we have so many heroes, firefighters and police officers and their surviving families and spouses. They should not have to continue to pay on a loan that they have sustained. Let us include in this legislation that direct loan forgiveness.

Mr. MCKEON. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I include for the RECORD a letter that we have from the New York State Higher Education Services Corporation expressing their full support for this Higher Education Relief Opportunities for Students Act.

They say, ''As the State agency charged with guaranteeing Federal student loans in the State of New York, HESC is bearing a disproportionate share of the administrative and fiscal consequences of that day. While we are grateful to the United States Education Department for providing guidance on managing the Federal Family Education Loan Program business, we fear they are reaching the limits of their authority in providing the relief we need to address the myriad of business, educational, and human needs thrust upon all of us by this tragedy.''

They add their strong support for this bill.

The material referred to is as follows:

NEW YORK STATE HIGHER
EDUCATION SERVICES CORPORATION,
Albany, NY, October 16, 2001.

Hon. HOWARD P. MCKEON,
Member of the U.S. Congress, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN MCKEON: On behalf of the New York State Higher Education Services Corporation (HESC), I would like to express our full support for the Higher Education Relief Opportunities for Students Act of 2001 (H.R. 3086). Quick action on this important piece of legislation is essential if HESC and the many other agencies, schools and colleges, lenders and loan servicing organizations involved are to have the flexibility and support necessary to respond to the very real human and economic need growing out of the events of September 11, 2001.

As the state agency charged with guaranteeing federal student loans in the State of New York, HESC is bearing a disproportionate share of the administrative and fiscal consequences of that day. While we are grateful to the United States Education Department (ED) for providing guidance on managing the Federal Family Education Loan Program business, we fear they are reaching the limits of their authority in providing the relief we need to address the myriad of business, educational and human needs thrust upon all by this tragedy.

As a measure of the costs of this tragedy, collections in the affected locales in New York City represent approximately 40 percent of our business. The losses in both gross and net revenues will extend well beyond the forbearance period, and we may require some form of federal financial relief to enable us to weather this disaster. The return to normalcy cannot be predicted at this time.

Again, HESC appreciates your understanding of the extent of this crisis and your willingness to give ED the latitude we all need to address the problems we have already identified and those we have yet to uncover.

Sincerely,

PETER J. KEITEL,
President.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. OWENS), my colleague on the Committee on Education and the Workforce.

Mr. OWENS. Mr. Speaker, I rise in strong support of H.R. 3086. I would like to applaud the spirit of both sides in terms of an agreement to amend this concept, at least, by having a bill later on which does address the problems faced by the numerous survivors, spouses, and children of people who perished in the September 11 attack in New York.

They deserve every possible consideration, and it means we really need to broaden the whole concept of heroes, and be as generous as possible with the concept of heroes, and do as much as possible for the surviving families. We cannot do too much.

There is a debate that has broken out a little bit because of the fact that there are numerous charitable organizations and nonprofit organizations raising money and distributing it, as well as the various benefits that government gives. I have heard people talk on talk shows about giving too much to these families, too much compensation.

I think it is a ridiculous discussion. We do not have the capacity to give too much. Until we learn how to resurrect the dead, we do not have that capacity.

Even in cases where people have not died, we are sending our soldiers into a situation where there are great risks. They deserve to have as much peace of mind as possible. Their families deserve to have as much help as possible. We should not drop two burdens on every family: the anxiety of having to worry about a loved one who has gone off to fight in Afghanistan, and at the same time have to worry about the ordinary kinds of things that everybody has to deal with, such as the mortgage and the tuition, et cetera.

So our concept of heroes should be as broad as possible and as generous as possible, because this is a very unusual war we are going into. The heroes will not always wear uniforms. They will wear different kinds of uniforms. Two mailmen are dead. They did not wear a military uniform, but I think we ought to recognize right now that those two mailmen are heroes in the war that seems to have no front.

With those two mailmen plus another casualty to anthrax, we have lost more people here in the home front since September 11 than we have lost since the military action started in Afghanistan. We had, unfortunately, two airmen who were killed in an accident, and that is two casualties we have. But we are losing people here. We are going to lose more here, and the heroes do not necessarily wear uniforms. And we are going to have to prepare our minds and our souls to embrace all the heroes that we can.

Mr. MCKEON. Mr. Speaker, will the gentleman yield?

Mr. OWENS. I yield to the gentleman from California.

Mr. MCKEON. Mr. Speaker, I appreciate the things the gentleman is saying. I realize that there are broader things that could have been perhaps addressed in this bill, but we wrote the bill specifically to give the Secretary the help he needed to help the students and those people that were called up to join in the war effort, and we went around the floor and we got a lot of cosponsors.

The gentleman knows how it is when people sign onto a bill. They do it based on what is in the bill. With that idea, we have felt like we could not go back and make additional significant changes without having to go back and individually contact each of those people to see if they would still support the new bill. The gentleman knows how the process works.

I would be happy to support the gentleman in other efforts he wants to do to help other people. But this bill, as we put it together and as we gathered

support for it, was specifically to help those people that we have named.

I appreciate the gentleman's work in this regard. I would be happy to support the gentleman as we move forward in other areas.

□ 1430

Mr. OWENS. Mr. Speaker, I understand the gentleman's remarks and I appreciate them. I started by saying I wanted to applaud the bipartisan spirit which we have agreed to already to address this matter another way later on. So I really am talking to a situation that I see developing.

I lost large numbers of firemen from companies in my district. I lost policeman. I lost a lot of individual young people who worked in the World Trade financial system. I have gone to too many memorial services, and they are all heroes. And the sooner we embrace them all as heroes, the better for the future, and to educate our own constituency and the American people in general. If someone gets a check from the Red Cross and a check from the United Way, and later on it is going to become a part of the victims' assistance fund, if we add it all up, it will not add up to the homicide of the loved one that was lost.

Let us be as generous as possible in our spirit for heroes and send that spirit out to America.

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

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER), whose district covers Ground Zero.

Mr. NADLER. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in support of this bill, which extends help to many of the heroes, firefighters, and the families of the firefighters and the police officers who gave their lives in trying to help people, to help the victims of the terrorist attack on the World Trade Center in New York City.

I do wish, however, that the bill was broader than it is, as has been stated by some of my colleagues from New York. Current law forgives the loans of the victims who were killed. But if a victim is killed, a police officer, a firefighter, an innocent civilian who works in the World Trade Center, their spouse, their family is left with any loans that they may have taken out; but the income with which to pay those loans is substantially, maybe totally substantially diminished, maybe totally eliminated. This bill should recognize that. We should deal with that.

We should, in this bill, and I hope we will in subsequent bills since unfortunately this bill does not do it, exercise the same loan forgiveness for the spouses of people who died in this terrorist attack, firefighters, police officers, emergency rescue workers or just plain people who happened to be there and were killed so that it is a little easier for them to try to pick up the shards of their lives and get on with their lives and recover from the terrible tragedy that occurred to them when their spouse was murdered by the terrorist attack on the United States.

I support the bill. I wish it were broader. I hope the committee can work on a further bill to extend what we are doing and take care of this omission from the bill.

Mr. MCKEON. Mr. Speaker, I yield such time as he may consume to the chairman of the full committee, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Speaker, I thank the gentleman from California (Mr. MCKEON) for yielding me time.

Mr. Speaker, there has been much said that this bill is good but it could be better, and it could be better. The issue of loan forgiveness for spouses and children of those who died in the tragic events of September 11, the issue came up last week, about the middle of last week. As most of my colleagues know, the House was shut down last Wednesday night. The documents that are being referred to and the additional information that we considered putting in this bill were not available.

Secondly, as has been mentioned, the loans for those who were tragically killed in these incidents has been forgiven. To go beyond that, what we wanted was some type of CBO estimate on what the additional exposure would be. That information is not available. I think the commitment is clear from our side that we are willing to work as we have all year in a bipartisan way on our committee to address these issues. And certainly this issue will be addressed as this process continues to move.

Mr. ROEMER. Mr. Speaker, will the gentleman yield?

Mr. BOEHNER. I yield to my colleague, the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, as the gentleman knows, he and I serve as conferees on the ESEA conference today and have served on this conference for the last several weeks, a lot happens in committees, in conference committees between the House and the Senate. I am hopeful that our distinguished chairman, who has done a very good job on our ESEA conference, will be open and amenable to including the forgiveness, not only to those who have died, but the remaining spouses, due to their hero status and due to their financial duress.

Mr. Speaker, I understand that a preliminary estimate from CBO might be in the range of $500,000 to cover all of the firefighters' and police officers' spouses and about $3 million estimate overall. Now, that is a preliminary estimate.

We are going to be looking at a tax bill, debating a tax bill next week that has $159 billion 10-year cost. I think $500,000 and $3 million is something that we can do for these families.

Mr. BOEHNER. Reclaiming my time, Mr. Speaker, as we have mentioned, we are going to continue to work together in a bipartisan way to address this issue. In what manner we will do it, I am not sure I am ready to commit to today, but we will continue to work together to make sure that those spouses and families of those victims are, in fact, taken care of.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield myself such time as I may consume.

I strongly support the HEROS Act, H.R. 3086. I think it is a very good bill; and as our chairman, the gentleman from Ohio (Mr. BOEHNER) had said, things have been a little hectic around here in the last 10 days, and certainly on the Committee on Education we have worked very closely over the last year. So I know in good faith that we will be able to work out to take care of those victims who are going to need it, and I look forward to that.

I certainly stand here and recommend to all of my colleagues to pass this bill. It is a first step. We should be taking care of our people in the service.

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

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

I am pleased to see that the higher education community, as well as the student loan providers, have come forward to assist students in this difficult time. Some of the administrative burdens within the student aid programs often thwart efforts of these professionals to work with students on individual needs. However, in this case, they really have worked diligently to step forward and do what is necessary and, with the Secretary's initial guidance, made great efforts to do what is right, even though it meant additional processes or paperwork for their operations.

I appreciate the support from both sides of the aisle on this bill, and I realize that there are some concerns that it does not do everything that we would like to do, but I guess we could probably say that about every bill that we bring to the floor.

I know at least myself, I could have found several things in bills that I did not care for or felt were left out, and that is the case with this bill; but we have made a good effort, and I think it does great things for those who are being called up to defend us in these times of this war and the stress, and I think that we should move forward and support this bill.

I appreciate my good friend, the gentlewoman from New York (Mrs. MCCARTHY), for the help that she has been on this.

I would like to thank members of our committee staff and personal staff,

Kathleen Smith, George Conant and James Bergeron, from my personal staff for all the work that they did. I know over the weekend they were trying to find a place to meet. It was difficult and they put in extra hours, and I want to thank them for their efforts.

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 3086, the Higher Education Relief Opportunities for Students Act or HEROS Act. I commend my colleague, the gentleman from California, Mr. MCKEON for his leadership on this issue and for introducing this important legislation.

H.R. 3086 recognizes that as a result of the September 11th attacks on America, a number of student loan borrowers find themselves in dire economic circumstances. The World Trade Center attacks left some 100,000 individuals jobless, without any way in which to continue repaying their federal student loans. Moreover, the 6,000 Americans who died left behind substantial debts and in many cases, families are left without their major breadwinner. This legislation calls on the Secretary of Education to waive or modify current regulations regarding loan repayment to take into account the very special circumstances surrounding the thousands affected by the events of September 11th.

In addition, with the deployment of troops to Afghanistan, thousands of men and women will be called to active duty and required to leave their daily lives behind. For many this means leaving school. This legislation calls on all colleges and universities to provide a full refund to students who are members of the Armed Forces serving on active duty during the national emergency, for the time that the student was unable to complete courses, or for which the student did not receive academic credit, because he or she was called up for such service. Similarly, if affected students withdraw from a course of study as a result of such service, such institutions should make every effort to minimize deferral of enrollment or reapplication requirements and should provide the greatest flexibility possible with administrative deadlines related to those applications.

During this time of national crisis, every American has been and continues to be affected. The thousands who are now facing certain economic difficulty, as well as those men and women fighting to ensure democracy and freedom overseas, need our help and understanding. This legislation is just one small way in which we can alleviate some of the burdens from those families left behind after the September 11th attacks, as well as American service men and women. I am pleased to support this legislation and I urge my colleagues to vote for H.R. 3086, the HEROS Act.

God bless our service men and women and God bless America.

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

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and pass the bill, H.R. 3086, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

FREEDOM BONDS ACT OF 2001

Mr. HOUGHTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2899) to authorize the Secretary of the Treasury to issue War Bonds in support of recovery and response efforts relating to the September 11, 2001 hijackings and attacks on the Pentagon and the World Trade Center, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2899

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 ''Freedom Bonds Act of 2001''.

SEC. 2. ISSUANCE OF FREEDOM BONDS.

Section 3105 of title 31, United States Code, is amended by adding at the end the following new subsection:

''(f) FREEDOM BONDS.—The Secretary may designate one or more series of bonds or certificates (or any portion thereof) issued under this section as 'Freedom Bonds' in response to the acts of terrorism perpetrated against the United States on September 11, 2001.''

SEC. 3. STUDY OF PUBLIC DEBT MANAGEMENT.

(a) IN GENERAL.—The Commissioner of the Public Debt shall conduct a study of the administrative costs of the Bureau of the Public Debt associated with managing the public debt, including, with respect to the various types of debt instruments, interest rate costs and personnel and processing costs related to issuing, redeeming, and otherwise administering the instruments on both an annual basis and on a transaction basis. The study should include—

(1) cost comparisons between high-amount, lower-volume instruments (such as large Treasury bills and notes with varying maturities) and low-amount, high-volume instruments such as savings bonds,

(2) an analysis of the impact of the savings bond program on the Federal Government, and

(3) an analysis of the impact of the savings bond program on savings opportunities for the public.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Commissioner of the Public Debt shall submit a report of such study to the Committee on Appropriations and the Committee on Ways and Means of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. HOUGHTON) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. HOUGHTON).

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

Mr. Speaker, I am going to echo many of the sentiments and the feelings that other people have expressed today, but I would like to do this in this particular context of the bill.

As we all know, last month we suffered a terrible blow and lives were lost and buildings were destroyed and families were maimed and businesses and structures were destroyed; but the American spirit, as always, stood firm in the face of adversity, and there was an outpouring of support for recovery and rebuilding. Police and firefighters and rescue workers and volunteers of every kind worked around the clock to respond to this attack.

The American people have shown a commitment to these efforts by donating to charities in record numbers, over $300 million to both the Red Cross and the United Way, for example; and blood banks, as we all know, have been overwhelmed with donations, some 500,000 in 2 weeks after the attacks. School children across the country are involved in raising money for the attack victims and the children of Afghanistan.

This particular legislation allows another way for individuals to support our relief efforts. The Treasury Department is authorized to designate new savings bonds as freedom bonds in response to the acts of terrorism of September 11. These freedom bonds will provide a method for people across the country to lend their support to our country by purchasing savings bonds.

I congratulate my colleague, the gentleman from New York (Mr. SWEENEY), for introducing this legislation.

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

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

Let me just echo the comments of the gentleman from New York (Mr. HOUGHTON). The gentleman is absolutely correct. I agree with everything that my colleague has said about the events of September 11, the response by our communities, our collective communities since September 11, and the fact that our Nation has really come together.

I must tell my colleagues that wherever I go in my district people want to know what they can do to help; and I want to thank the gentleman from New York (Mr. SWEENEY) and the gentleman from New York (Mr. LAFALCE) for bringing forward this legislation that allows one more opportunity where our Nation, where our citizens can demonstrate how they can also help in our effort to beat back the terrorists and what they have caused to our country.

H.R. 2899 establishes the freedom bonds, the United States savings bond. I think many of us remember during

other periods of America's history when we have been tested. People lined up in order to buy United States savings bond, victory bonds and now freedom bonds. It is an opportunity to invest in our Nation and to become part of the way in which we deal with the effects of September 11.

The proceeds will go to assist in the recovery and relief operations following the terrorist attacks, including humanitarian assistance, and to combat terrorism. This is a way for the public to show support in our fight against terrorism. It is a safe, low-risk investment that is available for the average person in our community. The average person can participate by buying a freedom bond.

□ 1445

It is a statement that the Federal Government stands ready to raise funds needed to finance the war against terrorism with the full participation of the American public.

For all those reasons, I want to thank my friend, the gentleman from New York (Mr. HOUGHTON), for bringing forward this legislation. We strongly support it in a bipartisan way.

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

Mr. HOUGHTON. Mr. Speaker, I yield myself such time as I may consume. I congratulated the gentleman from New York (Mr. SWEENEY) in my statement, but I also want to thank the gentleman from New York (Mr. LAFALCE), and I am sorry for that omission.

Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I thank the gentleman for yielding me this time, and I applaud the bipartisan cosponsors of this resolution.

I want to rise in strong support of H.R. 2899, the Freedom Bonds Act of 2001. This legislation draws upon the heritage of our greatest generation. During World War II, war bonds were one important way that every American could help make sure that our men and women in uniform had what they needed for victory. My own district is home to Libertyville, Illinois. Libertyville sold more war bonds per capita than any other city in America. Libertyville oversubscribed every bond quota assigned, and this achievement led to a unique honor.

In the fall of 1942, a young sailor reported for duty at the Great Lakes Naval Training Center. Like the 3 million Americans who entered the Navy there, James Cagney trained for war. On September 10, 1942, he was able to leave the base and paid a unique honor to Libertyville's war bond drive by opening a major Hollywood movie there, Desperate Journey. Desperate Journey was a war thriller starring Errol Flynn and Ronald Reagan and it opened at the Libertyville Theater. Tickets went for a $25 war bond, and the evening was a smashing success, raising $110,000 for the war effort.

Mr. Speaker, in these tough times after September 11, we return to our values in tested ways to support our country and the cause of freedom. This legislation recalls that spirit of Libertyville to enlist the help of every American in our cause against terrorism. I would hope that this legislation receives quick action and that Libertyville can help launch our State's freedom bond effort. With the help of our historian, Dean Larson, we can join our proud heritage with the mission ahead.

Mr. CARDIN. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. LAFALCE), who is the sponsor of a bill similar to the one we are debating here on the floor today.

Mr. LAFALCE. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of H.R. 2899, the Freedom Bonds Act.

Immediately after the September 11 attack, I introduced legislation authorizing the U.S. Treasury to issue special bonds to help fund victim relief, rebuilding, military activity, counterterrorism activities, et cetera. So, too, did a number of other Members of Congress.

The legislation before us today represents an amalgam of various bills introduced in both the House and the Senate that would authorize the U.S. Treasury to redesignate either all or part of the current Series EE savings bonds as Freedom Bonds that will be available for purchase anywhere in our country at local financial institutions and also through the Treasury Department Web site directly.

Now, there are some media commentators who have suggested that these bonds will not be the best investment possible. Well, that could well be true, but that totally misses the point. It is not about being the best financial deal, it is about giving all our citizens an opportunity to play an active role in our Nation's response to terrorism, the same role that their parents and grandparents of the greatest generation played in contributing to the defeat of the axis powers half a century ago.

It is obvious that the people want to contribute and actively participate in our Nation's response to international terrorism. They call every day. What can I do? Can I give blood? Can I do something? Well, we are now giving them an opportunity to purchase Freedom Bonds. The government will use this money for a multiplicity of purposes, including those I have just articulated: fighting terrorism. But the stronger our government is financially, the stronger response we will be able to make against terrorism.

This legislation will allow all Americans the opportunity to purchase bonds that are virtually risk free, and not a bad investment when we consider what our investment might have been if we had invested in the market, oh, say, March of 2000. We might be way, way, way ahead of the game right now had we purchased EE bonds. The gentleman from New York (Mr. HOUGHTON) from Concordia, New York, understands what I am saying.

And, Mr. Speaker, let me congratulate the gentleman from New York (Mr. HOUGHTON) on the award that he is going to receive tonight from the Center for National Policy, and let me also congratulate him for having the courage to bring the lawsuit in Federal Court challenging that clearly abusive decision of the FEC. I simply paid the fine. I did not have the courage to go into court, as the gentleman is doing. God bless him.

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

Mr. LAFALCE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I rise in support of the Victory Bonds Act of 2001 that was introduced by the gentleman from New York (Mr. SWEENEY), the gentleman from New York (Mr. LAFALCE), and the gentleman from Maryland (Mr. CARDIN), and all those who have worked so very hard here to bring this bill to the floor, including the gentleman from New York (Mr. HOUGHTON).

Like so many other Members of this body, I also have introduced a savings bond measure and find that this one has many similarities to the one that I have introduced and would urge the support of my colleagues for, and I would ask the American people to think very hard about purchasing one of these freedom bonds in order to help in our war efforts. The amount of yield on the bond would be announced on a fairly regular basis, but it is more than is paid for a current savings account in a local financial institution and is guaranteed by the full faith and credit of the government of the United States.

It is probably important to say for the record that it is also important to purchase savings bonds because in the last 20 years almost half of our public debt is now owned by foreign interests. This is a staggering figure. We pay over $370 billion a year to offshore interests to finance the spending of this economy. The past due bills for the defense of the Nation, for the bailout of the savings and loans, and for all the other expenses accrued in this government has gone up markedly over the past two decades. This is a real way to make America free again and to become independent again.

I would also urge, in discussing the purposes of this particular bonds act to assist in the recovery and relief operations following the terrorist acts, including humanitarian assistance and to

combat terrorism, that probably the key way that America can become independent again is to cut our chief strategic vulnerability, which is our dependence on imported petroleum.

It is no coincidence that Saudi Arabia is the major nation in the Middle East from which this Nation imports petroleum. Of course, we import also from Venezuela, Mexico, Nigeria, and other places where democracy is not exactly in full bloom. So I would hope that as these bonds are purchased by the American people, that we would look very hard at energy independence for our country and begin to wean ourselves off our very dangerous dependence on imported petroleum.

In fact, to combat terrorism in the future, the most important way to do that is for us to be independent here at home and to use some of these dollars for investment in renewable technologies here in the United States, in clean technologies, in the biofuels that we can produce off our land, and in the clean coal reserves that we can develop, where we have more Btus underground than the Middle East has in Btus in the form of petroleum.

So I want to commend the authors of this legislation to create freedom bonds and ask the entire American public to participate in this. Think about this for Christmas and holiday gifts; think about it for anniversary and graduation presents. It is the most important purchase Americans can make this year, particularly when the proceeds are invested in job producing projects here at home, and not just idle consumption but in fact produce new wealth creation industries here at home.

I would hope that kind of creativity is a part of the execution of these Freedom Bond Acts, and in closing, I offer full support for this measure, Mr. Speaker.

Mr. HOUGHTON. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. SWEENEY), who is the original conceiver of this legislation.

Mr. SWEENEY. Mr. Speaker, I want to thank my friend, the gentleman from New York (Mr. HOUGHTON), for his help and all his advice and counsel, and the ranking member, the gentleman from Maryland (Mr. CARDIN) for their help.

I apologize, Mr. Speaker, for being here a little late as this bill has gone forward, but in these extraordinary times I was at another meeting trying to work out other important matters that face my district in New York and the Nation.

I am proud today to be introducing the war bonds legislation authorizing the Department of the Treasury to establish a special category of U.S. savings bonds to help the government pay for rebuilding initiatives and anti-terrorism actions following the September 11 attacks on New York City and Washington, D.C. As I said, extraordinary circumstances now face our Nation, and in facing those circumstances lawmakers and leaders in Washington must take extraordinary action, and certainly the citizens of this great Nation.

The government will need to have every option available to it as we pursue the treacherous cowards responsible for the acts of war against our Nation. Let us join the other body today in passing this legislation. The Treasury Department has indicated its support for the measure which would allow the Treasury to borrow at a lower rate of interest and thus maximize the return of assets to be put towards the war effort.

Mr. Speaker, it is important to note that these instruments will most likely replace existing government securities and therefore not compete with other nongovernmental investment vehicles. I would also like to encourage the Department of the Treasury to use the Ad Council to develop the public awareness of this program.

At this time, Mr. Speaker, of great national unity, these war bonds serve as an ideal vehicle for Americans to support efforts to bring those responsible for these attacks to justice. They will provide the American people an important and tangible method to be part of the effort that will be ongoing and endearing. The bonds will provide the average citizen with a convenient option for exercising their patriotism and showing their support for our efforts, and they will create additional resources for our government to use in expediting this effort.

If passed, this legislation will allow patriotic citizens to contribute to their country in a time of need and simultaneously help finance the rebuilding of our Nation, as well as the efforts to bring the culprits of the attack to justice.

Mr. Speaker, let me conclude by saying that the bill provides great flexibility and discretion to Treasury in the hopes that the Treasury Department may expedite implementation of this program. It is my hope that such swift implementation will maximize the positive effects we expect to see here.

Mr. Speaker, I urge the support of all my colleagues to pass this important bill today.

Mr. CARDIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. LEVIN), a senior member of the Committee on Ways and Means.

□ 1500

Mr. LEVIN. Mr. Speaker, I rise in support of this proposal. On May 1, 1941, the first World War II bond was sold to President Franklin D. Roosevelt by Secretary of the Treasury, Henry Morgenthau. Over the course of the war, more than $185 billion in war bonds were purchased by more than 85 million Americans.

In one of his famous fireside chats, President Roosevelt told the American people, ''All our fighting men overseas today have their appointed stations on the far-flung battlefronts of the world. We at home have ours, too. We are proud of our fighting men, most decidedly. But, during the anxious times ahead, let us not forget that they need us, too.''

President Roosevelt went on to say, ''Whatever else any of us may be doing, the purchase of war bonds is something all of us can do and should do to help win the war.''

If we are to win the long war against global terrorism, it is clear that the fight must be waged, not only by the Federal Government, but by the united American people. The war bond is both a symbol and an expression of this unity.

Mr. Speaker, I was home in my district over the weekend talking with my constituents and meeting with local leaders, including law enforcement and emergency response personnel, mayors, city managers and county and State officials. I was struck by how much everyone I spoke to wanted to do whatever they could to help us with the fight against terrorism and to protect lives and safety on the home front.

It is clear that we need much better planning, information sharing, and coordination between all levels of government: Federal, State, and local. There must be greater coordination among communities. As he works to strengthen homeland defense, our former colleague, Governor Ridge, has a vast reservoir of talent and experience on the local level to draw on. The challenge is to find a way to tap this resource.

This bill is one way to tap the resources of individuals, of countless citizens of this country, to help fight, keeping within American traditions, the fight against terrorism. I urge support of this bill.

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

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

Mr. Speaker, let me say in concluding that this is another opportunity for us to show the unity of our Nation, to allow the average person to be able to help contribute to a successful conclusion of our war against terrorism. I urge my colleagues to support the Freedom Bonds Act of 2001.

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

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

Mr. Speaker, I have to admit I was against this legislation originally because the whole concept of victory bonds in World War II was to take money out of the economy so it would not be chasing consumer products which were no longer in existence because the production had moved towards defense.

But then in thinking through what is happening here, everybody wants to be a part. Everybody wants to be a part of our effort, whether they give money to the Red Cross or whether they give blood in a blood bank. I think this is a worthy cause and something which Americans can identify with, and I think it is the right thing to do.

Mr. Speaker, I thank the gentleman from Maryland (Mr. CARDIN) very much for his participation here; and I thank the originators of this bill.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 2899, the War Bonds Act of 2001. I urge my colleagues to Support this timely, patriotic measure.

This legislation directs the Secretary of the Treasury to establish a new class of government bonds to finance the Rebuilding effort needed in response to the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001.

Mr. Speaker the barbaric attacks in New York City and Washington on September 11th represent the deadliest act of terrorism ever carried out as well as the first foreign assault on the continental United States since 1814. They claimed more than 5,000 lives and the final cost will be well into the tens of billions of dollars.

These attacks clearly represented an act of war against the United States and on our way of life. For this reason, we are now engaged in sustained military operations in south Asia against the terrorist organization responsible for these attacks and their primary state sponsor.

The response of the American people to these horrible attacks has been stunning and unprecedented in its scope. Hundreds of millions of dollars have been raised by charitable organizations, and the Depth of the American people's generosity appears limitless. Still, there are many who wish to do more.

This legislation provides an excellent opportunity for all Americans to join in this important fight. War bonds were last issued during World War II, where their purchase was seen as a patriotic duty. Between 1941 and 1945 the American people purchased more than $185 billion in war bonds.

Given the overall public mood since September 11th, as well as the large costs that will be associated with the prosecution of the war on terrorism and the recovery and rebuilding operations in New York and Virginia, this legislation is both timely and appropriate. The American people wish to join their Government in fighting back against terrorism. This legislation will make that participation possible.

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

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from New York (Mr. HOUGHTON) that the House suspend the rules and pass the bill, H.R. 2899, as amended.

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

The title of the bill was amended so as to read: ''A bill to authorize the Secretary of the Treasury to issue Freedom Bonds in response to the September 11, 2001, hijackings and attacks on the Pentagon and the World Trade Center, and for other purposes.''.

A motion to reconsider was laid on the table.

BIOTERRORISM ENFORCEMENT ACT OF 2001

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3160) to amend the Antiterrorism and Effective Death Penalty Act of 1996 with respect to the responsibilities of the Secretary of Health and Human Services regarding biological agents and toxins, and to amend title 18, United States Code, with respect to such agents and toxins.

The Clerk read as follows:

H.R. 3160

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 ''Bioterrorism Enforcement Act of 2001''.

SEC. 2. EXPANSION OF BIOLOGICAL WEAPONS STATUTE.

(a) SELECT AGENTS.—

(1) IN GENERAL.—Section 175 of title 18, United States Code, is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following subsection:

''(b) SELECT AGENTS.—

''(1) UNSAFE HANDLING.—

''(A) IN GENERAL.—Whoever possesses, uses, or exercises control over a select agent in a manner constituting reckless disregard for the public health and safety, knowing the select agent to be a biological agent or toxin, shall be fined under this title, imprisoned for not more than one year, or both.

''(B) AGGRAVATED OFFENSE.—Whoever, in the course of a violation of subparagraph (A), causes bodily injury to another shall be fined under this title, or imprisoned for not more than 10 years, or both; except that if death results from such violation, the person committing the violation shall be fined under this title, or imprisoned for any term of years or for life, or both.

''(2) UNREGISTERED FOR POSSESSION.—Whoever knowingly possesses a biological agent or toxin where such agent or toxin is a select agent for which such person has not obtained a registration under section 511(f) of the Antiterrorism and Effective Death Penalty Act of 1996 shall be fined under this title, or imprisoned for not more than 5 years, or both.

''(3) TRANSFER TO UNREGISTERED PERSON.—Whoever knowingly transfers a select agent to a person who has not obtained a registration under section 511(e) of the Antiterrorism and Effective Death Penalty Act of 1996 shall be fined under this title, or imprisoned for not more than 5 years, or both.

''(4) RESTRICTED PERSONS.—Whoever is a restricted person and knowingly ships or transports a select agent in interstate or foreign commerce, or knowingly receives a select agent so shipped or transported, or knowingly possesses a select agent in or affecting interstate or foreign commerce, shall be fined under this title, or imprisoned for not more than 5 years, or both. The preceding sentence does not apply with respect to any duly authorized governmental activity under title V of the National Security Act of 1947.''.

(2) DEFINITIONS.—Section 175 of title 18, United States Code, as amended by paragraph (1) of this subsection, is amended by amending subsection (c) to read as follows:

''(c) DEFINITIONS.—As used in this section:

''(1) The terms 'biological agent' and 'toxin' have the meanings given such terms in section 178, except that, for purposes of subsection (b), such terms 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, cultured, collected, or otherwise extracted from its natural source.

''(2) The term 'bodily injury' has the meaning given such term in section 1365.

''(3) The term 'for use as a weapon' includes the development, production, transfer, acquisition, retention, or possession of any biological agent, toxin, or delivery system, other than for prophylactic, protective, or other peaceful purposes.

''(4)(A) The term 'restricted person' means a person—

''(i) who is described in section 922(g), as such section was in effect on the day before the effective date of this paragraph; or

''(ii) who is an alien, other than an alien lawfully admitted for permanent residence or an alien who under subparagraph (B) is considered not to be a restricted person.

''(B) For purposes of subparagraph (A)(ii):

''(i) An alien is considered not to be a restricted person if the alien is within a category designated under clause (ii) of this subparagraph.

''(ii) The Secretary of Health and Human Services, in consultation with the Attorney General, may designate categories of individuals who have—

''(I) nonimmigrant visas as defined in section 101(a)(26) of the Immigration and Nationality Act; and

''(II) expertise valuable to the United States regarding select agents.

''(5) The term 'select agent' means a biological agent or toxin, as defined in paragraph (1), that—

''(A) is on the list that is in effect pursuant to section 511(d)(1) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132); and

''(B) has not been exempted from the applicability of regulations under section 511(e) of such Act.''.

(3) EFFECTIVE DATE REGARDING RESTRICTED PERSONS; REGULATIONS.—

(A) EFFECTIVE DATE.—Section 175(b)(4) of title 18, United States Code, as added by subsection (a)(1)(B) of this section, takes effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act.

(B) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall determine whether the Secretary will designate any categories or individuals for purposes of section 175(c)(4)(B) of title 18, United States Code, as added by subsection (a)(1)(B) of this section. If the Secretary determines that one or more such categories will be designated, the Secretary shall promulgate an interim final rule for purposes of such section not later than 60 days after such date of enactment.

(4) CONFORMING AMENDMENT.—Section 175(a) of title 18, United States Code, is amended in the second sentence by striking

''under this section'' and inserting ''under this subsection''.

(b) AMENDMENTS TO ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996.—

(1) POSSESSION AND USE.—

(A) IN GENERAL.—Section 511 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132) is amended—

(i) by striking subsection (f);

(ii) by redesignating subsection (g) as subsection (i); and

(iii) by inserting after subsection (e) the following subsection:

''(f) POSSESSION AND USE OF LISTED BIOLOGICAL AGENTS AND TOXINS.—

''(1) IN GENERAL.—The Secretary shall by regulation provide for the establishment and enforcement of standards and procedures governing the possession and use of biological agents and toxins listed pursuant to subsection (d)(1) in order to protect the public health and safety, including safeguards to prevent access to such agents and toxins for use in domestic or international terrorism or for any other criminal purpose.

''(2) REGISTRATION.—Regulations under paragraph (1) shall provide for registration requirements regarding the possession and use of biological agents and toxins listed pursuant to subsection (d)(1).''.

(B) REGULATIONS.—

(i) DATE CERTAIN FOR PROMULGATION; EFFECTIVE DATE REGARDING CRIMINAL AND CIVIL PENALTIES.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall promulgate an interim final rule for carrying out section 511(f) of the Antiterrorism and Effective Death Penalty Act of 1996, as added by subparagraph (A) of this paragraph. Such interim final rule takes effect 60 days after the date on which such rule is promulgated, including for purposes of—

(I) section 175(b)(2) of title 18, United States Code (relating to criminal penalties), as added by subsection (a)(1)(B) of this section; and

(II) section 511(h) of the Antiterrorism and Effective Death Penalty Act of 1996 (relating to civil penalties), as added by paragraph (3) of this subsection.

(ii) SUBMISSION OF REGISTRATION APPLICATIONS.—In the case of a person who, as of the date of the enactment of this Act, is in possession of a biological agent or toxin that is listed pursuant to section 511(d)(1) of the Antiterrorism and Effective Death Penalty Act of 1996, such person shall, in accordance with the interim final rule promulgated under clause (i), submit an application for a registration to possess such agent or toxin not later than 30 days after the date on which such rule is promulgated.

(2) DISCLOSURES OF INFORMATION.—

(A) IN GENERAL.—Section 511 of the Antiterrorism and Effective Death Penalty Act of 1996, as amended by paragraph (1) of this subsection, is amended by inserting after subsection (f) the following subsection:

''(g) DISCLOSURE OF INFORMATION.—

''(1) IN GENERAL.—Any information in the possession of any Federal agency that identifies a person, or the geographic location of a person, who is registered pursuant to regulations under this section (including regulations promulgated before the effective date of this subsection), and any site-specific information relating to the type, quantity, or identity of a biological agent or toxin listed pursuant to subsection (d)(1) or the site-specific security mechanisms in place to protect such agents and toxins, shall not be disclosed under section 552(a) of title 5, United States Code.

''(2) DISCLOSURES FOR PUBLIC HEALTH AND SAFETY; CONGRESS.—Nothing in this section may be construed as preventing the head of any Federal agency—

''(A) from making disclosures of information described in paragraph (1) for purposes of protecting the public health and safety; or

''(B) from making disclosures of such information to any committee or subcommittee of the Congress with appropriate jurisdiction, upon request.''.

(B) EFFECTIVE DATE.—The effective date for the amendment made by subparagraph (A) shall be the same as the effective date for the final rule issued pursuant to section 511(d)(1) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132).

(3) CIVIL PENALTIES.—Section 511 of the Antiterrorism and Effective Death Penalty Act of 1996, as amended by paragraphs (1) and (2) of this subsection, is amended by inserting after subsection (g) the following subsection:

''(h) CIVIL PENALTY.—Any person who violates a regulation under subsection (e) or (f) shall be subject to the United States for a civil penalty in an amount not exceeding $250,000 in the case of an individual and $500,000 in the case of any other person.''.

(4) CLARIFICATION OF SCOPE OF SELECT AGENT RULE; TERRORISM; RESPONSIBILITIES OF SECRETARY OF HEALTH AND HUMAN SERVICES.—

(A) IN GENERAL.—Section 511 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132) is amended—

(i) in each of subsections (d) and (e)—

(I) by inserting ''and toxins'' after ''agents'' each place such term appears; and

(II) by inserting ''or toxin'' after ''agent'' each place such term appears; and

(ii) in subsection (i) (as redesignated by paragraph (1) of this subsection), in paragraph (1), by striking ''the term 'biological agent' has'' and inserting ''the terms 'biological agent' and 'toxin' have''.

(B) EFFECTIVE DATE.—The effective date for the amendments made by subparagraph (A) shall be as if the amendments had been included in the enactment of section 511 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132).

(5) CONFORMING AMENDMENTS.—Section 511 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132) is amended—

(A) in subsection (d)(1)(A), by striking ''shall, through regulations promulgated under subsection (f),'' and inserting ''shall by regulation'';

(B) in subsection (e), in the matter preceding paragraph (1), by striking ''shall, through regulations promulgated under subsection (f),'' and inserting ''shall by regulation'';

(C) in subsection (d)—

(i) in the heading for the subsection, by striking ''AGENTS'' and inserting ''AGENTS AND TOXINS''; and

(ii) in the heading for paragraph (1), by striking ''AGENTS'' and inserting ''AGENTS AND TOXINS''; and

(D) in the heading for subsection (e), by striking ''AGENTS'' and inserting ''AGENTS AND TOXINS''.

(c) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services, after consultation with other appropriate Federal agencies, shall submit to the Congress a report that—

(1) describes the extent to which there has been compliance by governmental and private entities with applicable regulations under section 511 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132), including the extent of compliance before the date of the enactment of this Act, and including the extent of compliance with regulations promulgated after such date of enactment;

(2) describes the future plans of the Secretary for determining compliance with regulations under such section 511 and for taking appropriate enforcement actions; and

(3) provides any recommendations of the Secretary for administrative or legislative initiatives regarding such section 511.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3160.

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

There was no objection.

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

Mr. Speaker, I rise today to urge the passage by the House of a critically important piece of legislation that was reported out of our committee in the wake of the horrific events of September 11, this bill, the Bioterrorism Enforcement Act of 2001.

While the weapons of choice on that day were airliners full of innocent passengers, rather than the deadly biological agents that we have now come to recognize as parts of this war, the most recent anthrax cases in Florida, New York, Washington, D.C. and elsewhere around the country confirm that this Congress and our Nation ignore the real threat of bioterrorism at our own peril. Unfortunately, for too long we have simply done that.

I imagine it would come as quite a shock to most Americans to learn that even in the midst of the evolving and unprecedented series of anthrax attacks, there are currently no Federal laws or regulations governing who may possess such deadly biological agents and under what conditions they may possess them and for what purposes.

For example, under current law, anyone including convicted felons, foreign nationals from terrorist-sponsoring states, can lawfully possess anthrax or other dangerous bacteria or viruses. They do not have to report such possession. They do not have to seek governmental approval. They do not even have to be legitimate scientists and working in secure laboratories. We have tighter control on the sale of guns in this country than we do on the weapons of mass destruction. We have to change that today.

Mr. Speaker, the only current regulations on the books are those relating to

the shipping and transfer of certain biological agents which suffer from poor compliance, and they are very difficult laws to enforce. Indeed, under current Federal law, if the FBI or the local police discover that a suspected terrorist is in possession of anthrax or the plague, for example, the Government can do nothing about it unless it can prove a specific intent to use a biological agent as a weapon, which often is very hard to do before the fact.

Our bill will change that and will give law enforcement the tools that it needs to help prevent further acts of this kind of bioterrorism.

First, the bill will prohibit certain classes of individuals, such as felons, illegal aliens, fugitives and other individuals with questionable backgrounds, from possessing these deadly agents for any reason, with violations punishable as a felony.

Second, it will require that all legitimate researchers who work with such agents obtain a registration from the Health and Human Services Department, which is authorized by this bill to impose and enforce requirements relating to the possession, the use, the handling, the storage and disposal of these agents. This will help to prevent access to them by criminal and terrorist elements.

Third, it will make the unregistered possession of such agents a Federal felony, without requiring law enforcement to prove intent to use the agent as a weapon, and will increase the current penalty for making an unauthorized transfer of such agents from a Federal misdemeanor to a felony.

Third, this bill will make it a Federal crime to knowingly possess, use or exercise control over one of these deadly agents in a manner that constitutes a reckless disregard of the public health and safety, with increased penalties should actual harm occur from such contact.

Mr. Speaker, all of these provisions are good. They are common sense for deadly and infectious substances, and they are clearly overdue. This bill is crafted on a bipartisan basis and with the input of the Department of Justice, the FBI, the Department of Health and Human Services, and many other interested parties over a long period of time predating September 11. It recently passed the Committee on Energy and Commerce unanimously, with the strong support of the ranking member and cosponsor, the gentleman from Michigan (Mr. DINGELL).

Mr. Speaker, I want to thank the gentleman from Michigan (Mr. DINGELL) and all of my colleagues on the committee for their support and all of their efforts in this area. I urge the entire House to vote quickly to approve this important measure.

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

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

Mr. DINGELL. Mr. Speaker, I am pleased to rise in support of the legislation and to commend my good friend, the gentleman from Louisiana (Mr. TAUZIN), for his leadership on this matter.

The bill was reported by the Committee on Energy and Commerce by voice vote on October 3 and was developed on a bipartisan basis. This bill, the Bioterrorism Enforcement Act of 2001, is a good start on more comprehensive legislation to deal with aspects of the threat of bioterrorism which we are now unfortunately facing here in Washington, D.C., in Florida, in New York, in New Jersey and other places in this country.

Recently the National Commission on Terrorism, headed by Jim Gilmore of Virginia, found that the Federal Government had insufficient controls of existing stock of terrorism-friendly pathogens such as anthrax and smallpox. Today, as the chairman has noted, it is perfectly legal for anyone to possess deadly agents like those, and no one needs to be told.

In fact, although there is a law requiring persons possessing the select agents that could be used for biological warfare to register and take appropriate steps to protect against release when shipping, it only covers the transfer of agents, not the actual possession. As a result, the Centers for Disease Control, CDC, has only incomplete knowledge of who possesses these agents; and there is no real control over the ownership, use, or other things with regard to these agents.

This bill addresses the very problem with serious criminal penalties. It requires that everyone who possesses select agents must register and must also meet CDC's safety and security standards. In effect, that means none of these agents can be possessed legally outside of an approved laboratory. Anybody else who has them will be subject to 5 years in prison.

This provision will not allow anyone, whether they obtained the agent 20 years ago or 20 minute ago, to avoid registering their possession. This legislation not only closes that loophole, but makes it a felony to transfer select agents without registering and establishes criminal penalties for persons who use select agents in a manner that constitutes reckless disregard for the public health and safety and injures people.

We can see in the ongoing investigation of the source of the anthrax that is found in Florida, New York, New Jersey, and now Washington, D.C., that law enforcement has been significantly hampered because there has been no national registry of who holds the various anthrax strains. A similar situation could arise with any kind of select agent, and could do so overnight.

We have established an ambitious schedule for the Department of Health and Human Services to implement this rule, but the legislation needs to be implemented forthwith. The standards for possession are basically those already established for laboratories when they transfer select agents. Establishing a registry for dangerous biological agents and setting strict penalties for the unlawful possession of these agents is only a beginning in our war against bioterrorism.

In the future, we need to improve our national health system to deal with any possible outbreaks of diseases caused by bioterrorism. I commend the chairman for bringing this bill to the floor and urge its adoption.

I would make a couple of private notes here with regard to an experience I had last Saturday. I think it would be good for the House to consider these matters. Enactment of the legislation before us is only the beginning. I would note that the first line of defense is our police and local public safety officials, especially the firemen and people like that in the communities. I would note that there has been inadequate availability of funds on the local level, State level, and Federal level.

I would note that there has been a significant failure of this Congress to ensure that monies which were given to States are passed through to local levels. I would note that there is an enormous deficiency in funding available to the local units of government to do this work.

Mr. Speaker, the House should know it costs about $3,000 for each run that the local units of public safety spend when they make a call to address the problems of possible anthrax or other bioterrorism agents.

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I would note that all of the State and local units of government are running out of money. They also are running out of training, and they also are confronting a serious problem where there are no approved labs or insufficient numbers of approved labs to cooperate with them in providing the necessary safety and security or the identification of these agents which are so risky and so dangerous to all of us. I would note that almost all of them are running out of money. All of them are running into serious difficulty with regard to the Federal Government in view of the fact that the Federal Government does not have a program to address those matters and that the Federal Government does not support them financially. The States do not, either. The consequences of this are that if we have an outbreak outside of Washington or in other parts of the country, that there will be very, very serious effects and there will be enormous difficulty in identifying the agent, the hazard, the risk and probably failure to do so in sufficient time to see to it that there is not a significant and more

broad outbreak of the disease which is carried by the specific agent. This is a serious matter which requires that the Congress should look into it.

I commend my good friend the chairman of the committee for his leadership in this matter, but I warn my colleagues, we have only begun addressing a matter of the most enormous and serious concern to the whole of the United States.

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

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

Before I yield to the chairman of the Subcommittee on Oversight and Investigations, who has done enormously valuable work on this and other areas of bioterrorism concern, I wanted to comment briefly with my friend the gentleman from Michigan's comments in mind.

The first is that while Congress may not have been in session this weekend, that we nevertheless were at work. Members of the Committee on Energy and Commerce led by the vice chairman, the gentleman from North Carolina (Mr. BURR), visited the CDC this weekend and are issuing a report that I hope all Members of Congress will pay close attention to. We have learned that the Centers for Disease Control is woefully inadequate in terms of its current capabilities to do its work, it is living in 1950s barracks, and we really need to do some work to enhance and improve their capability of protecting the citizenry of this country, particularly as we come to understand this new threat against our people. We are going to at the Committee on Energy and Commerce very shortly bring to the Congress an authorization hopefully to bring the CDC up to date, modernize it and equip it properly to make sure that it can, in fact, assist our country in this time of need.

In light of that, I am about to recognize the chairman of the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce, who very coincidentally had scheduled a hearing on bioterrorism for September 11 of this year and who canceled that hearing, of course, as those events of that day unfolded. He has since held those hearings and this bill before Members today is part of the result of that and other hearings our committee has conducted over the years on this important issue.

Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. GREENWOOD), the chairman of the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce.

Mr. GREENWOOD. I thank the chairman of the committee for yielding time.

Mr. Speaker, as chairman of the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce, I rise to offer my strong support for the Bioterrorism Enforcement Act of 2001. This legislation grew out of an oversight hearing held by the committee in May of 1999 which exposed serious gaps in our Federal criminal and regulatory laws governing deadly biological agents, such as anthrax, the plague, smallpox and botulism toxin.

If anyone ever doubted the need for tighter controls on these agents, the tragic events of the past several weeks should put any such doubts to rest once and for all. Because these agents can be so deadly if they fall into the wrong hands, the Federal Government has a responsibility to ensure that only those individuals with a legitimate need to possess and work with such agents can do so. At the same time, we must ensure that the important research work going on with these agents, to develop vaccines or other treatments, for example, can continue, with appropriate safeguards.

I would like to elaborate on this point with respect to the bill's prohibition on certain classes of foreign nationals from accessing such agents here in the United States. The bill prohibits all aliens from doing so, with the exception of those lawfully admitted here for permanent residence. I understand that many in the pharmaceutical, research and academic communities rely on foreign nationals to conduct research, although it is unclear how many of these foreigners actually work with the most deadly agents covered by this bill. I know that some in those communities would want us to limit the prohibition to only those foreigners from terrorist-sponsoring states. The problem with that approach is that very few states are on that list, and it does not include many of the nations whose nationals were represented among the September 11 hijackers.

Nevertheless, the bill contains a provision that would grant the Secretary of the Health and Human Services Department, in consultation with the Attorney General, the ability to issue waivers for certain aliens or classes of aliens that would otherwise be restricted under this bill if the Secretary determines that such waivers would be in the best interests of the United States. I believe that is a fair compromise.

I would also like to mention one other aspect of this bill that I think is very important. The bill contains a provision that would exempt from mandatory disclosure under the Freedom of Information Act certain information collected under this new regulatory regime, such as the locations of those agents or the identity of those working with them. This is a narrow exception to the otherwise free flow of unclassified information, one that is warranted by the sensitive nature of this data, and is similar to what this Congress did 2 years ago with respect to worst-case chemical accident data collected by the Environmental Protection Agency. Again, this represents a fair compromise among the competing interests at issue here.

I thank the gentleman for yielding time for me to speak on this important, and unfortunately very timely, issue. I am honored to have worked with the gentleman on the legislation that the House will consider today.

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

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume to thank my friend again for the extraordinary cooperation across the aisle that we received on this and so many important pieces of legislation that the Committee on Energy and Commerce produces for this country. I want to thank him again for that excellent cooperation.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, the gentleman and I have established a rather remarkable record of cooperation in the Committee on Energy and Commerce. I want to express my appreciation and commendations to my good friend.

Mr. TAUZIN. On behalf of my friend before I yield back, I think we all ought to take a moment to think about the folks in this town, the two postal workers who have recently passed away which in fact may have been a direct result of some of these anthrax attacks on this city. As we think about them and the others who are currently under treatment and currently in danger, I personally again want to thank the leadership of both parties in this House for the care and concern they have shown for all the workers, all the guests we invite to these Capitol buildings and all the participants in this governmental process for making sure that the buildings are properly swept before we invite our workers and our friends who come to Washington to testify and to be part of our hearings back into those buildings. Would that the postal office had known to show the same degree of care, perhaps we would have saved a few lives in this city.

I want to thank the gentleman from Michigan (Mr. DINGELL) again and Members on his side for the extraordinary cooperation we have all shown to one another in this crisis that America faces. It was often said, I think by Tip O'Neill, that partisanship ends at the water's line. The water's line is now closer to home. I am pleased to know that so many Members of this House recognize that and work together in such a united fashion for the good of our country and for the safety of our people. I want to thank him

again, and I urge the passage of this very important legislation.

Mr. GILMAN. Mr. Speaker, I rise today in support of the Bioterrorism Enforcement Act of 2001. As we in Congress are in the midst of conducting environmental tests in our offices of biological agents, it is indeed timely that we bring this legislation to the House floor today.

This act will set criminal penalties for the unsafe and illegal possession or transfer of the biological agents and toxins over which the Anti-Terrorism and Effective Death Penalty Act of 1996 established control of. The measure makes it a crime for individuals who are legally licensed to possess such materials to handle them in reckless disregard for public health and safety.

In general, unsafe handling of these agents and toxins will result in a fine and a year in prison. Incidents causing bodily harm to another person will result in a prison term of up to 10 years, while those causing death may result in a life sentence. Persons who are not authorized to possess or transfer an agent or toxin are subject to fines and up to 5 years in prison. ''Restricted'' individuals (such as aliens with non-immigration visas) transporting, shipping or receiving agents and toxins face similar 5 year sentences and fines. If necessary, HHS and the Department of Justice may waive such restrictions.

In addition to new criminal penalties, this act will require HHS to promulgate new standards and procedures governing the possession, use, and transfer of controlled agents and toxins. The new rules must require all individuals and groups who possess these agents and toxins to report their possessions to HHS. The new rules also must establish precautions preventing agents and toxins from being accessed for terrorist activities. Based on HHS evaluation of each substance's public risk, the department will be allowed to establish different levels of registration, handling and security requirements for each type of agents and toxins. Violation of the new rules will result in a civil penalty of up to $250,000 for individuals and $500,000 for others.

I urge all of my colleagues to support this important legislation.

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

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 3160.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DISABLED VETERANS SERVICE DOG AND HEALTH CARE IMPROVEMENT ACT OF 2001

Mr. MORAN of Kansas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2792) to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to make service dogs available to disabled veterans and to make various other improvements in health care benefits provided by the Department of Veterans Affairs, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2792

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Disabled Veterans Service Dog and Health Care Improvement Act of 2001''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—VETERANS HEALTH CARE IMPROVEMENT

Sec. 101. Authorization for Secretary of Veterans Affairs to provide service dogs for disabled veterans.
Sec. 102. Maintenance of capacity for specialized treatment and rehabilitative needs of disabled veterans.
Sec. 103. Threshold for veterans health care eligibility means test to reflect locality cost-of-living variations.
Sec. 104. Assessment and report on special telephone services for veterans.
Sec. 105. Recodification of bereavement counseling authority and certain other health-related authorities.
Sec. 106. Extension of expiring collections authorities.
Sec. 107. Personal emergency response system for veterans with service-connected disabilities.

TITLE II—CHIROPRACTIC SERVICES PROGRAM

Sec. 201. Chiropractic Service established in the Veterans Health Administration.
Sec. 202. Availability of chiropractic care to veterans.
Sec. 203. Chiropractic providers.
Sec. 204. Scope of services; enrollment.
Sec. 205. Training and information.
Sec. 206. Advisory committee.
Sec. 207. Implementation report.

TITLE III—NATIONAL COMMISSION ON VA NURSING

Sec. 301. Establishment of Commission.
Sec. 302. Duties of Commission.
Sec. 303. Reports.
Sec. 304. Powers.
Sec. 305. Personnel matters.
Sec. 306. Termination of the Commission.

TITLE I—VETERANS HEALTH CARE IMPROVEMENT

SEC. 101. AUTHORIZATION FOR SECRETARY OF VETERANS AFFAIRS TO PROVIDE SERVICE DOGS FOR DISABLED VETERANS.

(a) AUTHORITY.—Section 1714 of title 38, United States Code, is amended—

(1) in subsection (b)—

(A) by striking ''seeing-eye or'' the first place it appears;

(B) by striking ''who are entitled to disability compensation'' and inserting ''who are enrolled under section 1705 of this title'';

(C) by striking '', and may pay'' and all that follows through ''such seeing-eye or guide dogs''; and

(D) by striking ''handicap'' and inserting ''disability''; and

(2) by adding at the end the following new subsections:

''(c) The Secretary may, in accordance with the priority specified in section 1705 of this title, provide—

''(1) service dogs trained for the aid of the hearing impaired to veterans who are hearing impaired and are enrolled under section 1705 of this title; and

''(2) service dogs trained for the aid of persons with spinal cord injury or dysfunction or other chronic impairment that substantially limits mobility to veterans with such injury, dysfunction, or impairment who are enrolled under section 1705 of this title.

''(d) In the case of a veteran provided a dog under subsection (b) or (c), the Secretary may pay travel and incidental expenses for that veteran under the terms and conditions set forth in section 111 of this title to and from the veteran's home for expenses incurred in becoming adjusted to the dog.''.

(b) CLERICAL AMENDMENTS.—

(1) The heading for such section is amended to read as follows:

''§ 1714. Fitting and training in use of prosthetic appliances; guide dogs; service dogs''.

(2) The item relating to such section in the table of sections at the beginning of chapter 17 of such title is amended to read as follows:

''1714. Fitting and training in use of prosthetic appliances; guide dogs; service dogs.''.

SEC. 102. MAINTENANCE OF CAPACITY FOR SPECIALIZED TREATMENT AND REHABILITATIVE NEEDS OF DISABLED VETERANS.

(a) MAINTENANCE OF CAPACITY ON A SERVICE-NETWORK BASIS.—Section 1706(b) of title 38, United States Code, is amended—

(2) in paragraph (1)—

(A) in the first sentence, by inserting ''(and each geographic service area of the Veterans Health Administration)'' after ''ensure that the Department''; and

(B) in clause (B), by inserting ''(and each geographic service area of the Veterans Health Administration)'' after ''overall capacity of the Department''; and

(2) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively;

(3) by inserting after paragraph (1) the following new paragraphs (2) and (3):

''(2) For purposes of paragraph (1), the capacity of the Department (and each geographic service area of the Veterans Health Administration) to provide for the specialized treatment and rehabilitative needs of disabled veterans (including veterans with spinal cord dysfunction, traumatic brain injury, blindness, prosthetics and sensory aids, and mental illness) within distinct programs or facilities shall be measured for seriously mentally ill veterans as follows (with all such data to be provided by geographic service area and totaled nationally):

''(A) For mental health intensive community-based care, the number of discrete intensive care teams constituted to provide such intensive services to seriously mentally ill veterans and the number of veterans provided such care.

''(B) For opioid substitution programs and for traumatic brain injury, the number of patients treated annually and the amounts expended.

''(C) For dual-diagnosis patients, the number treated annually and the amounts expended.

''(D) For substance abuse programs—

''(i) the number of substance-use disorder beds (whether hospital, nursing home, or other designated beds) employed and the average bed occupancy of such beds;

''(ii) the percentage of unique patients admitted directly to substance abuse outpatient care during the fiscal year who had two or more additional visits to specialized substance abuse outpatient care within 30 days of their first visit, with a comparison from 1996 until the date of the report;

''(iii) the percentage of unique inpatients with substance abuse diagnoses treated during the fiscal year who had one or more specialized substance abuse clinic visits within three days of their index discharge, with a comparison from 1996 until the date of the report; and

''(iv) the percentage of unique outpatients seen in a facility or service network during the fiscal year who had one or more specialized substance abuse clinic visits, with a comparison from 1996 until the date of the report.

''(E) For mental health programs, the number and type of staff that are available at each facility to provide specialized mental health treatment, including satellite clinics, outpatient programs, and community-based outpatient clinics, with a trend line comparison from 1996 to the date of the report.

''(F) The number of such clinics providing mental health care, the number and type of mental health staff at each such clinic, and the type of mental health programs at each such clinic.

''(3) For purposes of paragraph (1), the capacity of the Department (and each geographic service area of the Veterans Health Administration) to provide for the specialized treatment and rehabilitative needs of disabled veterans within distinct programs or facilities shall be measured for veterans with spinal cord dysfunction, traumatic brain injury, blindness, or prosthetics and sensory aids as follows (with all such data to be provided by geographic service area and totaled nationally):

''(A) For spinal cord injury/dysfunction specialized centers and for blind rehabilitation specialized centers, the number of staffed beds and the number of full-time equivalent employees assigned to provide care at such centers.

''(B) For prosthetics and sensory aids, the annual amount expended.''.

(b) EXTENSION OF ANNUAL REPORT REQUIREMENT.—Paragraph (3) of such section, as so redesignated, is amended—

(1) by striking ''April 1, 1999, April 1, 2000, and April 1, 2001'' and inserting ''April 1 of each year through 2004''; and

(2) by adding at the end the following new sentence: ''The accuracy of each such report shall be certified by, or otherwise commented upon by, the Inspector General of the Department.''.

SEC. 103. THRESHOLD FOR VETERANS HEALTH CARE ELIGIBILITY MEANS TEST TO REFLECT LOCALITY COST-OF-LIVING VARIATIONS.

(a) REVISED THRESHOLD.—Subsection (b) of section 1722 of title 38, United States Code, is amended to read as follows:

''(b)(1) For purposes of subsection (a)(3), the income threshold applicable to a veteran is the amount determined under paragraph (2).

''(2) The amount determined under this paragraph for a veteran is the greater of the following:

''(A) For any calendar year after 2000—

''(i) in the case of a veteran with no dependents, $23,688, as adjusted under subsection (c); or

''(ii) in the case of a veteran with one or more dependents, $28,429, as so adjusted, plus $1,586, as so adjusted, for each dependent in excess of one.

''(B) The amount in effect under the HUD Low Income Index that is applicable in the area in which the veteran resides.

''(3) For purposes of paragraph (2)(B), the term 'HUD Low Income Index' means the family income ceiling amounts determined by the Secretary of Housing and Urban Development under section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2)) for purposes of the determination of 'low-income families' under that section.''.

(c) CONFORMING AMENDMENT.—(1) Subsection (a)(3) of such section is amended by striking ''amount set forth in'' and inserting ''income threshold determined under''.

(2) Subsection (c) of such section is amended by striking ''subsection (b)'' and inserting ''subsection (b)(2)(A)''.

(d) LIMITATION ON RESOURCE REALLOCATIONS.— Within the amount appropriated to the Department of Veterans Affairs for medical care for each of fiscal years 2002 through 2006. the amount that would otherwise be allocated by the Secretary to any geographic service region of the Veterans Health Administration in accordance with the established resource allocation procedures of the Department may not be increased or decreased by more than 5 percent by reason of the implementation of this section.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2002.

SEC. 104. ASSESSMENT AND REPORT ON SPECIAL TELEPHONE SERVICES FOR VETERANS.

(a) ASSESSMENT OF CURRENT SERVICES.—The Secretary of Veterans Affairs shall carry out an assessment of all special telephone services for veterans (such as helplines and hotlines) provided by the Department of Veterans Affairs. The assessment shall include the geographical coverage, availability, utilization, effectiveness, management, coordination, staffing, and cost of those services. As part of such assessment, the Secretary shall conduct a survey of veterans to measure their satisfaction with current special telephone services and the demand for additional services.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the assessment carried out under subsection (a). The Secretary shall include in the report recommendations regarding any needed improvement to such services and recommendations regarding contracting for the performance of such services.

SEC. 105. RECODIFICATION OF BEREAVEMENT COUNSELING AUTHORITY AND CERTAIN OTHER HEALTH-RELATED AUTHORITIES.

(a) STATUTORY REORGANIZATION.—Subchapter I of chapter 17 of title 38, United States Code, is amended—

(1) in section 1701(6)—

(A) by striking subparagraph (B) and the sentence following that subparagraph;

(B) by striking ''services—'' in the matter preceding subparagraph (A) and inserting ''services, the following:''; and

(C) by striking subparagraph (A) and inserting the following:

''(A) Surgical services.

''(B) Dental services and appliances as described in sections 1710 and 1712 of this title.

''(C) Optometric and podiatric services.

''(D) Preventive health services.

''(E) In the case of a person otherwise receiving care or services under this chapter—

''(i) wheelchairs, artificial limbs, trusses, and similar appliances;

''(ii) special clothing made necessary by the wearing of prosthetic appliances; and

''(iii) such other supplies or services as the Secretary determines to be reasonable and necessary.

''(F) Travel and incidental expenses pursuant to section 111 of this title.''; and

(2) in section 1707—

(A) by inserting ''(a)'' at the beginning of the text of the section; and

(B) by adding at the end the following:

''(b) The Secretary may furnish sensorineural aids only in accordance with guidelines prescribed by the Secretary.''.

(b) CONSOLIDATION OF PROVISIONS RELATING TO PERSONS OTHER THAN VETERANS.—Such chapter is further amended by adding at the end the following new subchapter:

''SUBCHAPTER VIII—HEALTH CARE OF PERSONS OTHER THAN VETERANS

''§ 1782. Counseling, training, and mental health services for immediate family members

''(a) COUNSELING FOR FAMILY MEMBERS OF VETERANS RECEIVING SERVICE-CONNECTED TREATMENT.—In the case of a veteran who is receiving treatment for a service-connected disability pursuant to paragraph (1) or (2) of section 1710(a) of this title, the Secretary shall provide to individuals described in subsection (c) such consultation, professional counseling, training, and mental health services as are necessary in connection with that treatment.

''(b) COUNSELING FOR FAMILY MEMBERS OF VETERANS RECEIVING NON-SERVICE-CONNECTED TREATMENT.—In the case of a veteran who is eligible to receive treatment for a non-service-connected disability under the conditions described in paragraph (1), (2), or (3) of section 1710(a) of this title, the Secretary may, in the discretion of the Secretary, provide to individuals described in subsection (c) such consultation, professional counseling, training, and mental health services as are necessary in connection with that treatment if—

''(1) those services were initiated during the veteran's hospitalization; and

''(2) the continued provision of those services on an outpatient basis is essential to permit the discharge of the veteran from the hospital.

''(c) ELIGIBLE INDIVIDUALS.—Individuals who may be provided services under this subsection are—

''(1) the members of the immediate family or the legal guardian of a veteran; or

''(2) the individual in whose household such veteran certifies an intention to live.

''(d) TRAVEL AND TRANSPORTATION AUTHORIZED.—Services provided under subsections (a) and (b) may include, under the terms and conditions set forth in section 111 of this title, travel and incidental expenses of individuals described in subsection (c) in the case of—

''(1) a veteran who is receiving care for a service-connected disability; and

''(2) a dependent or survivor receiving care under the last sentence of section 1783(b) of this title.

"§ 1783. Bereavement counseling

''(a) DEATHS OF VETERANS.—In the case of an individual who was a recipient of services under section 1782 of this title at the time of the death of the veteran, the Secretary may provide bereavement counseling to that individual in the case of a death—

''(1) that was unexpected; or

''(2) that occurred while the veteran was participating in a hospice program (or a similar program) conducted by the Secretary.

''(b) DEATHS IN ACTIVE SERVICE.—The Secretary may provide bereavement counseling to an individual who is a member of the immediate family of a member of the Armed Forces who dies in the active military, naval, or air service in the line of duty and under circumstances not due to the person's own misconduct.

''(c) BEREAVEMENT COUNSELING DEFINED.—For purposes of this section, the term 'bereavement counseling' means such counseling services, for a limited period, as the Secretary determines to be reasonable and necessary to assist an individual with the emotional and psychological stress accompanying the death of another individual.

"§ 1784. Humanitarian care

''The Secretary may furnish hospital care or medical services as a humanitarian service in emergency cases, but the Secretary shall charge for such care and services at rates prescribed by the Secretary.''.

(c) TRANSFER OF CHAMPVA SECTION.—Section 1713 of such title is—

(1) transferred to subchapter VIII of chapter 17 of such title, as added by subsection (b), and inserted after the subchapter heading;

(2) redesignated as section 1781; and

(3) amended by adding at the end of subsection (b) the following new sentence: ''A dependent or survivor receiving care under the preceding sentence shall be eligible for the same medical services as a veteran, including services under sections 1782 and 1783 of this title.''.

(d) REPEAL OF RECODIFIED AUTHORITY.—Section 1711 of such title is amended by striking subsection (b).

(e) CROSS REFERENCE AMENDMENTS.—Such title is further amended as follows:

(1) Section 103(d)(5)(B) is amended by striking ''1713'' and inserting ''1781''.

(2) Sections 1701(5) is amended by striking ''1713(b)'' in subparagraphs (B) and (C)(i) and inserting ''1781(b)''.

(3) Section 1712A(b) is amended—

(A) in the last sentence of paragraph (1), by striking ''section 1711(b)'' and inserting ''section 1784''; and

(A) in paragraph (2), by striking ''section 1701(6)(B)'' and inserting ''sections 1782 and 1783''.

(4) Section 1729(f) is amended by striking ''section 1711(b)'' and inserting ''section 1784''.

(5) Section 1729A(b) is amended—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6) the following new paragraph (7):

''(7) Section 1784 of this title.''.

(6) Section 8111(g) is amended—

(A) in paragraph (4), by inserting ''services under sections 1782 and 1783 of this title'' after ''of this title,''; and

(B) in paragraph (5), by striking ''section 1711(b) or 1713'' and inserting ''section 1782, 1783, or 1784''.

(7) Section 8111A(a)(2) is amended by inserting '', and the term 'medical services' includes services under sections 1782 and 1783 of this title'' before the period at the end.

(8) Section 8152(1) is amended by inserting ''services under sections 1782 and 1783 of this title,'' after ''of this title),''.

(9) Sections 8502(b), 8520(a), and 8521 are amended by striking ''the last sentence of section 1713(b)'' and inserting ''the penultimate sentence of section 1781(b)''.

(f) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of such chapter is amended—

(A) by striking the item relating to section 1707 and inserting the following:

''1707. Limitations.'';

(B) by striking the item relating to section 1713; and

(C) by adding at the end the following:

''SUBCHAPTER VIII—HEALTH CARE OF PERSONS OTHER THAN VETERANS

''1781. Medical care for survivors and dependents of certain veterans.

''1782. Counseling, training, and mental health services for immediate family members.

''1783. Bereavement counseling.

''1784. Humanitarian care.''.

(2) The heading for section 1707 is amended to read as follows:

"§ 1707. Limitations".

SEC. 106. EXTENSION OF EXPIRING COLLECTIONS AUTHORITIES.

(a) HEALTH CARE COPAYMENTS.—Section 1710(f)(2)(B) of title 38, United States Code, is amended by striking ''September 30, 2002'' and inserting ''September 30, 2007''.

(b) MEDICAL CARE COST RECOVERY.—Section 1729(a)(2)(E) of such title is amended by striking ''October 1, 2002'' and inserting ''October 1, 2007''.

SEC. 107. PERSONAL EMERGENCY RESPONSE SYSTEM FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.

(a) EVALUATION AND STUDY.—The Secretary of Veterans Affairs shall carry out an evaluation and study of the feasibility and desirability of providing a personal emergency response system to veterans who have service-connected disabilities. The evaluation and study shall be commenced not later than 60 days after the date of the enactment of this Act.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the evaluation and study under subsection (a). The Secretary shall include in the report the Secretary's findings resulting from the evaluation and study and the Secretary's conclusion as to whether the Department of Veterans Affairs should provide a personal emergency response system to veterans with service-connected disabilities.

(c) AUTHORITY TO PROVIDE SYSTEM.—If the Secretary concludes in the report under subsection (b) that a personal emergency response system should be provided by the Department of Veterans Affairs to veterans with service-connected disabilities—

(1) the Secretary may provide such a system, without charge, to any veteran with a service-connected disability who is enrolled under section 1705 of title 38, United States Code, and who submits an application for such a system under subsection (d); and

(2) the Secretary may contract with one or more vendors to furnish such a system.

(d) APPLICATION.—A personal emergency response system may be provided to a veteran under subsection (c)(1) only upon the submission by the veteran of an application for the system. Any such application shall be in such form and manner as the Secretary may require.

(e) DEFINITION.—For purposes of this section, the term ''personal emergency response system'' means a device—

(1) that can be activated by an individual who is experiencing a medical emergency to notify appropriate emergency medical personnel that the individual is experiencing a medical emergency; and

(2) that provides the individual's location through a Global Positioning System indicator.

TITLE II—CHIROPRACTIC SERVICES

SEC. 201. CHIROPRACTIC SERVICE ESTABLISHED IN THE VETERANS HEALTH ADMINISTRATION.

(a) NEW SERVICE IN VETERANS HEALTH ADMINISTRATION.—Section 7305 of title 38, United States Code, is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph (7):

''(7) A Chiropractic Service.''.

(b) DIRECTOR.—Section 7306(a) of such title—

(1) by redesignating paragraphs (7) through (10) as paragraphs (8) through (11), respectively; and

(2) by inserting after paragraph (6) the following new paragraph (7):

''(7) A Director of Chiropractic Service, who shall be a qualified doctor of chiropractic and who shall be responsible to the Secretary for the operation of the Chiropractic Service.''.

SEC. 202. AVAILABILITY OF CHIROPRACTIC CARE TO VETERANS.

(a) ESTABLISHMENT.—The Secretary of Veterans Affairs shall establish a program to provide chiropractic care to veterans through all Department of Veterans Affairs medical centers.

(b) IMPLEMENTATION.—The program under this section shall be implemented at Department of Veterans Affairs medical centers as follows:

(1) At not less than 30 medical centers by the end of fiscal year 2002.

(2) At not less than 60 medical centers by the end of fiscal year 2003,

(3) At not less than 90 medical centers by the end of fiscal year 2004.

(4) At not less than 120 medical centers by the end of fiscal year 2005.

(5) At all of the Department of Veterans Affairs medical centers by the end of fiscal year 2006.

(c) INITIAL PARTICIPATING MEDICAL CENTERS.—The initial 30 medical centers at which the program is to be carried out shall be designated by the Secretary not later than 60 days after the date of the enactment of this Act. In designating those medical centers, the Secretary shall select medical centers to reflect geographic diversity, facilities of various size and capabilities, and the range of services in the Department health care system.

SEC. 203. CHIROPRACTIC PROVIDERS.

The program under section 202 shall be carried out through personal service contracts and with appointments of licensed chiropractors for delivery of chiropractic services at Department of Veterans Affairs medical centers.

SEC. 204. SCOPE OF SERVICES; ENROLLMENT.

(a) SCOPE OF SERVICES.—The chiropractic services provided under section 202 shall include, at a minimum, care for neuro-musculoskeletal conditions.

(b) ENROLLMENT.—A veteran enrolled under section 1705 of title 38, United States Code, may, as part of such enrollment, choose a

chiropractor as the veteran's primary care provider. A veteran with a primary care provider other than a chiropractor may be referred to chiropractic services for neuromusculoskeletal conditions by a medical provider.

SEC. 205. TRAINING AND INFORMATION.

(a) PRIMARY CARE TEAMS.—The Secretary shall provide training and materials relating to chiropractic services to members of Department health care providers assigned to primary care teams for the purposes of familiarizing those providers with the benefits of appropriate use of chiropractic services.

(b) FUTURE PROGRAM SITES.—During the period covered by section 202(b), the Secretary shall provide materials relating to chiropractic services to medical centers and other health care facilities of the Department not yet participating in the program in order to ensure that health care providers at those facilities are aware of chiropractic care as a future referral source.

(c) APPROVAL OF MATERIALS.—The Secretary may approve materials to be furnished under subsections (a) and (b) only after consulting with, and receiving the views of, the advisory committee established under section 206.

SEC. 206. ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary shall establish an advisory committee to review implementation of the program under this title.

(b) MEMBERS.—In appointing the members of the advisory committee, the Secretary shall include on the advisory committee—

(1) members of the chiropractic profession;

(2) persons who are experts in human resources appointments in the Federal service;

(3) persons with expertise in academic matters;

(4) persons with knowledge of credentialing and the granting of professional privileging to health care practitioners; and

(5) other persons as determined necessary by the Secretary and the functional needs of the advisory committee in establishing the chiropractic health program.

(c) FUNCTIONS.—The advisory committee shall provide advice to the Secretary on—

(1) the granting of professional privileges for chiropractors at Department medical centers;

(2) the scope of practice of chiropractors at Department medical centers;

(3) training materials; and

(4) such other matters as are determined appropriate by the Secretary.

SEC. 207. IMPLEMENTATION REPORT.

Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans Affairs of the Senate and House of Representatives a report on the implementation of this title.

TITLE III—NATIONAL COMMISSION ON VA NURSING

SEC. 301. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is hereby established in the Department of Veterans Affairs a commission to be known as the ''National Commission on VA Nursing'' (hereinafter in this title referred to as the ''Commission'').

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

(2) Eleven members shall be appointed by the Secretary of Veterans Affairs, as follows:

(A) Three shall be recognized representatives of employees, including nurses, of the Department of Veterans Affairs.

(B) Three shall be representatives of professional associations of nurses of the Department or similar organizations affiliated with the Department's health care practitioners.

(C) Two shall be representatives of trade associations representing the nursing profession.

(D) Two shall be nurses from nursing schools affiliated with the Department of Veterans Affairs.

(E) One shall be a representative of veterans.

(3) The Nurse Executive of the Department of Veterans Affairs shall be an ex officio member of the Commission.

(d) CHAIRMAN OF COMMISSION.—The Secretary of Veterans Affairs shall designate one of the members of the Commission to serve as chairman of the Commission.

(e) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(f) INITIAL ORGANIZATION REQUIREMENTS.—All appointments to the Commission shall be made not later than 60 days after the date of the enactment of this Act. The Commission shall convene its first meeting not later than 60 days after the date as of which all members of the Commission have been appointed.

SEC. 302. DUTIES OF COMMISSION.

(a) ASSESSMENT.—The Commission shall—

(1) consider legislative and organizational policy changes to enhance the recruitment and retention of nurses by the Department of Veterans Affairs; and

(2) assess the future of the nursing profession within the Department.

(b) RECOMMENDATION.—The Commission shall recommend legislative and organizational policy changes to enhance the recruitment and retention of nurses in the Department.

SEC. 303. REPORTS.

(a) COMMISSION REPORT.—The Commission shall, not later than two years after the date of its first meeting, submit to Congress and the Secretary of Veterans Affairs a report on the Commission's findings and conclusions.

(b) SECRETARY OF VETERANS AFFAIRS REPORT.—Not later than 60 after the date of the Commission's report under subsection (a), the Secretary shall submit to Congress a report—

(1) providing the Secretary's views on the Commission's findings and conclusions; and

(2) explaining what actions, if any, the Secretary intends to take to implement the recommendations of the Commission and the Secretary's reasons for doing so.

SEC. 304. POWERS.

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this title, hold hearings and take testimony to the extent that the Commission or any member considers advisable.

(b) INFORMATION.—The Commission may secure directly from any Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this title.

SEC. 305. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—Members of the Commission shall serve without pay by reason of their work on the Commission.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—(1) The Secretary may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties.

(2) The Secretary may fix the pay of the staff director and other personnel appointed under paragraph (1) without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS–15 of the General Schedule.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Secretary, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

SEC. 306. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date of the submission of its report under section 303(a).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kansas (Mr. MORAN) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on August 2 of this year, I introduced along with the gentleman from New Jersey (Mr. SMITH) and the gentleman from Connecticut (Mr. SIMMONS) the Disabled Veterans Service Dog and Health Care Improvement Act of 2001. Numerous provisions in this bill will help disabled veterans become more self-sufficient in their daily activities and make other numerous improvements to the VA health care system.

Mr. Speaker, in light of today's world events and in light of the activities that occurred on September 11, I am reminded of the testimony of one of the witnesses before our committee in which she quoted the first President of the United States, General George Washington:

''The willingness of future generations to serve in our military will be directly dependent upon how we have treated those who have served it in the past.''

And so today with the world events unfolding and with our service men and women facing harm and danger, I rise to support legislation that will make improvements on the health care delivery system for those men and women of our country who have served our Nation and its military in the past.

I regret that the chairman of our committee, the gentleman from New

Jersey (Mr. SMITH), could not be with us this afternoon. He is on his way returning from his district. He has been delayed in transit. He represents an area of New Jersey that includes Trenton, an area that has recently seen postal workers exposed to anthrax and he has been in his district this weekend and today trying to ensure that the response of the Federal Government is appropriate and coordinated with the State and local responses, and so I tip my hat to the gentleman from New Jersey and regret his absence but commend him for his diligence in taking care of his constituents in these very uncertain times.

Mr. Speaker, the measure, H.R. 2792, would accomplish the following improvements in regard to health care delivery for our Nation's veterans. First of all, as the title indicates, it provides service dogs to enrolled veterans who need these dogs because of mobility, hearing loss or other problems susceptible to improvement with a service dog. This bill also strengthens the capacity in that it mandates the VA to maintain capacity in specialized medical programs for the most seriously disabled veterans in each VA network, and, in part because of this provision, has received the strong endorsement of the Paralyzed Veterans of America. This capacity issue deals with care for serious mental illness, spinal cord injury and dysfunction, blind rehabilitation and veterans suffering from traumatic brain injuries.

This bill also provides an opportunity to modify the VA's means test, the system of determining nonservice connected veterans' ability to pay for VA health care services, by producing a fairer means test for veterans across the country. This bill requires the Secretary of the Department to assess special telephone services made available to veterans such as help lines and hotlines and report to Congress. I would like to thank my friend and colleague the gentlewoman from California (Mrs. CAPPS) for providing us with the necessary input to include this kind of provision. We hope to work with the gentlewoman from California throughout the remainder of the year and into the future as the results of this study become known.

This legislation directs implementation, Mr. Speaker, of the Chiropractic Service Program that was mandated by this Congress in 1999 in the Millennium Health Care Act, and provides that the chiropractic provisions be implemented nationwide over a 5-year period. Veterans would have direct access to chiropractic care. The role of a chiropractor in the VA would be as a first entry provider, limited to diagnosis and treatment of problems of the lower spine, in consonance with State laws governing the practice of chiropractic. Other problems of diagnosis and treatment encountered by VA chiropractors would be referred to specialists within the VA. I am pleased to be a sponsor of this long overdue measure that affords chiropractic care to America's veterans.

□ 1530

I would like to take this opportunity to commend the full committee ranking member, the gentleman from Illinois (Mr. EVANS), and the ranking member of the Subcommittee on Health, the gentleman from California (Mr. FILNER), for their legislative efforts in regard to this issue.

This issue is before us after several years of hard work and failure of the VA to make any progress following the passage of the Millennium Health Care Act of 1999.

This bill also recognizes the need to sustain a dependable source of nursing staff for our VA health care system. It establishes an independent National Commission on VA Nursing to report to Congress its recommendations to ensure that the veterans health care programs have a sufficient supply of professional nurses in the future.

Finally, the bill requires a study of an emergency response communications system for service-disabled veterans. The study is to determine the feasibility of providing enrolled, service-connected veterans emergency notification capacity that connects them with the global positioning system. I look forward to the results of receiving this study.

Mr. Speaker, H.R. 2792, the Disabled Veterans Service Dog and Health Care Improvement Act of 2001, makes important improvements in veterans health care, and I hope my colleagues will join me in supporting this legislation.

I again thank the gentleman from New Jersey (Chairman SMITH); the ranking member, the gentleman from Illinois (Mr. EVANS); and the ranking member of the Subcommittee on Health, the gentleman from California (Mr. FILNER), for their work and efforts in making changes to this bill and bringing it to this point on the House floor today for final passage.

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

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

Mr. Speaker, I also want to thank the chairman of the full committee, the gentleman from New Jersey (Mr. SMITH), and the ranking member and chairman of the Subcommittee on Health. They have put together an important measure which will help veterans of our country, and is thus deserving the support of every Member of this House.

As reported, H.R. 2797 authorizes the provision of service dogs to eligible veterans. Today, service dogs provide invaluable assistance to many blind veterans. This measure will authorize similar assistance to mobility- and hearing-impaired veterans. These veterans can be well served by these highly trained animals.

As the erosion of programs for disabled veterans occurs, particularly the mentally ill, the concerns of Congress have proven prophetic. This reporting requirement is an important tool for Congress to assess the delivery of care needed by veterans and to hold VA accountable for its decisions.

The measure also authorizes a nursing commission that will review current and future challenges to the nursing profession in the VA. I am hopeful that this independent body will provide sound advice to the VA and to the nursing profession in general and consider appropriate ways to encourage members of our nursing profession to seek and maintain employment in the VA.

Mr. Speaker, the gentleman from Kansas (Chairman MORAN); the ranking member, the gentleman from California (Mr. FILNER); and others on the subcommittee strongly urge our colleagues to support this legislation.

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

Mr. MORAN of Kansas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I again thank my colleague from Illinois for his efforts today and appreciate his remarks. I remind my colleagues that a week ago we were also on this House floor adopting legislation dealing with the homeless issue and our veterans. Again the leadership of the gentleman from New Jersey (Chairman SMITH) and the gentleman from Illinois (Mr. EVANS) brought that bill to the floor. So, for a second effort today, we are attempting to make full our commitment to our nation's servicemen and women as they have retired and become veterans.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H.R. 2792, the Disabled Veterans Service Dog and Health Care Improvement Act of 2001. I urge my colleagues to lend their support to this important measure.

H.R. 2792 authorizes the provision of service dogs to any veteran with an ailment where improvement in overall condition or enhancement in daily activity can be reached through the use of such an animal. These impairments include, but are not limited to, spinal cord injuries, other injuries that cause physical immobility and hearing loss. Veterans must be enrolled in VA Care in order to receive a dog, and all dogs will be provided in line with existing enrollment priorities for each VISN.

The legislation also strengthens the mandate for VA to maintain its capacity for specialized medical care by requiring that each VISN operate a proportional share of the national capacity for specialized care, including mental health, substance abuse, spinal cord and brain injury, and prosthetic care.

H.R. 2792 further directs the Secretary of Veterans Affairs to review the existing phone system for veterans, including all existing hot

lines and help lines to ensure that VA resources in this area are being utilized effectively and efficiently.

The bill also creates a new chiropractic services program within the VA, at thirty separate medical centers. The plan is to have this new program operating nationwide within five years.

Finally, this bill establishes a national commission on VA nursing for the purpose of improving recruitment and retention of nurses within the VA Health Care System.

Mr. Speaker, this legislation provides several much needed improvements to the system that delivers medical care to the veterans of our Armed Forces. The VA health care system offers some of the finest specialist care in the world, particularly for those veterans with spinal cord injuries and those requiring prosthetic devices. VA research in these fields is a cutting edge and second to none. I am pleased that this legislation offers additional options to these specialty care veterans to facilitate their day-to-day living.

Moreover, the VA nursing staffing issue has reached acute proportions. This bill seeks to create an institutional response to this staffing shortage which attempts to offer a long-term solution to this critical problem.

For these reasons Mr. Speaker, I urge my colleagues to lend their wholehearted support to this important legislation.

Mr. MORAN of Kansas. Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. MORAN of Kansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2792, as amended.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kansas (Mr. MORAN) that the House suspend the rules and pass the bill, H.R. 2792, as amended.

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

A motion to reconsider was laid on the table.

NATIONAL DAY OF RECONCILIATION

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 184) providing for a National Day of Reconciliation, as amended.

The Clerk read as follows:

H. CON. RES. 184

Resolved by the House of Representatives (the Senate concurring), That on a day of reconciliation selected jointly by the Speaker of the House of Representatives and the President pro tempore of the Senate, and with the Chaplain of the House of Representatives and the Chaplain of the Senate in attendance—

(1) the two Houses of the Congress shall assemble in the Hall of the House of Representatives at a time when the two Houses are not in session; and

(2) during this assembly, the Members of the two Houses may gather to humbly seek the blessings of Providence for forgiveness, reconciliation, unity, and charity for all people of the United States, thereby assisting the Nation to realize its potential as the champion of hope, the vindicator of the defenseless, and the guardian of freedom.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) will control 20 minutes.

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

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

Mr. Speaker, this is a resolution that calls for the two Houses of Congress to assemble in this Chamber at a time when the House and the Senate are not in session and that during this assembly the Members of the two Houses may gather to humbly seek the blessings of Providence for forgiveness, reconciliation, unity, and charity for all people of the United States, thereby assisting the Nation to realize its potential as a champion of hope, the vindicator of the defenseless, and the guardian of freedom.

That is pretty much the sum and substance and essence of this resolution. I think given all we have been experiencing over the last few weeks, it is clear that the purposes of this resolution are very good indeed and would be beneficial to our Nation.

The author of the resolution is the gentleman from Texas (Mr. DELAY), our majority whip; and I understand we have now 72 cosponsors, with good bipartisan representation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. DELAY), the author of the resolution.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding me time; and I thank my good friend from California for bringing this resolution to the floor. This is a resolution that is coauthored by me and the gentleman from Ohio (Mr. HALL).

Mr. Speaker, we have seldom seen a time in which it would have been more fitting than the present moment for America's leaders to come together as a unified body before God and demonstrate that we seek grace, guidance, wisdom, and reconciliation for our Nation.

In the work ahead, the old labels and divisions over which we have quarreled must be set aside to accomplish the larger purpose to which we are called as a Nation. We believe that this resolution has the capacity to draw us together and to cultivate the meaning, direction, and inspiration needed to achieve our special potential in the destiny of nations.

I have from time to time disagreed vigorously with my colleagues across the aisle. We have had honest disagreements and crossed swords over both practical and philosophical points. But I speak from my heart when I say that my firmest friends and most committed adversaries can all join me in supporting this initiative, because it is solely designed to advance the Nation towards a goal that all of us share.

Every Member should approach this resolution with fresh and open eyes. This resolution is without any partisan aspect, motivation, or effect. Its aim is the betterment of every American as our country draws closer to the high aspirations our Founders outlined for us.

It was specifically drafted to include everyone and to exclude no one. The National Day of Reconciliation acknowledges that we are all equal before God and, consequently, it is tailored to accommodate the specific face of every Member. It is ecumenical in substance and universal in its aspirations. Everyone can confidently embrace the spirit and purpose of reconciliation we advance with this proposal. We make way for all faiths.

Our goal is to have every Member join us in seeking reconciliation. Our victory is to see every Member and Senator taking part in keeping and practicing with their own personal faith, judgment, and beliefs. Our fondest wish is for every elected representative to gather and petition God for his blessing, stewardship, and forgiveness. We want to approach him to reconcile our country.

While we are all welcome and encouraged to take part, no one is obligated under this resolution to do anything at all. The National Day of Reconciliation compels no action of any kind. Participation is entirely voluntary.

Let me reiterate that point to dispel any misguided concerns. Members can support this resolution with the certain knowledge that it places no obligations on anyone. All it will do is to permit Members and Senators to come together voluntarily in private fellowship within the House Chamber to seek repentance and reconciliation for our Nation. What we seek is an open climate of communal prayer and repentance.

So many of us have gathered meaning and direction for our own lives through power of prayer. Both Houses of Congress acknowledge this by beginning each legislative day with an invocation.

We started work on this resolution many months ago. We were looking for a way to reconcile our country. Recent events have only deepened our conviction that reconciliation is needed and necessary. In the wake of September 11, the imperative underlying a National Day of Reconciliation takes on a heightened sense of urgency and weight.

In the past, the American governments have responded to periods of danger and uncertainty by seeking God's blessing and forgiveness.

One of our greatest Presidents healed a horrible national wound by leading us toward the pathway to reconciliation. He explained that by embracing our founding principles and seeking God's blessing, our Nation could overcome a great crisis. Abraham Lincoln held the Nation to account in 1863 as he urged Americans to reflect on all we had inherited and what was expected of us. He said:

> We have been the recipients of the choicest bounties of heaven. We have been preserved, these many years, in peace and prosperity. We have grown in numbers, wealth and power, as no other Nation has ever grown. But we have forgotten God.
>
> We have forgotten the gracious hand which preserved us in peace, and multiplied and enriched and strengthened us; and we have vainly imagined, in the deceitfulness of our hearts, that all these blessings were produced by some superior wisdom and virtue of our own.
>
> Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and reserving grace, too proud to pray to the God thus!
>
> It behooves us, then to humble ourselves before the offended power, to confess our national sins and pray for clemency and forgiveness.

Abraham Lincoln was right. If we want America to be united under the fellowship of reconciliation, we must humble ourselves before God and ask to be healed and brought together.

We have heard suggestions that other spaces within the Capitol would be more fitting and appropriate venues than the House Chamber. I could not disagree more strongly. Please let me explain why.

Our House Chamber is the symbolic heart of American democracy. It is right here that we do our work. It is here that decisions bearing heavily on our destiny are decided. It is here that all three branches of our government assemble during moments of great national gravity.

From right up there, Presidents speak to America. And in here we can come together to demonstrate to the country that America's leaders have the strength, compassion, and courage to seek guidance and forgiveness. We should not be afraid to admit that America's work requires God's interest, assistance, and guidance.

Our purpose in introducing this resolution is threefold. We believe that by setting aside a day for the leaders of our Nation to come together in prayer, we will enhance our unity, send a powerful petition for guidance and wisdom, and, by humbly gathering, send a strong message to the American people that their leaders earnestly wish to bring about a national reconciliation so that we can go forward as a united people.

Members should also know that this resolution raises no constitutional barriers. It has been vetted thoroughly and poses no challenges to law.

To alleviate another concern, Members should know that we intend the entire scope of the Day of Reconciliation to occur without TV broadcast. Members should have no fear that this format could breach their privacy. Privacy in worship will be respected by this gathering because it will not be recorded. It is a chance for America's leaders to approach God.

We know we have all fallen short of our potential. We know that our Nation has also failed to achieve all that it could. Members can take a firm step toward realizing those twin objectives by supporting this resolution.

Remember, all we ask is that willing Members be permitted to gather to humbly seek the blessings of Providence for forgiveness, reconciliation, unity, and charity for all the people of the United States, thereby assisting the Nation to realize its potential as the champion of hope, the vindicator of the defenseless, and the guardian of freedom.

□ 1545

A national day of reconciliation will be good for each of us as elected officials and men and women, but it will be even better for America. It is time to come together, and I believe that this resolution will be an immeasurable help in solidifying our country.

So, Mr. Speaker, for that reason I ask Members to support the resolution.

Mr. DOOLITTLE. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Ohio (Mr. HALL).

Mr. HALL of Ohio. Mr. Speaker, I thank the gentleman for yielding me this time.

I had not realized that this resolution was coming up so quick. I do not have anything written, but I would like to say that I think it is an important piece of legislation. I was very glad to support it. I think the gentleman from Texas (Mr. DELAY) is absolutely right in what he said, the reasons for it. There has never been a time when I think that we need our leaders to stand up and pray and to be humbled before God, to humble ourselves before God and ask for wisdom.

The fact that this is being done when we are not in session I think is important. That means the cameras are not on us. That means the press is not here. So we are not doing it for pious reasons; we are doing it because we sincerely hope that Members will come here on their own in a voluntary way and humbly ask God for guidance and wisdom to do what we should be doing, not only as representatives of this country in our districts, but, what do You want us to do?

Oftentimes, in our deliberation as Members of Congress, as husbands, as individuals, we oftentimes, especially in America and among successful people, we think that when there is a problem, we need to get together and we need to have a solution. We need to get some money; we need to start a program. But the fact is, oftentimes we forget to ask God what is on His mind, what does He want. It would be good that if we could close these doors, get everybody out of here except Members and come and pray and ask for wisdom, and I think it is appropriate. I think that it is not a new precedent that we are starting here, and I think that it is important that we pass this resolution.

There is a wonderful Scripture verse in the New Testament that says that, and I am paraphrasing, we are to pray for the kings and the leaders so that the people can live peaceful and tranquil lives in all Godliness and dignity. I think the reason why God asks the people to pray for leaders is not because they are better; it is because that they are leaders, and they have the power to make things good or make things bad.

When we look around the world today, there are a lot of things that are going on that are pretty rotten. There are probably 40,000 people that will die today, or close to it, from war and hunger and civil disturbance and lack of immunizations and lack of food and clean water. The kinds of conflicts that are going on in 40 different countries right now, even our own country, should tell people that we need to pray for our leaders.

They have this great saying in Africa that says that when the elephants fight, the grass dies, which means when the big people fight, when the leaders fight, the people perish, and they take it on the chin. That is why they ask for people to pray for their leaders. They also ask the leaders, us, people like us all over the world, to humble ourselves before God and ask for guidance and wisdom and to be the kind of people that God wants us to be.

I think this is what this resolution is all about. This is the reason why I went in on it. The only stipulation I made with the gentleman from Texas (Mr. DELAY) was that we do it privately, to not do it in front of the TV cameras. We do not do it in public. We do not do it to bring publicity to ourselves. That is the worst kind of thing to do. I think this legislation addresses that.

For that reason, I support it and I hope the whole body supports it.

Mr. DOOLITTLE. Mr. Speaker, I yield 1½ minutes to the gentleman from Mississippi (Mr. SHOWS).

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

Mr. Speaker, I would like to say that I certainly support this resolution. I think it is something that every weekend that I go home I ask my constituents in our church, the Bethel Baptist Missionary Church, to pray for not only me and the decisions I have to

make, but to pray for the President and the other leaders in Congress. Because I really do mean that. I do not think there is anything stronger than prayer.

We have seen what it has done for this country during George Washington's time and President Lincoln's time, and FDR and World War I. What has always brought this country through is prayer and asking that we just help each other. I can remember some times in my own life that we have had prayer and that prayer has been answered. I think if the leaders come together, I think it is the right thing to do.

I can remember when the gentleman from Texas (Mr. DELAY) talked to me about this suspension bill coming to the House and, like the gentleman from Ohio (Mr. HALL) said, coming to the House floor and closing the doors and turning off the TV cameras, because some of us like to maybe perform for the TV and for the audience out there. But this ought to be from the heart. Because right now, we did not know at the time that the gentleman from Texas (Mr. DELAY) was talking about this that we were going to be going through these tragic events we are going through right now. So I thank him for this, and I certainly support this suspension resolution.

Mr. DOOLITTLE. Mr. Speaker, I am pleased to yield 4½ minutes to the gentleman from Missouri (Mr. BLUNT), the chief deputy whip and a cosponsor of this resolution.

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

Mr. Speaker, when people tell me, as they often do, I am praying for you, I almost always say to them, it is the most important thing you could do. Just as the gentleman from Mississippi (Mr. SHOWS) mentioned, prayer does matter; and those of us who come today to support this resolution will be joined by others when this resolution is passed, to come to the floor specifically on that day to pray.

The tragic events of September 11 affected all the people in our country, including Members of Congress. Prayer is one way to heal our Nation and to heal ourselves.

I stand today in support of the resolution which allows Members of both bodies to have the opportunity to come to this floor, as has been often repeated, while the cameras are off for a day of prayer and reconciliation. This resolution provides an opportunity, a gathering place, for elected officials who wish to seek God's blessings and guidance for our country. It does not force any Member of this body or the other body to participate in a day of reconciliation; it merely makes this place available for that purpose.

Our Nation has a strong background in faith and worship by government officials. It is a background that other speakers, including the gentleman from Ohio (Mr. HALL), have already talked about. George Washington established a day of thanksgiving and prayer as the first President. Every President since President Kennedy has said a prayer just outside the doors of this Chamber before entering the House to give the State of the Union address. The House Chaplain opens every session of Congress with a morning prayer. Above the podium, Mr. Speaker, are engraved the words, ''In God We Trust.'' During the Civil War, President Lincoln set aside several days of national mourning and prayer. In the 1950s and in the 1980s, Congress passed resolutions providing for national days of prayer; and later, those resolutions became public laws.

By praying together to a higher being in all different ways that any Member of either this House or the other body would want to do, we unify our Nation; we heal our wounds; and we do, as I tell people so often, the most important thing we could do.

Mr. DOOLITTLE. Mr. Speaker, I appreciate the comments of those who have spoken, and I strongly urge the adoption of this resolution relative to national reconciliation.

Mr. BISHOP. Mr. Speaker, it was before the events of September 11 and its aftermath that a diverse group of House Members—including, Democrats and Republics, Members from different regions, different backgrounds, and widely, differing viewpoints—began discussing the idea of drafting a resolution that focuses this often-contentious body and the country at-large on the higher purpose that unites us all as American citizens and as children of God.

Little did we know how profound the need for such a focus would soon be.

The resolution we consider tonight asks that we seek the blessings of Providence for forgiveness, reconciliation, unity, and charity for every American in order to fulfill our country's purpose in bringing hope to the defenseless and freedom to the oppressed.

Our country is, in fact, the hope and inspiration of countless millions of people held in oppressed circumstances throughout much of the world.

At times, we Americans differ bitterly over policies. We have our own struggles over justice and opportunity for all. For more than two centuries, we have fought to make the promise of our Constitution a reality for every citizen, regardless of race, religion, gender, or national origin.

Yet, through it all, no country in the world has made a greater contribution or greater sacrifice to advance the cause of freedom and human dignity.

Tonight, our Nation and the free world face one of the greatest tests in our history. Let us stand together, in reconciliation and unity, as the "champion of hope, vindicator of the defenseless, and the guardian of freedom," here in America and across the world.

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

The SPEAKER pro tempore (Mr. HANSEN). Are there further requests for time? If not the question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 184, as amended.

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

A motion to reconsider was laid on the table.

PROPERTY PROTECTION PROGRAM FOR POWER MARKETING ADMINISTRATIONS

Mr. CALVERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2924) to provide authority to the Federal Power Marketing Administrations to reduce vandalism and destruction of property, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2924

SECTION 1. PROPERTY PROTECTION PROGRAM FOR POWER MARKETING ADMINISTRATIONS.

(a) IN GENERAL.—The Administrators of the Western Area Power Administration, the Southwestern Power Administration, and the Southeastern Power Administration may each carry out programs to reduce vandalism, theft, and destruction of property that is under their jurisdiction.

(b) PROVISION OF REWARDS.—In carrying out a program under this section, each Administrator referred to in subsection (a) is authorized to provide rewards (including cash rewards) to individuals who provide information or evidence leading to the arrest and prosecution of individuals causing damage to, or loss of, Federal property under their jurisdiction. The amount of any one such reward paid to any individual may not exceed a value of $1,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

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

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

Mr. Speaker, the Power Marketing Administration's Western Area Power Administration, Southwestern Power Administration, and Southeastern Power Administration are responsible for maintaining and operating over 18,000 miles of high-voltage electrical transmission lines, providing an important contribution to the movement of electrical power across our country. They also have hundreds of substations and communications sites, most located in remote areas. These facilities have been subjected to increased incidents of vandalism.

This bill would give the agencies authority to curb this threat to Federal property and our Nation's power infrastructure by vesting them with the authority to pay rewards to individuals that offer information leading to prosecution of vandals. These rewards

would be limited to $1,000 each and would be paid out of existing appropriations.

The Corps of Engineers, the Bureau of Reclamation, and Bonneville Power Administration already have such authority. Bonneville estimates that they save $800,000 annually by successfully applying this program to protect Federal property. The Department of Energy has asked that we extend this authority to the other power marketing administrations, and I urge my colleagues to do so by adopting this legislation.

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

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

Mr. Speaker, H.R. 2924 would authorize the administrators of the Western Area and Southeastern and Southwestern Power Administrations to carry out reward programs to reduce vandalism and theft at their facilities. The bill would authorize agencies to offer up to $1,000 to anyone providing information leading to the arrest and conviction of individuals charged with vandalism and/or theft at the three power market administrations. The Bonneville Power Administration has similar authority and its rewards program has helped reduce crime.

Mr. Speaker, the administration supports H.R. 2924. It is a worthwhile bill. I urge its adoption.

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

Mr. CALVERT. Mr. Speaker, I certainly urge the passage of the legislation. I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 2924, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1600

LAW ENFORCEMENT AUTHORITY AT BUREAU OF RECLAMATION FACILITIES

Mr. CALVERT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2925) to amend the Reclamation Recreation Management Act of 1992 in order to provide for the security of dams, facilities, and resources under the jurisdiction of the Bureau of Reclamation, as amended.

The Clerk read as follows:

H.R. 2925

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

SECTION. 1. LAW ENFORCEMENT AUTHORITY AT BUREAU OF RECLAMATION FACILITIES.

(a) PUBLIC SAFETY REGULATIONS.—The Secretary of the Interior shall issue regulations necessary to maintain law and order and protect persons and property within Reclamation projects and on Reclamation lands.

(b) VIOLATIONS; CRIMINAL PENALTIES.—Any person who knowingly and willfully violates any regulation issued under subsection (a) shall be fined under chapter 227, subchapter C of title 18, United States Code, imprisoned for not more than 6 months, or both. Any person charged with a violation of a regulation issued under subsection (a) may be tried and sentenced by any United States magistrate judge designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions and limitations as provided for in section 3401 of title 18, United States Code.

(c) AUTHORIZATION OF LAW ENFORCEMENT OFFICERS.—The Secretary of the Interior may—

(1) authorize law enforcement personnel from the Department of the Interior to act as law enforcement officers to enforce Federal laws and regulations within a Reclamation project or on Reclamation lands;

(2) authorize law enforcement personnel of any other Federal agency that has law enforcement authority (with the exception of the Department of Defense) or law enforcement personnel of any State or local government, including an Indian tribe, when deemed economical and in the public interest, through cooperative agreement or contract, to act as law enforcement officers to enforce Federal laws and regulations within a Reclamation project or on Reclamation lands with such enforcement powers as may be so assigned to them by the Secretary;

(3) cooperate with any State or local government, including an Indian tribe, in the enforcement of the laws or ordinances of that State or local government; and

(4) provide reimbursement to a State or local government, including an Indian tribe, for expenditures incurred in connection with activities under paragraph (2).

(d) POWERS OF LAW ENFORCEMENT OFFICERS.—A law enforcement officer authorized by the Secretary of the Interior under subsection (c) may—

(1) carry firearms within a Reclamation project or on Reclamation lands;

(2) make arrests without warrants for—

(A) any offense against the United States committed in his presence; or

(B) any felony cognizable under the laws of the United States if he has—

(i) reasonable grounds to believe that the person to be arrested has committed or is committing such a felony, and

(ii) such arrest occurs within a Reclamation project or on Reclamation lands or the person to be arrested is fleeing therefrom to avoid arrest;

(3) execute within a Reclamation project or on Reclamation lands any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of the provisions of any Federal law or regulation issued pursuant to law for any offense committed within a Reclamation project or on Reclamation lands; and

(4) conduct investigations within a Reclamation project or on Reclamation lands of offenses against the United States committed within a Reclamation project or on Reclamation lands if the Federal law enforcement agency having investigative jurisdiction over the offense committed declines to investigate the offense.

(e) LEGAL STATUS OF STATE OR LOCAL LAW ENFORCEMENT OFFICERS.—

(1) STATE OR LOCAL OFFICERS NOT FEDERAL EMPLOYEES.—Except as otherwise provided in this section, a law enforcement officer of any State or local government, including an Indian tribe, authorized to act as a law enforcement officer under subsection (c) shall not be deemed to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, employment discrimination, leave, unemployment compensation, and Federal benefits.

(2) APPLICATION OF FEDERAL TORT CLAIMS ACT.—For purposes of chapter 171 of title 28, United States Code (commonly known as the Federal Tort Claims Act), a law enforcement officer of any State or local government, including an Indian tribe, shall, when acting as a law enforcement officer under subsection (c) and while under Federal supervision and control, and only when carrying out Federal law enforcement responsibilities, be considered a Federal employee.

(3) AVAILABILITY OF WORKERS COMPENSATION.—For purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, a law enforcement officer of any State or local government, including an Indian tribe, shall, when acting as a law enforcement officer under subsection (c) and while under Federal supervision and control, and only when carrying out Federal law enforcement responsibilities, be deemed a civil service employee of the United States within the meaning of the term employee as defined in section 8101 of title 5, and the provisions of that subchapter shall apply. Benefits under such subchapter shall be reduced by the amount of any entitlement to State or local workers compensation benefits arising out of the same injury or death.

(f) CONCURRENT JURISDICTION.—Nothing in this section shall be construed or applied to limit or restrict the investigative jurisdiction of any Federal law enforcement agency, or to affect any existing right of a State or local government, including an Indian tribe, to exercise civil and criminal jurisdiction within a Reclamation project or on Reclamation lands.

(g) REGULATIONS.—Except for the authority provided in section 2(c)(1), the law enforcement authorities provided for in this section may be exercised only pursuant to regulations issued by the Secretary of the Interior and approved by the Attorney General.

(h) DEFINITIONS.—In this section:

(1) LAW ENFORCEMENT PERSONNEL.—The term ''law enforcement personnel'' means an employee of a Federal, State, or local government agency, including an Indian tribal agency, who has successfully completed law enforcement training approved by the Secretary and is authorized to carry firearms, make arrests, and execute service of process to enforce criminal laws of his or her employing jurisdiction.

(2) RECLAMATION PROJECT; RECLAMATION LANDS.—The terms ''Reclamation project'' and ''Reclamation lands'' have the meaning given such terms in section 2803 of the Reclamation Projects Authorization and Adjustment Act of 1992 (16 U.S.C. 4601 32).

The SPEAKER pro tempore (Mr. HANSEN). Pursuant to the rule, the gentleman from California (Mr. CALVERT) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

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

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

Mr. Speaker, the Bureau of Reclamation is responsible for protecting 348 Federal dams, 58 hydroelectric power plants, and over 8 million acres of Federal property that contain 300 recreation areas hosting over 90 million visitors each year. Yet, they do not have the authority to contract with any entity to ensure that Federal law is enforced at these facilities.

While Reclamation can contact State and local law enforcement agencies to enforce State and local laws, these entities cannot enforce Federal laws within a Reclamation project or on Reclamation-administered lands.

There continue to be incidents reported by Reclamation field offices regarding criminal acts on these lands and facilities that threaten public safety and property. This bill will vest the Bureau of Reclamation with the authority to contract with other Federal, State, tribal, or local law enforcement entities to provide services at Bureau of Reclamation facilities.

This legislation does not create a new law enforcement agency within the Bureau; it does allow Reclamation to contract with existing agencies, and reimburses them for law enforcement services.

These measures, especially in times such as we are in today, are not only prudent, they are essential. The administration has placed high priority on correcting this situation, and I urge Members to take action, and to do so by supporting this legislation.

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

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

Mr. Speaker, H.R. 2925, as amended, would assist in law enforcement efforts at the Bureau of Reclamation facilities in 17 western States. Despite the agency's responsibility to manage more than 300 dams and reservoirs and 58 hydroelectric power plants, the Secretary of the Interior lacks the adequate authority to enforce Federal law at Bureau of Reclamation facilities. There are often violations of Federal law, including vandalism, theft, trespass, and threats to the security of the facilities.

H.R. 2925, as amended, would authorize the Secretary to contract with Federal, State, local and tribal law enforcement agencies to enforce Federal and State laws on Reclamation lands. The bill would authorize the Secretary to contract with an adjacent landowner, such as the Forest Service or the local police department, to enforce laws on Reclamation lands. The bill would also authorize the Secretary to pay the law enforcement agencies for their services.

The administration supports this bill. Given our support for the safety of our water supply, this legislation, as amended, deserves our support. I urge its adoption.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 2925, as amended.

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

A motion to reconsider was laid on the table.

MOCCASIN BEND NATIONAL HISTORIC SITE ESTABLISHMENT ACT

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 980) to establish the Moccasin Bend National Historic Site in the State of Tennessee as a unit of the National Park System, as amended.

The Clerk read as follows:

H.R. 980

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 ''Moccasin Bend National Historic Site Establishment Act''.

SEC. 2. DEFINITIONS.

For the purposes of this Act the following definitions apply:

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

(2) HISTORIC SITE.—The term ''historic site'' means the Moccasin Bend National Historic Site.

(3) STATE.—The term ''State'' means the State of Tennessee.

(4) MAP.—The term ''Map'' means the map entitled ''Boundary Map, Moccasin Bend National Historic Site'', numbered NAMB/80000A, and dated September 2001.

SEC. 3. ESTABLISHMENT.

(a) IN GENERAL.—In order to preserve, protect, and interpret for the benefit of the public the nationally significant archeological and historic resources located on the peninsula known as Moccasin Bend, Tennessee, there is established as a unit of the National Park System the Moccasin Bend National Historic Site.

(b) BOUNDARIES.—The historic site shall consist of approximately 900 acres generally depicted on the Map. The Map shall be on file and available for public inspection in the appropriate offices of the National Park Service, Department of the Interior. The Secretary may make minor revisions in the boundaries of the historic site in accordance with section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9(c)).

(c) ACQUISITION OF LAND AND INTERESTS IN LAND.—

(1) IN GENERAL.—The Secretary may acquire by donation or purchase from willing sellers, using donated or appropriated funds, lands and interests in lands within the exterior boundary of the historic site.

(2) MOCCASIN BEND MENTAL HEALTH INSTITUTE.—Notwithstanding paragraph (1), the Secretary may acquire the State-owned land and interests in land (including structures on that land) known as the Moccasin Bend Mental Health Institute for inclusion in the historic site only by donation and only after the facility is no longer used to provide health care services, except that the Secretary may acquire by donation only, at any time, any such State-owned land or interests in land that the State determines is excess to the needs of the Moccasin Bend Mental Health Institute. The Secretary may work with the State through a cost sharing arrangement for the purpose of demolishing the structures located on that land that the Secretary determines should be demolished.

(3) EASEMENT OUTSIDE BOUNDARY.—To allow access between areas of the historic site that on the date of the enactment of this Act are noncontiguous, the Secretary may acquire by donation or purchase from willing owners, using donated or appropriated funds, an easement connecting the areas generally depicted on the Map as the ''Moccasin Bend Archeological National Historic Landmark'' and the ''Rock-Tenn'' property.

(d) MOCCASIN BEND GOLF COURSE.—On the date of the enactment of this Act, the boundary of the historic site shall not include the approximately 157 acres of land generally depicted on the Map as the ''Golf Course'' as such lands shall not be within the boundary of the historic site. In the event that those lands are no longer used as a public golf course, the Secretary may acquire the lands for inclusion in the historic site by donation only. Upon such acquisition, the Secretary shall adjust the boundary of the historic site to include the newly acquired lands.

(e) RADIO TOWER PROPERTY.—On the date of the enactment of this Act, the boundary of the historic site shall not include the approximately 13 acres of land generally depicted on the Map as ''WDEF''. In the event that those lands are no longer used as a location from which to transmit radio signals, the Secretary may acquire the lands for inclusion in the historic site by donation or purchase from willing sellers with appropriated or donated funds. Upon such acquisition, the Secretary shall adjust the boundary of the historic site to include the newly acquired lands.

SEC. 4. ADMINISTRATION.

(a) IN GENERAL.—The historic site shall be administered by the Secretary in accordance with this Act and with the laws generally applicable to units of the National Park System.

(b) COOPERATIVE AGREEMENT.—The Secretary may consult and enter into cooperative agreements with culturally affiliated federally recognized Indian tribes, governmental entities, and interested persons to provide for the restoration, preservation, development, interpretation, and use of the historic site.

(c) VISITOR INTERPRETIVE CENTER.—For purposes of interpreting the historical themes and cultural resources of the historic site, the Secretary may establish and administer a visitor center in the development of the center's operation and interpretive programs.

(d) GENERAL MANAGEMENT PLAN.—Not later than three years after funds are made available for this purpose, the Secretary shall develop and submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a general management plan for the historic site. The general management plan shall describe the appropriate protection and preservation of natural, cultural, and scenic resources, visitor use,

and facility development within the historic area consistent with the purposes of this Act, while ensuring continued access to private landowners to their property.

SEC. 5. REPEAL OF PREVIOUS ACQUISITION AUTHORITY.

The Act of August 3, 1950 (Chapter 532; 16 U.S.C. 424a–4) is repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

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

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

Mr. Speaker, H.R. 908, introduced by the gentleman from Tennessee (Mr. WAMP), establishes the Moccasin Bend National Historical Site as a unit of the National Park System. The gentleman from Tennessee (Mr. WAMP) is to be commended for his very hard work in bringing this bill to the floor and addressing a number of issues of concern. Because of his efforts and the advocacy that he participated in, the bill is now ready to move forward.

This area of land, approximately 900 acres along the Tennessee River in Chattanooga, contains a number of historical artifacts and played a large role during the Civil War. Moccasin Bend was studied by the National Park Service, which recommended this area for inclusion as a park unit because it possessed an extensive range of historic themes and cultural resources.

Mr. Speaker, this bill was amended during committee proceedings in order to address many of the concerns voiced by the minority and the Park Service, especially with the future of the public golf course and the mental health facility boundaries and adjustments.

Most of these major problems have been worked out, and the bill is now supported by both the minority and the administration. Furthermore, appropriations for the acquisition have already been included in this year's budget, and authorization is required in order to proceed.

Mr. Speaker, I again congratulate the gentleman from Tennessee (Mr. WAMP) on his very hard work on this bill, and I urge my colleagues to support H.R. 908, as amended.

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

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

Mr. Speaker, Moccasin Bend is an area near Chattanooga, Tennessee, where archeologists have unearthed evidence of Native American inhabitants dating back thousands of years, mingled with important artifacts from the Civil War. In fact, this area is thought to be one of the most important Native American sites within any American city. Yet, Moccasin Bend enjoys no uniform protection.

The area is home to a number of uses that are inconsistent with providing the area and its artifacts the protection they deserve. H.R. 980 will be an important step in changing this. The legislation will designate a major portion of Moccasin Bend as a national historic park, to be managed and preserved by the National Park Service. Once fully established, future generations will be able to visit this new unit and explore firsthand thousands of years of history.

It should be noted that passage of H.R. 980 does not mean that there is no more to be done at Moccasin Bend. Several of the parcels in the area simply cannot be included in the park at this time. However, this legislation provides us with the tools we need to include those areas in the near future, and we look forward to working with the gentleman from Tennessee (Mr. WAMP) and the local community to ensure this area will be fully protected.

Mr. Speaker, we support H.R. 980 and urge our colleagues to do likewise.

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

Mr. RADANOVICH. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Speaker, I have been privileged for the last 43 years to call Chattanooga, Tennessee my hometown. Chattanooga, the word, is a derivative of a Creek Indian word which means ''rock coming to a point,'' because what those Native Americans saw there above the Tennessee River as it meanders through the foothills of Appalachia is Lookout Mountain coming to a point. They had a Creek Indian word that later became ''Chattanooga.''

If we stand on the northern tip of Lookout Mountain at Point Park, which is part of the Chickamauga Chattanooga National Military Park where the Civil War was fought, and we overlook the City of Chattanooga and the Tennessee River, we literally look right down on this boot, this moccasin called Moccasin Bend.

It is a peninsula that is rich, I mean rich, with human history. As a matter of fact, anthropologists say that there is not another unit in the National Park System that is as rich. They call it a constellation of human habitation through the various time periods dating back 10,500 years. That is the known human habitation and human history of Moccasin Bend.

But when we looked down at Moccasin Bend when it was just raw land, it was beautiful. It is still beautiful today, but as the gentleman from West Virginia says, it actually has been cut up somewhat because of buildings that have been built on it and different infrastructure that has been placed there. However, it is time, long past time, to preserve this particular asset through our National Park System.

Mr. Speaker, about 5 years ago, as a member of the Subcommittee on Interior of the Committee on Appropriations, we were able to insert the money for this study that our chairman, the gentleman from California, referred to. The study came back and clearly determined the national significance, the suitability, and the feasibility of adding Moccasin Bend to the National Park System.

When we look back on the human history, believe it or not, we have proof that hunters, human hunters, hunted mammoth and mastodon here on Moccasin Bend; then later white-tailed deer. Then we know the history that the Native Americans actually lived there.

As the Spanish explorers DeSoto and DeLuna came through this part of our country on their way, DeSoto to the Mississippi River 450 years ago, their colleagues and their contemporaries actually made a home here on Moccasin Bend. Then the Trail of Tears crossed Moccasin Bend not once but twice as that tragic chapter in American history took place. The Civil War, different assets of the Civil War are there. There were actually gun embankments there and emplacements there on Moccasin Bend. So it is rich with human history, and it needs to be preserved and protected.

Two main barriers existed. With regard to the Moccasin Bend Mental Health Center, we found a way to grandfather that in, and even to free up the State of Tennessee to go ahead and convey all the property except where the buildings actually sit, so that the park can go ahead and establish its boundaries.

Also, there is a municipal golf course there that the city and county jointly own. We allowed it to be left alone, and at a later time, whenever there is no longer a golf course there, the property can be added. The Secretary of the Interior can just take it.

So in both cases we had to find a compromise, so we were building consensus, and we have. Part of the bill specifically addresses an interpretive center where we can interpret the Native American history.

If Members have been to Chattanooga lately, they know what a wonderful place it has become. In the last 15 years, it has been transformed into a people place. All up and down the Tennessee River are river walks and trails. This national park addition will very much compliment what has already been done there with public-private partnerships and a tremendous infusion of private capital to bring people back to the river and reclaiming our heritage.

The beautiful Tennessee Aquarium is one of the largest tourist draws in the Southeast there. So many activities have taken place, and this fits right into it.

The compromise ends up being about 900 acres into the National Park System. It has been supported by our city,

by our county; the State of Tennessee is in favor of this. We have unanimous support from the Tennessee congressional delegation, both parties. The cultural committee of the five civilized tribes of Cherokees and Native Americans have supported this proposal.

The group that kept this dream alive from 1950 until now, and see, this original legislation passed in 1950 to add this to the National Park System, but Governor Frank Clement at the time decided to build a mental health center there. He did not sign the legislation. Now our colleague, his son, the gentleman from Tennessee (Mr. CLEMENT) is cosponsor of the legislation to finally add Moccasin Bend into the National Park System. We are encouraged by that greatly. Over the last 50 years, organizations have tried to bring this back up, but in the last 6 years or so an organization called Friends of Moccasin Bend have done yeoman's work in making this a reality.

We commend Mickey Robbins and Jay Mills, Bob Hunter, Mike Mann, Meg Beene, and many others: City Councilpersons Sally Robinson and John Taylor; our new Mayor, Bob Corker; County Executive Claude Ramsey. We have done very well to bring all these people together.

In closing, Mr. Speaker, I would like to thank the committees very, very much: the ranking member, the gentleman from West Virginia (Mr. RAHALL) and the gentleman from Utah (Mr. HANSEN); at the subcommittee level, the gentleman from Colorado (Chairman HEFLEY), and now the gentleman from California (Chairman RADANOVICH), and the ranking member, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), have worked with us to try to dot our I's and cross our T's.

There has been excellent staff support: Robb Howarth and Tod Hall; on the minority side, David Watkins has been very helpful. At the subcommittee level of the Committee on Appropriations, both in the Subcommittee on Interior and the Subcommittee on Energy and Water Development, where I serve, all of our staff members have been extremely helpful.

This is a great day in the history of our city and our region because Moccasin Bend needs to be a separate unit in the National Park System, a national historic site. Today, with bipartisan support, I hope we will pass this bill through the House of Representatives and send it to the United States Senate, and get in line so that when President Bush lifts the moratorium on new additions into the National Park System, we would maybe be behind the Ronald Reagan boyhood home. So the gentleman from Illinois (Speaker HASTERT) gets his wish first, and I get my wish second.

I thank my colleagues for working with me on this most important step toward preserving a real American treasure, the Moccasin Bend National Historic Site.

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

Mr. Speaker, I want to commend the gentleman from Tennessee (Mr. WAMP) for the enthusiasm and dogged determination with which he has pursued this issue.

Obviously, judging from his remarks just now in the well and his every appearance before our committee and before this body, Members can really see his love for this area. I salute him for that dedication.

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

□ 1615

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

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 980, as amended.

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

A motion to reconsider was laid on the table.

METACOMET-MONADNOCK-SUNAPEE-MATTABESETT TRAIL STUDY ACT OF 2001

Mr. RADANOVICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1814) to amend the National Trails System Act to designate the Metacomet-Monadnock-Sunapee-Mattabesett Trail extending through western New Hampshire, western Massachusetts, and central Connecticut for study for potential addition to the National Trails System, as amended.

The Clerk read as follows:

H.R. 1814

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 ''Metacomet-Monadnock-Mattabesett Trail Study Act of 2001''.

SEC. 2. DESIGNATION OF METACOMET-MONADNOCK-MATTABESETT TRAIL FOR STUDY FOR POTENTIAL ADDITION TO THE NATIONAL TRAILS SYSTEM.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following new paragraph:

''(____) METACOMET-MONADNOCK-MATTABESETT TRAIL.—The Metacomet-Monadnock-Mattabesett Trail, a system of trails and potential trails extending southward approximately 180 miles through western Massachusetts on the Metacomet-Monadnock Trail, across central Connecticut on the Metacomet Trail and the Mattabesett Trail, and ending at Long Island Sound.''.

SEC. 3. EXPEDITED REPORT TO CONGRESS.

Notwithstanding the fourth sentence of section 5(b) of the National Trails System Act (16 U.S.C. 1244(b)), the Secretary of the Interior shall submit the study required by the amendment made by section 2 to Congress not later than two years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. RADANOVICH) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

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

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

Mr. Speaker, H.R. 1814, introduced by the gentleman from Massachusetts (Mr. OLVER), authorizes a study to include the Metacomet-Monadnock-Sunapee-Mattabesett Trail for designation into the National Trail System. The trail would extend from southern Connecticut to northern Massachusetts and winds through some of the most scenic areas in these States. The trail also would help interpret much of the important early history of the Eastern United States.

The National Park Service would be in charge of conducting the study, which would then forward their recommendation to the appropriate congressional committees within 2 years.

If the study recommends inclusion into the National Trail System, Congress would then seek to approve the actual designation.

Mr. Speaker, this bill was amended during the committee proceedings to address concerns of private landowners in New Hampshire. The bill is now ready to move forward. It is supported by both the minority and the administration. I urge my colleagues to support H.R. 1814 as amended.

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

Mr. Speaker, H.R. 1814, introduced by our colleague, the gentleman from Massachusetts (Mr. OLVER), would provide for a study of a series of trails extending through western Massachusetts and central Connecticut. The purpose of this study would be to determine if the trails in question are a suitable and feasible addition to the National Trails System.

The trails are well established and traverse several hundred miles to provide a link to a number of historical and recreational sites in the Northeastern region. The testimony before the Committee on Resources indicate widespread public support for the trails, and the National Park Service testified that the trails would be a good candidate for study for possible designation as part of the National Trail System.

Mr. Speaker, I wish to commend the gentleman from Massachusetts (Mr. OLVER) for his initiative and for his pursuing this along every step of the away. I am aware of no opposition to the legislation, and I would urge its adoption by the House.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. OLVER).

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

Mr. Speaker, I rise in support of H.R. 1814, which authorizes the Department of Interior to conduct a feasibility study of the combined Metacomet-Monadnock-Sunapee-Mattabesett trails in Massachusetts and Connecticut for possible inclusion in the National Trail System.

Before I describe this project in my own words, I want to thank the chairman, the gentleman from California (Mr. RADANOVICH), and particularly the previous chairman, the gentleman from Colorado (Mr. HEFLEY), and the ranking member, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), of the Subcommittee on National Parks and Public Lands, and, of course, the chairman of the Committee on Resources, the gentleman from Utah (Mr. HANSEN), who happens to be in the Speaker's chair today, along with the ranking member, the gentleman from West Virginia (Mr. RAHALL), along with all of the staff for the subcommittee and the full committee for so expeditiously bringing this legislation to the floor for action.

Mr. Speaker, these identified and potential trails begin with the Metacomet-Monadnock Trail at the Massachusetts/New Hampshire border and continue southward within the Connecticut River watershed along the Mt. Tom and Mt. Holyoke ranges through Massachusetts and Connecticut, then connect with Mattabesett Trail in Connecticut and eventually end at the shore of Long Island Sound.

Unique cultural, scenic, historic, and geological features of these New England trails distinguish them as worthy of this study and national recognition. The geological features are dominated by the steep volcanic trap-rock basalt ridges which rise more than 1,000 feet above the Connecticut River Valley floor in Massachusetts and Connecticut. These basalt ridges are the erosion-resistant remains of a 250 million-year-old volcanic activity. They define the route of the proposed National Scenic Trail and pass within just a few miles of major cities in Connecticut: New Haven, Meriden, New Britain, and Hartford; and in Massachusetts: Springfield, Holyoke, Westfield, and Amherst.

The trails provide over 180 miles of recreational hiking and backpacking for nearby residents of the Connecticut River Valley, including rural and major urban areas. In a region of increasing growth and sprawl, these trails also provide important open space and wildlife habitat.

Mr. Speaker, this bill has been cosponsored by every Member of this House who has part of the trail passing through their district and has the support of local communities, conservation groups, and constituents.

In Massachusetts, I would like to thank Pat Fletcher and Chris Ryan of Berkshire Chapter of the Appalachian Mountain Club and Peter Westover at the Amherst Conservation Commission for their dedication to the project. In Connecticut, I would like to recognize the work of Ann Colson and Patty Pentergast at the Connecticut Forest and Parks Association, which is the organization that runs all of the public trail system managed by the State of Connecticut.

Other groups that have supported this effort include the Nature Conservancy, the New England Wildflower Organization, the Trustees of Reservation in Massachusetts, and the Kestrel Trust in the Connecticut River Valley. These citizens and hundreds of other volunteers and paid staff work hard to maintain and protect these trails.

Through this legislation, I, and the other sponsors of the bill, hope to provide additional resources and opportunities for the good work that all of those citizens and volunteers and organizations do. I urge a yes vote on H.R. 1814.

Mr. RADANOVICH. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in support of this bill that will provide the resources to enable us to study these trails, many of which go back hundreds of years, well before independence, and to study the possibilities they hold for future generations of preservation and restoration. It will be a great benefit to New England as well as to the whole country to be able to have the information to preserve these trails and to make sure that they will be there to serve future generations.

In New England, of course, it is a different matter than other parts of the country. These trails go in large measure through private lands and have a long tradition of being open and available to the public. So we look forward to the results of the study, and we thank the Speaker for considering this today.

I thank the gentleman from Massachusetts (Mr. OLVER) for his leadership in this matter. Without his personal involvement and the fact that he has hiked all these trails personally, I think this bill would not have moved along as rapidly as it has, and I thank the gentleman from Massachusetts for his leadership.

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

I, too, want to join in the commendation to the gentleman from Massachusetts (Mr. OLVER). I said in the beginning he has walked this legislation along every step of the way. I did not realize he had walked every step of the trail as well. So I commend him for his leadership and personal involvement on this issue.

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

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

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentleman from California (Mr. RADANOVICH) that the House suspend the rules and pass the bill, H.R. 1814, as amended.

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

The title of the bill was amended so as to read: ''A bill to amend the National Trails System Act to designate the Metacomet-Monadnock-Mattabesett Trail extending through western Massachusetts and central Connecticut for study for potential addition to the National Trails System.''.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 25 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SWEENEY) at 6 p.m.

MESSAGE FROM THE SENATE

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

S. 838. An act to amend the Federal Food, Drug, and Cosmetic Act to imporve the safety and efficacy of pharmaceuticals for children.

S. Con. Res. 74. 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.

APPOINTMENT OF MEMBERS TO DWIGHT D. EISENHOWER MEMORIAL COMMISSION

The SPEAKER pro tempore. Without objection, and pursuant to section 8162(c)(3) of Public Law 106–79, the Chair announces the Speaker's appointment of the following Members of the House to the Dwight D. Eisenhower Memorial Commission:

Mr. THORNBERRY of Texas,
Mr. MORAN of Kansas,
Mr. MOORE of Kansas,
Mr. BOSWELL of Iowa.
There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on the motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

H.R. 3086, by the yeas and nays;
H.R. 3160, by the yeas and nays; and
H.R. 2924, by the yeas and nays.

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

HIGHER EDUCATION RELIEF OPPORTUNITIES FOR STUDENTS ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3086, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. MCKEON) that the House suspend the rules and pass the bill, H.R. 3086, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 15, as follows:

[Roll No. 395]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
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
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
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
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Berman
Bilirakis
Burton
Conyers
Cubin
Davis (IL)
Kilpatrick
McInnis
Miller, Dan
Pence
Reyes
Sánchez
Stark
Stearns
Taylor (NC)

□ 1828

Mr. CHABOT changed his vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. PENCE. Mr. Speaker, on rollcall No. 395. I was unavoidably detained at the hospital with my son who suffered a fractured collarbone on the playground at school. Had I been present, I would have voted "yea."

□ 1830

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, October 17, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from L. Clayton Roberts, Director, Division of Elections, of the Office of the Secretary of State, State of Florida, indicating that, according to the unofficial returns of the Special Election held October 16, 2001, the Honorable Jeff Miller was elected Representative in Congress for the First Congressional District, State of Florida.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk.

Attachment.

FLORIDA DEPARTMENT OF STATE,
DIVISION OF ELECTIONS,
Tallahassee, FL, October 17, 2001.

Hon. JEFF TRANDAHL,
Clerk, House of Representatives, Washington, DC.

DEAR MR. TRANDAHL: This is to advise you that the unofficial results of the Special Election held on Tuesday, October 16, 2001, for Representative in Congress from the First Congressional District of Florida, show that Jeff Miller received 53,247 votes or 65.7 percent of the total number of votes cast for that office.

It would appear from these unofficial results that Jeff Miller was elected as Representative in Congress from the First Congressional District of Florida.

To the best of our knowledge and belief at this time, there is no contest to this election.

As soon as the official results are certified to this office by all counties involved, an official Certificate of Election will be prepared for transmittal as required by law.

Sincerely,

L. CLAYTON ROBERTS,
Director, Division of Elections.

UNOFFICIAL RESULTS—UNITED STATES REPRESENTATIVE DISTRICT: 1

County	Report (Percent)	Jeff Miller (REP)	Steve Briese (DEM)	John G. Ralls Jr., (NPA)	Floyd Miller (WRI)	Tom Wells (WRI)
Bay	100.0%	1,483	557	39	4	0
Escambia	100.0%	18,851	9,616	1,769	0	0
Holmes	100.0%	633	506	20	0	0
Okaloosa	100.0%	18,239	7,339	2,314	0	0
Santa Rosa	100.0%	11,601	3,012	703	0	0
Walton	100.0%	2,400	1,663	268	0	0
Total		53,247	22,693	5,113	4	0
Percent		65.7	28.0	6.3	0.0	0.0

PROVIDING FOR SWEARING IN OF MR. JEFF MILLER, OF FLORIDA, AS A MEMBER OF THE HOUSE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that the gentleman from Florida (Mr. JEFF MILLER) be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest; and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 17, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from the Honorable William F. Galvin, Secretary of the Commonwealth, Commonwealth of Massachusetts, indicating that, according to the unofficial returns of the Special Election held October 16, 2001, the Honorable Stephen F. Lynch was elected Representative in Congress for the Ninth Congressional District, Commonwealth of Massachusetts.

With best wishes, I am.

Sincerely,

JEFF TRANDAHL,
Clerk.

Attachment.

THE COMMONWEALTH OF MASSACHUSETTS, SECRETARY OF THE COMMONWEALTH, STATE HOUSE,
Boston, Massachusetts, October 17, 2001.

Hon. JEFF TRANDAHL,
Clerk, House of Representatives, Washington, DC.

DEAR MR. TRANDAHL: This is to advise you that the unofficial results of the Special State Election, held on Tuesday, October 16, 2001, for the office of Representative in Congress from the Ninth Congressional District of Massachusetts, show that Stephen F. Lynch received 44,836 votes out of 69,779 total votes cast for that office.

It would appear from these unofficial results that Stephen F. Lynch was elected as Representative in Congress from the Ninth Congressional District of Massachusetts.

To the best of my knowledge and belief at this time, there is no contest to this election.

As soon as the official results are certified to this office by those municipalities located within the Ninth Congressional District, an official Certificate of Election will be prepared for transmittal as required by law.

Thank you for your attention to this matter.

Very truly yours,

WILLIAM FRANCIS GALVIN,
Secretary of the Commonwealth.

PROVIDING FOR SWEARING IN OF MR. STEPHEN F. LYNCH, OF MASSACHUSETTS, AS A MEMBER OF THE HOUSE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts (Mr. STEVEN F. LYNCH) be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

SWEARING IN OF THE HONORABLE JEFF MILLER, OF FLORIDA, AND THE HONORABLE STEPHEN F. LYNCH, OF MASSACHUSETTS, AS MEMBERS OF THE HOUSE

The SPEAKER. Will the Member-elect from Florida (Mr. JEFF MILLER) and the Member-elect from Massachusetts (Mr. STEPHEN F. LYNCH) please come forward, and would the representative delegations from Florida and Massachusetts please join them.

Mr. JEFF MILLER and Mr. STEPHEN F. LYNCH appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you will take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations. You are now Members of the 107th Congress.

INTRODUCTION OF JEFF MILLER, NEW MEMBER FROM FLORIDA

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

Mr. YOUNG of Florida. Mr. Speaker, as a senior Member of the Florida delegation, it is my privilege to present to my colleagues in the House and ask them to join me in welcoming JEFF MILLER to the people's House.

Mr. Speaker, prior to his election on October 16, the gentleman from Florida (Mr. JEFF MILLER) was a member of the Florida legislature where he distinguished himself extremely well. He is a hard worker, and he represents a district that is vital to the national security interests of the United States, the First Congressional District of Florida. If the gentleman gets any more military establishments there, it is probably going to sink into the Gulf of Mexico. He has a tremendous responsibility representing that type of district here in the Congress, and especially in today's world when national security is in all of our minds.

Mr. Speaker, one of the important things about the gentleman from Florida (Mr. JEFF MILLER) is that he was my constituent for 14 years. He was born and grew up in the district that I have had the honor to represent for a long time; and that makes me doubly proud of the gentleman, and I am extremely happy to present to the gentleman his colleagues in the House of Representatives.

GREETINGS FROM THE WESTERN GATE OF THE SUNSHINE STATE

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

Mr. JEFF MILLER of Florida. Mr. Speaker, I bring my colleagues greetings from the western gate of the Sunshine State where thousands live like millions wish they did.

Mr. Speaker, I want to take this opportunity, if I might, to recognize my

wife and family who are here with me today in the gallery.

I come from a small town that Members will hear a lot about. It is a town called Chumuckla. It is a small rural community where the young people learn the difference from right and wrong, where even prior to September 11 there was a great respect for our men and women in uniform. I live in a community where men remove their caps when the National Anthem is played, and our people still bow their heads at local football games.

Mr. Speaker, I am proud to be the Congressman from the First Congressional District, and the promise that I made to the people back home upon my election was that I would work as hard as I could to be the best Congressman ever. All I can say, my wish tonight is that God would continue to bless and protect these United States of America.

INTRODUCTION OF STEPHEN F. LYNCH, NEW MEMBER FROM MASSACHUSETTS

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

Mr. MARKEY. Mr. Speaker, I rise to honor and welcome STEPHEN LYNCH to the high office of United States Representative. I want my colleagues to know that we are welcoming into our midst a man who from day one embodies the history, the purpose and the mission of the people's House. He learned the value of hard work and pride and accomplishment by joining his father as an ironworker in Local Number 7. He learned the value of service from a mother who earned a living as a postal clerk.

He rose from the housing projects of South Boston to work his way through college and Boston College Law School. While ''climbing iron,'' STEPHEN was elected the youngest president in the history of Ironworkers Local Number 7. He then served proudly in the Massachusetts State House representing South Boston, first in the State House of Representatives and then in the Massachusetts State Senate.

His combination of thoughtful listening and forceful leadership in the bubbling, boiling caldron of Massachusetts State politics has earned him the broad and deep respect of everyone with whom he has come into contact. Indeed, in this election he received the endorsement of the Boston Globe and the Boston Herald, a heretofore impossible task in Massachusetts politics.

The gentleman from Massachusetts (Mr. LYNCH) is going to succeed Joe Moakley. STEPHEN has said if he could fill even one of Joe Moakley's big shoes, he would be happy to do that. It is a gracious remark that demonstrates the profound appreciation the gentleman has for the work that Joe Moakley did here throughout his lifetime.

Joe Moakley in turn replaced John McCormack as the Congressman from South Boston. In electing STEVE, we have picked someone at this uncommon time with the talent and the courage which this country is going to need in order to surmount the challenges which face us in the years ahead.

Mr. Speaker, I give my colleagues the new, great Congressman from the city of Boston, the gentleman from Massachusetts (Mr. LYNCH).

EXPRESSING GRATITUDE AND THANKS FOR THE OPPORTUNITY TO SERVE AS REPRESENTATIVE FOR NINTH CONGRESSIONAL DISTRICT OF MASSACHUSETTS

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

Mr. LYNCH. Mr. Speaker, I thank Members for their courtesy, and I thank the gentleman from Massachusetts (Mr. MARKEY) for the kind and generous introduction. I want to say I have much to be thankful for today. I thank God for the opportunity to serve here in the House of Representatives. I also want to thank my mom and dad, and my family, my five sisters, my wife, Margaret, my daughter, Victoria, and most of the congressional district that I represent that has followed me here today. I want to thank and recognize them.

Mr. Speaker, I thank the families of the 9th Congressional District of Massachusetts and my many supporters for allowing me this opportunity to represent them here in the House of Representatives; and I know that I follow in the shadow of a great man, Congressman Joe Moakley. No one misses him more than I do. He spoke so highly of this institution; and he had such great respect for every Member of this body, Republican and Democrat. I just know that coming in here, I have an awful lot of work to do to deserve my place, to earn my place, to serve beside my colleagues.

Mr. Speaker, God bless everyone here, and God bless the United States of America.

MOMENT OF SILENCE TO HONOR POSTAL SERVICE EMPLOYEES

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

Mr. WAMP. Mr. Speaker, I think it would be appropriate tonight with this many Members present and with our new Members present and on the job, if we as a body, in a unified way, stood together for a moment of silence in memory of the Postal Service employees that have lost their lives; and in honor of all of the families and all of those U.S. Postal Service employees around the country that work for us day in and day out, that we would bow our heads as the United States Congress in their honor and in their memory and pray for our country at this time in our country's history. Please stand.

BIOTERRORISM ENFORCEMENT ACT OF 2001

The SPEAKER. The pending business is the question of suspending the rules and passing the bill, H.R. 3160.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 3160, on which the yeas and nays are ordered.

This will be a 15-minute vote followed by a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 13, as follows:

[Roll No. 396]

YEAS—419

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

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

NOT VOTING—13

Ballenger
Bilirakis
Burton
Cubin
Davis (IL)
Kilpatrick
Miller, Dan
Pomeroy
Reyes
Sánchez
Stark
Stearns
Taylor (NC)

□ 1904

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. POMEROY. Mr. Speaker, on rollcall No. 396, the Bioterrorism Enforcement Act of 2001, had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SWEENEY). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

PROPERTY PROTECTION PROGRAM FOR POWER MARKETING ADMINISTRATIONS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2924, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CALVERT) that the House suspend the rules and pass the bill, H.R. 2924, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 14, as follows:

[Roll No. 397]

YEAS—418

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
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
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
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
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney

Toomey	Walsh	Weller
Towns	Wamp	Wexler
Traficant	Waters	Whitfield
Turner	Watkins (OK)	Wicker
Udall (CO)	Watson (CA)	Wilson
Udall (NM)	Watt (NC)	Wolf
Upton	Watts (OK)	Woolsey
Velázquez	Waxman	Wu
Visclosky	Weiner	Wynn
Vitter	Weldon (FL)	Young (AK)
Walden	Weldon (PA)	Young (FL)

NOT VOTING—14

Ballenger	Davis (IL)	Sánchez
Bilirakis	Jones (OH)	Stark
Boehner	Kilpatrick	Stearns
Burton	Miller, Dan	Taylor (NC)
Cubin	Reyes	

□ 1915

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3090, ECONOMIC SECURITY AND RECOVERY ACT OF 2001

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 107–252) on the resolution (H. Res. 270) providing for consideration of the bill (H.R. 3090) to provide tax incentives for economic recovery, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record vote on the postponed question will be taken tomorrow.

UNITING AND STRENGTHENING AMERICA BY PROVIDING APPROPRIATE TOOLS REQUIRED TO INTERCEPT AND OBSTRUCT TERRORISM (USA PATRIOT) ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3162) to deter and punish terrorist acts in the United States and around the world, to enhance law enforcement investigatory tools, and for other purposes.

The Clerk read as follows:

H.R. 3162

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 by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) 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.
Sec. 223. Civil liability for certain unauthorized disclosures.
Sec. 224. Sunset.
Sec. 225. Immunity for compliance with FISA wiretap.

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. Financial institutions specified in subchapter II of chapter 53 of title 31, United States code.
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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 the 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'';

(C) by striking ''by any person, or with respect to any property, subject to the jurisdiction of the United States'; and

(D) 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 to read as follows:

''(C)(i) Disclosure otherwise prohibited by this rule of matters occurring before the grand jury may also be made—

''(I) when so directed by a court preliminarily to or in connection with a judicial proceeding;

''(II) when permitted by a court at the request of the defendant, upon a showing that grounds may exist for a motion to dismiss the indictment because of matters occurring before the grand jury;

''(III) when the disclosure is made by an attorney for the government to another Federal grand jury;

''(IV) when permitted by a court at the request of an attorney for the government, upon a showing that such matters may disclose a violation of state criminal law, to an appropriate official of a state or subdivision of a state for the purpose of enforcing such law; or

''(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 clause (iv) of this subparagraph), 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.

''(ii) If the court orders disclosure of matters occurring before the grand jury, the disclosure shall be made in such manner, at such time, and under such conditions as the court may direct.

''(iii) Any Federal official to whom information is disclosed pursuant to clause (i)(V) of this subparagraph 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. Within a reasonable time after

such disclosure, an attorney for the government shall file under seal a notice with the court stating the fact that such information was disclosed and the departments, agencies, or entities to which the disclosure was made.

''(iv) In clause (i)(V) of 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 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.''.

(2) CONFORMING AMENDMENT.—Rule 6(e)(3)(D) of the Federal Rules of Criminal Procedure is amended by striking ''(e)(3)(C)(i)'' and inserting ''(e)(3)(C)(i)(I)''.

(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)(i)(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 in 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(e)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(e)(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)(1)(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)(1)(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 fewer 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 a 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 for such service (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) to a government entity as authorized under chapters 119, 121, or 206 of title 18, United States Code, except that such disclosure shall not include records revealing cable subscriber selection of video programming from a cable operator.''; 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 obtain foreign intelligence information not concerning a United States person or 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 foreign intelligence information not concerning a United States person or 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 ''foreign intelligence information not concerning a United States person or 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 ''foreign intelligence information not concerning a United States person or 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.

''(3)(A) Where the law enforcement agency implementing an ex parte order under this subsection seeks to do so by installing and using its own pen register or trap and trace device on a packet-switched data network of a provider of electronic communication service to the public, the agency shall ensure that a record will be maintained which will identify—

''(i) any officer or officers who installed the device and any officer or officers who accessed the device to obtain information from the network;

''(ii) the date and time the device was installed, the date and time the device was uninstalled, and the date, time, and duration of each time the device is accessed to obtain information;

''(iii) the configuration of the device at the time of its installation and any subsequent modification thereof; and

''(iv) any information which has been collected by the device.

To the extent that the pen register or trap and trace device can be set automatically to record this information electronically, the record shall be maintained electronically throughout the installation and use of such device.

''(B) The record maintained under subparagraph (A) shall be provided ex parte and under seal to the court which entered the ex parte order authorizing the installation and use of the device within 30 days after termination of the order (including any extensions thereof).''.

(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’’.

(6) CONFORMING AMENDMENT.—Section 3124(b) of title 18, United States Code, is amended by inserting ‘‘or other facility’’ after ‘‘the appropriate line’’.

SEC. 217. INTERCEPTION OF COMPUTER TRESPASSER COMMUNICATIONS.

Chapter 119 of title 18, United States Code, is amended—

(1) in section 2510—

(A) in paragraph (18), by striking ‘‘and’’ at the end;

(B) in paragraph (19), by striking the period and inserting a semicolon; and

(C) by inserting after paragraph (19) the following:

‘‘(20) ‘protected computer’ has the meaning set forth in section 1030; and

‘‘(21) ‘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 transmitted to, through, or from the protected computer, 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.

(a) IN GENERAL.—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.’’.

(b) CONFORMING AMENDMENT.—Section 2703(d) of title 18, United States Code, is amended by striking ‘‘described in section 3127(2)(A)’’.

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 January 23, 1995, as amended;

(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 a 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.

SEC. 223. CIVIL LIABILITY FOR CERTAIN UNAUTHORIZED DISCLOSURES.

(a) Section 2520 of title 18, United States Code, is amended—

(1) in subsection (a), after ‘‘entity’’, by inserting ‘‘, other than the United States,’’;

(2) by adding at the end the following:

‘‘(f) ADMINISTRATIVE DISCIPLINE.—If a court or appropriate department or agency determines that the United States or any of its departments or agencies has violated any provision of this chapter, and the court or appropriate department or agency finds that the circumstances surrounding the violation raise serious questions about whether or not an officer or employee of the United States acted willfully or intentionally with respect to the violation, the department or agency shall, upon receipt of a true and correct copy of the decision and findings of the court or appropriate department or agency promptly initiate a proceeding to determine whether disciplinary action against the officer or employee is warranted. If the head of the department or agency involved determines that disciplinary action is not warranted, he or she shall notify the Inspector General with jurisdiction over the department or agency concerned and shall provide the Inspector General with the reasons for such determination.’’; and

(3) by adding a new subsection (g), as follows:

‘‘(g) IMPROPER DISCLOSURE IS VIOLATION.—Any willful disclosure or use by an investigative or law enforcement officer or governmental entity of information beyond the extent permitted by section 2517 is a violation of this chapter for purposes of section 2520(a).

(b) Section 2707 of title 18, United States Code, is amended—

(1) in subsection (a), after ‘‘entity’’, by inserting ‘‘, other than the United States,’’;

(2) by striking subsection (d) and inserting the following:

''(d) ADMINISTRATIVE DISCIPLINE.—If a court or appropriate department or agency determines that the United States or any of its departments or agencies has violated any provision of this chapter, and the court or appropriate department or agency finds that the circumstances surrounding the violation raise serious questions about whether or not an officer or employee of the United States acted willfully or intentionally with respect to the violation, the department or agency shall, upon receipt of a true and correct copy of the decision and findings of the court or appropriate department or agency promptly initiate a proceeding to determine whether disciplinary action against the officer or employee is warranted. If the head of the department or agency involved determines that disciplinary action is not warranted, he or she shall notify the Inspector General with jurisdiction over the department or agency concerned and shall provide the Inspector General with the reasons for such determination.''; and

(3) by adding a new subsection (g), as follows:

''(g) IMPROPER DISCLOSURE.—Any willful disclosure of a 'record', as that term is defined in section 552a(a) of title 5, United States Code, obtained by an investigative or law enforcement officer, or a governmental entity, pursuant to section 2703 of this title, or from a device installed pursuant to section 3123 or 3125 of this title, that is not a disclosure made in the proper performance of the official functions of the officer or governmental entity making the disclosure, is a violation of this chapter. This provision shall not apply to information previously lawfully disclosed (prior to the commencement of any civil or administrative proceeding under this chapter) to the public by a Federal, State, or local governmental entity or by the plaintiff in a civil action under this chapter.''.

(c)(1) Chapter 121 of title 18, United States Code, is amended by adding at the end the following:

''§ 2712. Civil actions against the United States

''(a) IN GENERAL.—Any person who is aggrieved by any willful violation of this chapter or of chapter 119 of this title or of sections 106(a), 305(a), or 405(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) may commence an action in United States District Court against the United States to recover money damages. In any such action, if a person who is aggrieved successfully establishes such a violation of this chapter or of chapter 119 of this title or of the above specific provisions of title 50, the Court may assess as damages—

''(1) actual damages, but not less than $10,000, whichever amount is greater; and

''(2) litigation costs, reasonably incurred.

''(b) PROCEDURES.—(1) Any action against the United States under this section may be commenced only after a claim is presented to the appropriate department or agency under the procedures of the Federal Tort Claims Act, as set forth in title 28, United States Code.

''(2) Any action against the United States under this section shall be forever barred unless it is presented in writing to the appropriate Federal agency within 2 years after such claim accrues or unless action is begun within 6 months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the agency to which it was presented. The claim shall accrue on the date upon which the claimant first has a reasonable opportunity to discover the violation.''.

''(3) Any action under this section shall be tried to the court without a jury.

''(4) Notwithstanding any other provision of law, the procedures set forth in section 106(f), 305(g), or 405(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall be the exclusive means by which materials governed by those sections may be reviewed.

''(5) An amount equal to any award against the United States under this section shall be reimbursed by the department or agency concerned to the fund described in section 1304 of title 31, United States Code, out of any appropriation, fund, or other account (excluding any part of such appropriation, fund, or account that is available for the enforcement of any Federal law) that is available for the operating expenses of the department or agency concerned.

''(c) ADMINISTRATIVE DISCIPLINE.—If a court or appropriate department or agency determines that the United States or any of its departments or agencies has violated any provision of this chapter, and the court or appropriate department or agency finds that the circumstances surrounding the violation raise serious questions about whether or not an officer or employee of the United States acted willfully or intentionally with respect to the possible violation, the department or agency shall, upon receipt of a true and correct copy of the decision and findings of the court or appropriate department or agency promptly initiate a proceeding to determine whether disciplinary action against the officer or employee is warranted. If the head of the department or agency involved determines that disciplinary action is not warranted, he or she shall notify the Inspector General with jurisdiction over the department or agency concerned and shall provide the Inspector General with the reasons for such determination.

''(d) EXCLUSIVE REMEDY.—Any action against the United States under this subsection shall be the exclusive remedy against the United States for any claims within the purview of this section.

''(e) STAY OF PROCEEDINGS.—(1) Upon the motion of the United States, the court shall stay any action commenced under this section if the court determines that civil discovery will adversely affect the ability of the Government to conduct a related investigation or the prosecution of a related criminal case. Such a stay shall toll the limitations periods of paragraph (2) of subsection (b).

''(2) In this subsection, the terms 'related criminal case' and 'related investigation' mean an actual prosecution or investigation in progress at the time at which the request for the stay or any subsequent motion to lift the stay is made. In determining whether an investigation or a criminal case is related to an action commenced under this section, the court shall consider the degree of similarity between the parties, witnesses, facts, and circumstances involved in the 2 proceedings, without requiring that any one or more factors be identical.

''(3) In requesting a stay under paragraph (1), the Government may, in appropriate cases, submit evidence ex parte in order to avoid disclosing any matter that may adversely affect a related investigation or a related criminal case. If the Government makes such an ex parte submission, the plaintiff shall be given an opportunity to make a submission to the court, not ex parte, and the court may, in its discretion, request further information from either party.''.

(2) The table of sections at the beginning of chapter 121 is amended to read as follows:

''2712. Civil action against the United States.''.

SEC. 224. SUNSET.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title (other than sections 203(a), 203(c), 205, 208, 210, 211, 213, 216, 219, 221, and 222, and the amendments made by those sections) shall cease to have effect on December 31, 2005.

(b) EXCEPTION.—With respect to any particular foreign intelligence investigation that began before the date on which the provisions referred to in subsection (a) cease to have effect, or with respect to any particular offense or potential offense that began or occurred before the date on which such provisions cease to have effect, such provisions shall continue in effect.

SEC. 225. IMMUNITY FOR COMPLIANCE WITH FISA WIRETAP.

Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended by inserting after subsection (g) the following:

''(h) No cause of action shall lie in any court against any provider of a wire or electronic communication service, landlord, custodian, or other person (including any officer, employee, agent, or other specified person thereof) that furnishes any information, facilities, or technical assistance in accordance with a court order or request for emergency assistance under this Act.''.

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 Financial Anti-Terrorism 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 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 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 or types of accounts 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 Procedure 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 or types of accounts;

(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 strengthen the ability of financial institutions to maintain the integrity of their employee population; and

(13) 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 should be considered by the Congress expeditiously. In particular, it 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.

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:

''§ 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 of the Treasury 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 of the Treasury—

''(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 Secretary of State, the Securities and Exchange Commission, the Commodity Futures Trading 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;

''(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; and

''(iv) the effect of the action on United States national security and foreign policy.

''(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 of the Treasury 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 or type of account 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 of the Treasury 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 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 an 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 and regulatory officials 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 of the Treasury 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) DEFINITIONS.—Notwithstanding any other provision of this subchapter, for purposes of this section and subsections (i) and (j) of section 5318, 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 appropriate Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act), 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 OF BENEFICIAL OWNERSHIP.—The Secretary shall promulgate regulations defining beneficial ownership of an account for purposes of this section and subsections (i) and (j) of section 5318. 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), (2), and (3), 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 that are reasonably designed to detect and report instances of money laundering through those accounts.

''(2) ADDITIONAL STANDARDS FOR CERTAIN 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, with which designation the United States representative to the group or organization concurs; or

''(II) by the Secretary of the Treasury 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 subsection (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 subsection (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 that is reasonably designed to detect and report transactions that may involve the proceeds of foreign corruption.

''(4) DEFINITION.—For purposes of this subsection, the following definitions shall apply:

''(A) OFFSHORE BANKING LICENSE.—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) PRIVATE BANKING ACCOUNT.—The term 'private banking account' means an account (or any combination of accounts) that—

''(i) requires a minimum aggregate deposits of funds or other assets of not less than $1,000,000;

''(ii) is established on behalf of 1 or more individuals who have a direct or beneficial ownership interest in the account; and

''(iii) is assigned to, or is administered or managed by, in whole or in part, an officer, employee, or agent of a financial institution acting as a liaison between the financial institution and the direct or beneficial owner of the account.''.

(b) REGULATORY AUTHORITY AND EFFECTIVE DATE.—

(1) REGULATORY AUTHORITY.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the appropriate Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act) of the affected financial institutions, shall further delineate, by regulation, the due diligence policies, procedures, and controls required under section 5318(i)(1) of title 31, United States Code, as added by this section.

(2) EFFECTIVE DATE.—Section 5318(i) of title 31, United States Code, as added by this section, shall take effect 270 days after the date of enactment of this Act, whether or not final regulations are issued under paragraph (1), and the failure to issue such regulations shall in no way affect the enforceability of this section or the amendments made by this section. Section 5318(i) of title 31, United States Code, as added by this section, shall apply with respect to accounts covered by that section 5318(i), 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, as amended by this title, is amended by adding at the end the following:

''(j) PROHIBITION ON UNITED STATES CORRESPONDENT ACCOUNTS WITH FOREIGN SHELL BANKS.—

''(1) IN GENERAL.—A financial institution described in subparagraphs (A) through (G) 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 of the Treasury 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.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect at the end of the 60-day period beginning on the date of enactment of this Act.

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) COOPERATION AND INFORMATION SHARING PROCEDURES.—The regulations adopted under paragraph (1) may include or create procedures for cooperation and information sharing focusing on—

(A) matters specifically related to the finances of terrorist groups, the means by which terrorist groups transfer funds around the world and within the United States, including through the use of charitable organizations, nonprofit organizations, and nongovernmental organizations, and the extent to which financial institutions in the United States are unwittingly involved in such finances and the extent to which such institutions are at risk as a result;

(B) the relationship, particularly the financial relationship, between international narcotics traffickers and foreign terrorist organizations, the extent to which their memberships overlap and engage in joint activities, and the extent to which they cooperate with each other in raising and transferring funds for their respective purposes; and

(C) means of facilitating the identification of accounts and transactions involving terrorist groups and facilitating the exchange of information concerning such accounts and transactions between financial institutions and law enforcement organizations.

(3) CONTENTS.—The regulations adopted 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.

(4) 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.

(5) 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).

(d) REPORTS TO THE FINANCIAL SERVICES INDUSTRY ON SUSPICIOUS FINANCIAL ACTIVITIES.—At least semiannually, the Secretary shall—

(1) publish a report containing a detailed analysis identifying patterns of suspicious activity and other investigative insights derived from suspicious activity reports and investigations conducted by Federal, State, and local law enforcement agencies to the extent appropriate; and

(2) distribute such report to financial institutions (as defined in section 5312 of title 31, United States Code).

SEC. 315. INCLUSION OF FOREIGN CORRUPTION OFFENSES AS MONEY LAUNDERING CRIMES.

Section 1956(c)(7) of title 18, United States Code, is amended—

(1) in subparagraph (B)—

(A) 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)'';

(B) in clause (iii), by striking ''1978'' and inserting ''1978)''; and

(C) 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 Regulations (15 C.F.R. Parts 730–774); or

''(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;''; and

(2) in subparagraph (D)—

(A) by inserting ''section 541 (relating to goods falsely classified),'' before ''section 542'';

(B) by inserting ''section 922(1) (relating to the unlawful importation of firearms), section 924(n) (relating to firearms trafficking),'' before ''section 956'';

(C) by inserting ''section 1030 (relating to computer fraud and abuse),'' before ''1032''; and

(D) by inserting ''any felony violation of the Foreign Agents Registration Act of 1938,'' before ''or any felony violation of the Foreign Corrupt Practices Act''.

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, a court may admit evidence that is otherwise inadmissible under the Federal Rules of Evidence, if the court determines that the evidence is reliable, and that compliance with the Federal Rules of Evidence may jeopardize the national security interests of the United States.

(c) CLARIFICATIONS.—

(1) PROTECTION OF RIGHTS.—The exclusion of certain provisions of Federal law from the definition of the term ''civil forfeiture statute'' in section 983(i) of title 18, United States Code, shall not be construed to deny an owner of property the right to contest the confiscation of assets of suspected international terrorists under—

(A) subsection (a) of this section;

(B) the Constitution; or

(C) subchapter II of chapter 5 of title 5, United States Code (commonly known as the ''Administrative Procedure Act'').

(2) SAVINGS CLAUSE.—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.

(d) TECHNICAL CORRECTION.—Section 983(i)(2)(D) of title 18, United States Code, is amended by inserting ''or the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. 1701 et seq.)'' before the semicolon.

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 civil judgment under this subsection, a forfeiture judgment under section 981 or 982, or a criminal sentence under section 1957 or subsection (a) of this section, 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 5318(j)(1) 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 of the Treasury, 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, as amended by this title, 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 TERM.—The term 'correspondent account' has the same meaning as in section 5318A(f)(1)(B).

''(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 of the Treasury 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 (in each case, after consultation with the other) 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 shall have 60 days from the date of enactment of this Act to comply with the provisions of section 5318(k) of title 31, United States Code, as added by this section.

(d) 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, 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. FINANCIAL INSTITUTIONS SPECIFIED IN SUBCHAPTER II OF CHAPTER 53 OF TITLE 31, UNITED STATES CODE.

(a) CREDIT UNIONS.—Subparagraph (E) of section 5312(2) of title 31, United States Code, is amended to read as follows:

''(E) any credit union;''.

(b) FUTURES COMMISSION MERCHANT; COMMODITY TRADING ADVISOR; COMMODITY POOL OPERATOR.—Section 5312 of title 31, United States Code, is amended by adding at the end the following new subsection:

''(c) ADDITIONAL DEFINITIONS.—For purposes of this subchapter, the following definitions shall apply:

''(1) CERTAIN INSTITUTIONS INCLUDED IN DEFINITION.—The term 'financial institution' (as defined in subsection (a)) includes the following:

''(A) Any futures commission merchant, commodity trading advisor, or commodity pool operator registered, or required to register, under the Commodity Exchange Act.''.

(c) CFTC INCLUDED.—For purposes of this Act and any amendment made by this Act to any other provision of law, the term ''Federal functional regulator'' includes the Commodity Futures Trading Commission.

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.—

''(A) IN GENERAL.—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, at any time before or after an application is filed pursuant to subsection (c)(1) of this section.

''(B) EVIDENCE.—The court, in issuing a restraining order under subparagraph (A)—

''(i) may rely on information set forth in an affidavit describing the nature of the proceeding or 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

''(ii) may register and enforce a restraining order that has been issued by a court of competent jurisdiction in the foreign country and certified by the Attorney General pursuant to subsection (b)(2).

''(C) LIMIT ON GROUNDS FOR OBJECTION.—No person may object to a restraining order under subparagraph (A) on any ground that is the subject of 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 or 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. 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 National Credit Union Administration Board, 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. 325. 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 prescribe 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.''.

SEC. 326. VERIFICATION OF IDENTIFICATION.

(a) IN GENERAL.—Section 5318 of title 31, United States Code, as amended by this title, is amended by adding at the end the following:

''(*l*) IDENTIFICATION AND VERIFICATION OF ACCOUNTHOLDERS.—

''(1) IN GENERAL.—Subject to the requirements of this subsection, the Secretary of the Treasury shall prescribe regulations setting forth the minimum standards for financial institutions and their customers regarding the identity of the customer that shall apply in connection with the opening of an account at a financial institution.

''(2) MINIMUM REQUIREMENTS.—The regulations shall, at a minimum, require financial institutions to implement, and customers (after being given adequate notice) to comply with, reasonable procedures for—

''(A) verifying the identity of any person seeking to open an account to the extent reasonable and practicable;

''(B) maintaining records of the information used to verify a person's identity, including name, address, and other identifying information; and

''(C) consulting lists of known or suspected terrorists or terrorist organizations provided to the financial institution by any government agency to determine whether a person seeking to open an account appears on any such list.

''(3) FACTORS TO BE CONSIDERED.—In prescribing regulations under this subsection, the Secretary shall take into consideration the various types of accounts maintained by various types of financial institutions, the various methods of opening accounts, and the various types of identifying information available.

''(4) CERTAIN FINANCIAL INSTITUTIONS.—In the case of any financial institution the business of which is engaging in financial activities described in section 4(k) of the Bank Holding Company Act of 1956 (including financial activities subject to the jurisdiction of the Commodity Futures Trading Commission), the regulations prescribed by the Secretary under paragraph (1) shall be prescribed jointly with each Federal functional regulator (as defined in section 509 of the Gramm-Leach-Bliley Act, including the Commodity Futures Trading Commission) appropriate for such financial institution.

''(5) EXEMPTIONS.—The Secretary (and, in the case of any financial institution described in paragraph (4), any Federal agency described in such paragraph) may, by regulation or order, exempt any financial institution or type of account from the requirements of any regulation prescribed under this subsection in accordance with such standards and procedures as the Secretary may prescribe.

''(6) EFFECTIVE DATE.—Final regulations prescribed under this subsection shall take effect before the end of the 1-year period beginning on the date of enactment of the International Money Laundering Abatement and Financial Anti-Terrorism Act of 2001.''.

(b) STUDY AND REPORT REQUIRED.—Within 6 months after the date of enactment of this Act, the Secretary, in consultation with the Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act) and other appropriate Government agencies, shall submit a report to the Congress containing recommendations for—

(1) determining 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 the identity, address, and other related information about such foreign nationals necessary to enable such institutions and agencies to comply with the requirements of this section;

(2) requiring foreign nationals to apply for and obtain, before opening an account with a domestic financial institution, an identification number which would function similarly to a Social Security number or tax identification number; and

(3) establishing a system for domestic financial institutions and agencies to review information maintained by relevant Government agencies for purposes of verifying the identities of foreign nationals seeking to open accounts at those institutions and agencies.

SEC. 327. CONSIDERATION OF ANTI-MONEY LAUNDERING RECORD.

(a) BANK HOLDING COMPANY ACT OF 1956.—

(1) IN GENERAL.—Section 3(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(c)) is amended by adding at the end the following new paragraph:

''(6) MONEY LAUNDERING.—In every case, the Board shall take into consideration the effectiveness of the company or companies in combatting money laundering activities, including in overseas branches.''.

(2) SCOPE OF APPLICATION.—The amendment made by paragraph (1) shall apply with respect to any application submitted to the Board of Governors of the Federal Reserve System under section 3 of the Bank Holding Company Act of 1956 after December 31, 2001, which has not been approved by the Board before the date of enactment of this Act.

(b) MERGERS SUBJECT TO REVIEW UNDER FEDERAL DEPOSIT INSURANCE ACT.—

(1) IN GENERAL.—Section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)) is amended—

(A) by redesignating paragraph (11) as paragraph (12); and

(B) by inserting after paragraph (10), the following new paragraph:

''(11) MONEY LAUNDERING.—In every case, the responsible agency, shall take into consideration the effectiveness of any insured depository institution involved in the proposed merger transaction in combatting money laundering activities, including in overseas branches.''.

(2) SCOPE OF APPLICATION.—The amendment made by paragraph (1) shall apply with respect to any application submitted to the responsible agency under section 18(c) of the Federal Deposit Insurance Act after December 31, 2001, which has not been approved by all appropriate responsible agencies before the date of enactment of this Act.

SEC. 328. INTERNATIONAL COOPERATION ON IDENTIFICATION OF ORIGINATORS OF WIRE TRANSFERS.

The Secretary shall—

(1) in consultation with the Attorney General and the Secretary of State, take all reasonable steps to encourage foreign governments to require the inclusion of the name of the originator in wire transfer instructions sent to the United States and other countries, with the information to remain with the transfer from its origination until the point of disbursement; and

(2) report annually to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate on—

(A) progress toward the goal enumerated in paragraph (1), as well as impediments to implementation and an estimated compliance rate; and

(B) impediments to instituting a regime in which all appropriate identification, as defined by the Secretary, about wire transfer recipients shall be included with wire transfers from their point of origination until disbursement.

SEC. 329. CRIMINAL PENALTIES.

Any person who is an official or employee of any department, agency, bureau, office, commission, or other entity of the Federal Government, and any other person who is acting for or on behalf of any such entity, who, directly or indirectly, in connection with the administration of this title, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity in return for—

(1) being influenced in the performance of any official act;

(2) being influenced to commit or aid in the committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or

(3) being induced to do or omit to do any act in violation of the official duty of such official or person,

shall be fined in an amount not more than 3 times the monetary equivalent of the thing of value, or imprisoned for not more than 15 years, or both. A violation of this section shall be subject to chapter 227 of title 18, United States Code, and the provisions of the United States Sentencing Guidelines.

SEC. 330. INTERNATIONAL COOPERATION IN INVESTIGATIONS OF MONEY LAUNDERING, FINANCIAL CRIMES, AND THE FINANCES OF TERRORIST GROUPS.

(a) NEGOTIATIONS.—It is the sense of the Congress that the President should direct the Secretary of State, the Attorney General, or the Secretary of the Treasury, as appropriate, and in consultation with the Board of Governors of the Federal Reserve System, to seek to enter into negotiations with the appropriate financial supervisory agencies and other officials of any foreign country the financial institutions of which do business with United States financial institutions or which may be utilized by any foreign terrorist organization (as designated under section 219 of the Immigration and Nationality Act), any person who is a member or representative of any such organization, or any person engaged in money laundering or financial or other crimes.

(b) PURPOSES OF NEGOTIATIONS.—It is the sense of the Congress that, in carrying out any negotiations described in paragraph (1), the President should direct the Secretary of State, the Attorney General, or the Secretary of the Treasury, as appropriate, to seek to enter into and further cooperative efforts, voluntary information exchanges, the use of letters rogatory, mutual legal assistance treaties, and international agreements to—

(1) ensure that foreign banks and other financial institutions maintain adequate records of transaction and account information relating to any foreign terrorist organization (as designated under section 219 of the Immigration and Nationality Act), any person who is a member or representative of any such organization, or any person engaged in money laundering or financial or other crimes; and

(2) establish a mechanism whereby such records may be made available to United States law enforcement officials and domestic financial institution supervisors, when appropriate.

Subtitle B—Bank Secrecy Act Amendments and Related Improvements

SEC. 351. 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(w) of the Federal Deposit Insurance Act in response to a request from another financial institution; or

''(II) in a written termination notice or employment reference that is provided in accordance with the rules of a self-regulatory organization registered with the Securities and Exchange Commission or the Commodity Futures Trading Commission,

except that such written reference or notice 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. 352. ANTI-MONEY LAUNDERING PROGRAMS.

(a) IN GENERAL.—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 of the Treasury, after consultation with the appropriate Federal functional regulator (as defined in section 509 of the Gramm-Leach-Bliley Act), 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.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect at the end of the 180-day period beginning on the date of enactment of this Act.

(c) DATE OF APPLICATION OF REGULATIONS; FACTORS TO BE TAKEN INTO ACCOUNT.—Before the end of the 180-day period beginning on the date of enactment of this Act, the Secretary shall prescribe regulations that consider the extent to which the requirements imposed under this section are commensurate with the size, location, and activities of the financial institutions to which such regulations apply.

SEC. 353. 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. 354. ANTI-MONEY LAUNDERING 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. 355. 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:

''(w) 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. 356. REPORTING OF SUSPICIOUS ACTIVITIES BY SECURITIES BROKERS AND DEALERS; INVESTMENT COMPANY STUDY.

(a) DEADLINE FOR SUSPICIOUS ACTIVITY REPORTING REQUIREMENTS FOR REGISTERED BROKERS AND DEALERS.—The Secretary, after consultation with the Securities and Exchange Commission and the Board of Governors of the Federal Reserve System, shall publish proposed regulations in the Federal Register before January 1, 2002, requiring brokers and dealers registered with the Securities and Exchange Commission under the Securities Exchange Act of 1934 to submit suspicious activity reports under section 5318(g) of title 31, United States Code. Such regulations shall be published in final form not later than July 1, 2002.

(b) SUSPICIOUS ACTIVITY REPORTING REQUIREMENTS FOR FUTURES COMMISSION MERCHANTS, COMMODITY TRADING ADVISORS, AND COMMODITY POOL OPERATORS.—The Secretary, in consultation with the Commodity Futures Trading Commission, may prescribe regulations requiring futures commission merchants, commodity trading advisors, and commodity pool operators registered under the Commodity Exchange Act to submit suspicious activity reports under section 5318(g) of title 31, United States Code.

(c) REPORT ON INVESTMENT COMPANIES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, the Board of Governors of the Federal Reserve System, and the Securities and Exchange Commission shall jointly submit a report to the 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 subsection, 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) includes 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.—The report required by paragraph (1) may make different recommendations for different types of entities covered by this subsection.

(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. 357. 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. 358. BANK SECRECY PROVISIONS AND ACTIVITIES OF UNITED STATES INTELLIGENCE AGENCIES TO FIGHT INTERNATIONAL TERRORISM.

(a) AMENDMENT RELATING TO THE PURPOSES OF CHAPTER 53 OF TITLE 31, UNITED STATES CODE.—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, United States intelligence agency or self-regulatory organization registered with the Securities and Exchange Commission or the Commodity Futures Trading Commission, upon request of the head of the agency or organization. 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'';

(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.''; and

(3) in section 1120(a)(2) (12 U.S.C. 3420(a)(2)), by inserting '', or for a purpose authorized by section 1112(a)'' before the semicolon at the end.

(g) AMENDMENT TO THE FAIR CREDIT REPORTING ACT.—

(1) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended—

(A) by redesignating the second of the 2 sections designated as section 624 (15 U.S.C. 1681u) (relating to disclosure to FBI for counterintelligence purposes) as section 625; and

(B) by adding at the end the following new section:

''§ 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 a supervisory official designated by the head of a Federal agency or an officer of a Federal agency whose appointment to office is required to be made by the President, by and with the advice and consent of the Senate.

''(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 title, 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.''.

(2) CLERICAL AMENDMENTS.—The table of sections for the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended—

(A) by redesignating the second of the 2 items designated as section 624 as section 625; and

(B) by inserting after the item relating to section 625 (as so redesignated) the following new item:

''626. Disclosures to governmental agencies for counterterrorism purposes.''.

(h) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply with respect to reports filed or records maintained on, before, or after the date of enactment of this Act.

SEC. 359. REPORTING OF SUSPICIOUS ACTIVITIES BY 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 any person who engages as a business in an informal money transfer system or any network of people who engage as a business in facilitating the transfer of money 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 any person who engages as a business in an informal money transfer system or any network of people who engage as a business in facilitating the transfer of money domestically or internationally outside of the conventional financial institutions system;''.

(c) 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 any person who engages as a business in an informal money transfer system or any network of people who engage as a business in facilitating the transfer of money domestically or internationally outside of the conventional financial institutions system.''.

(d) 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 persons who engage as a business in an informal money transfer system or any network of people who engage as a business in facilitating the transfer of money domestically or internationally outside of the conventional financial institutions system, counter money laundering and regulatory controls relating to underground money movement and banking systems, 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. 360. 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 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 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)).

SEC. 361. FINANCIAL CRIMES ENFORCEMENT NETWORK.

(a) IN GENERAL.—Subchapter I of chapter 3 of title 31, United States Code, is amended—

(1) by redesignating section 310 as section 311; and

(2) by inserting after section 309 the following new section:

''§ 310. Financial Crimes Enforcement Network

''(a) IN GENERAL.—The Financial Crimes Enforcement Network established by order of the Secretary of the Treasury (Treasury Order Numbered 105-08, in this section referred to as 'FinCEN') on April 25, 1990, shall be a bureau in the Department of the Treasury.

''(b) DIRECTOR.—

''(1) APPOINTMENT.—The head of FinCEN shall be the Director, who shall be appointed by the Secretary of the Treasury.

''(2) DUTIES AND POWERS.—The duties and powers of the Director are as follows:

''(A) Advise and make recommendations on matters relating to financial intelligence, financial criminal activities, and other financial activities to the Under Secretary of the Treasury for Enforcement.

''(B) Maintain a government-wide data access service, with access, in accordance with applicable legal requirements, to the following:

''(i) Information collected by the Department of the Treasury, including report information filed under subchapter II of chapter 53 of this title (such as reports on cash transactions, foreign financial agency transactions and relationships, foreign currency transactions, exporting and importing monetary instruments, and suspicious activities), chapter 2 of title I of Public Law 91–508, and section 21 of the Federal Deposit Insurance Act.

''(ii) Information regarding national and international currency flows.

''(iii) Other records and data maintained by other Federal, State, local, and foreign agencies, including financial and other records developed in specific cases.

''(iv) Other privately and publicly available information.

''(C) Analyze and disseminate the available data in accordance with applicable legal requirements and policies and guidelines established by the Secretary of the Treasury and the Under Secretary of the Treasury for Enforcement to—

''(i) identify possible criminal activity to appropriate Federal, State, local, and foreign law enforcement agencies;

''(ii) support ongoing criminal financial investigations and prosecutions and related proceedings, including civil and criminal tax and forfeiture proceedings;

''(iii) identify possible instances of noncompliance with subchapter II of chapter 53 of this title, chapter 2 of title I of Public Law 91–508, and section 21 of the Federal Deposit Insurance Act to Federal agencies with statutory responsibility for enforcing compliance with such provisions and other appropriate Federal regulatory agencies;

''(iv) evaluate and recommend possible uses of special currency reporting requirements under section 5326;

''(v) determine emerging trends and methods in money laundering and other financial crimes;

''(vi) support the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism; and

''(vii) support government initiatives against money laundering.

''(D) Establish and maintain a financial crimes communications center to furnish law enforcement authorities with intelligence information related to emerging or ongoing investigations and undercover operations.

''(E) Furnish research, analytical, and informational services to financial institutions, appropriate Federal regulatory agencies with regard to financial institutions, and appropriate Federal, State, local, and foreign law enforcement authorities, in accordance with policies and guidelines established by the Secretary of the Treasury or the Under Secretary of the Treasury for Enforcement, in the interest of detection, prevention, and prosecution of terrorism, organized crime, money laundering, and other financial crimes.

''(F) Assist Federal, State, local, and foreign law enforcement and regulatory authorities in combatting the use of informal, nonbank networks and payment and barter system mechanisms that permit the transfer of funds or the equivalent of funds without records and without compliance with criminal and tax laws.

''(G) Provide computer and data support and data analysis to the Secretary of the Treasury for tracking and controlling foreign assets.

''(H) Coordinate with financial intelligence units in other countries on anti-terrorism and anti-money laundering initiatives, and similar efforts.

''(I) Administer the requirements of subchapter II of chapter 53 of this title, chapter 2 of title I of Public Law 91–508, and section 21 of the Federal Deposit Insurance Act, to the extent delegated such authority by the Secretary of the Treasury.

''(J) Such other duties and powers as the Secretary of the Treasury may delegate or prescribe.

''(c) REQUIREMENTS RELATING TO MAINTENANCE AND USE OF DATA BANKS.—The Secretary of the Treasury shall establish and maintain operating procedures with respect to the government-wide data access service and the financial crimes communications center maintained by FinCEN which provide—

''(1) for the coordinated and efficient transmittal of information to, entry of information into, and withdrawal of information from, the data maintenance system maintained by the Network, including—

''(A) the submission of reports through the Internet or other secure network, whenever possible;

''(B) the cataloguing of information in a manner that facilitates rapid retrieval by law enforcement personnel of meaningful data; and

''(C) a procedure that provides for a prompt initial review of suspicious activity reports and other reports, or such other means as the Secretary may provide, to identify information that warrants immediate action; and

''(2) in accordance with section 552a of title 5 and the Right to Financial Privacy Act of 1978, appropriate standards and guidelines for determining—

''(A) who is to be given access to the information maintained by the Network;

''(B) what limits are to be imposed on the use of such information; and

''(C) how information about activities or relationships which involve or are closely associated with the exercise of constitutional rights is to be screened out of the data maintenance system.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for FinCEN such sums as may be necessary for fiscal years 2002, 2003, 2004, and 2005.''.

(b) COMPLIANCE WITH REPORTING REQUIREMENTS.—The Secretary of the Treasury shall study methods for improving compliance with the reporting requirements established in section 5314 of title 31, United States Code, and shall submit a report on such study to the Congress by the end of the 6-month period beginning on the date of enactment of this Act and each 1-year period thereafter. The initial report shall include historical data on compliance with such reporting requirements.

(c) CLERICAL AMENDMENT.—The table of sections for subchapter I of chapter 3 of title 31, United States Code, is amended—

(1) by redesignating the item relating to section 310 as section 311; and

(2) by inserting after the item relating to section 309 the following new item:

''310. Financial Crimes Enforcement Network.''.

SEC. 362. ESTABLISHMENT OF HIGHLY SECURE NETWORK.

(a) IN GENERAL.—The Secretary shall establish a highly secure network in the Financial Crimes Enforcement Network that—

(1) allows financial institutions to file reports required under subchapter II or III of chapter 53 of title 31, United States Code, chapter 2 of Public Law 91–508, or section 21 of the Federal Deposit Insurance Act through the secure network; and

(2) provides financial institutions with alerts and other information regarding suspicious activities that warrant immediate and enhanced scrutiny.

(b) EXPEDITED DEVELOPMENT.—The Secretary shall take such action as may be necessary to ensure that the secure network required under subsection (a) is fully operational before the end of the 9-month period beginning on the date of enactment of this Act.

SEC. 363. 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. 364. UNIFORM PROTECTION AUTHORITY FOR FEDERAL RESERVE FACILITIES.

Section 11 of the Federal Reserve Act (12 U.S.C. 248) is amended by adding at the end the following:

''(q) UNIFORM PROTECTION AUTHORITY FOR FEDERAL RESERVE FACILITIES.—

''(1) Notwithstanding any other provision of law, to authorize personnel to act as law enforcement officers to protect and safeguard the premises, grounds, property, personnel, including members of the Board, of the Board, or any Federal reserve bank, and operations conducted by or on behalf of the Board or a reserve bank.

''(2) The Board may, subject to the regulations prescribed under paragraph (5), delegate authority to a Federal reserve bank to authorize personnel to act as law enforcement officers to protect and safeguard the bank's premises, grounds, property, personnel, and operations conducted by or on behalf of the bank.

''(3) Law enforcement officers designated or authorized by the Board or a reserve bank under paragraph (1) or (2) are authorized while on duty to carry firearms and make arrests without warrants for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States committed or being committed within the buildings and grounds of the Board or a reserve bank if they have reasonable grounds to believe that the person to be arrested has committed or is committing such a felony. Such officers shall have access to law enforcement information that may be necessary for the protection of the property or personnel of the Board or a reserve bank.

''(4) For purposes of this subsection, the term 'law enforcement officers' means personnel who have successfully completed law enforcement training and are authorized to carry firearms and make arrests pursuant to this subsection.

''(5) The law enforcement authorities provided for in this subsection may be exercised only pursuant to regulations prescribed by the Board and approved by the Attorney General.''.

SEC. 365. REPORTS RELATING TO COINS AND CURRENCY RECEIVED IN NONFINANCIAL TRADE OR BUSINESS.

(a) REPORTS REQUIRED.—Subchapter II of chapter 53 of title 31, United States Code, is amended by adding at the end the following new section:

''§ 5331. Reports relating to coins and currency received in nonfinancial trade or business

''(a) COIN AND CURRENCY RECEIPTS OF MORE THAN $10,000.—Any person—

''(1) who is engaged in a trade or business; and

''(2) who, in the course of such trade or business, receives more than $10,000 in coins or currency in 1 transaction (or 2 or more related transactions),

shall file a report described in subsection (b) with respect to such transaction (or related transactions) with the Financial Crimes Enforcement Network at such time and in such manner as the Secretary may, by regulation, prescribe.

''(b) FORM AND MANNER OF REPORTS.—A report is described in this subsection if such report—

''(1) is in such form as the Secretary may prescribe;

''(2) contains—

''(A) the name and address, and such other identification information as the Secretary may require, of the person from whom the coins or currency was received;

''(B) the amount of coins or currency received;

''(C) the date and nature of the transaction; and

''(D) such other information, including the identification of the person filing the report, as the Secretary may prescribe.

''(c) EXCEPTIONS.—

''(1) AMOUNTS RECEIVED BY FINANCIAL INSTITUTIONS.—Subsection (a) shall not apply to amounts received in a transaction reported under section 5313 and regulations prescribed under such section.

''(2) TRANSACTIONS OCCURRING OUTSIDE THE UNITED STATES.—Except to the extent provided in regulations prescribed by the Secretary, subsection (a) shall not apply to any transaction if the entire transaction occurs outside the United States.

''(d) CURRENCY INCLUDES FOREIGN CURRENCY AND CERTAIN MONETARY INSTRUMENTS.—

''(1) IN GENERAL.—For purposes of this section, the term 'currency' includes—

''(A) foreign currency; and

''(B) to the extent provided in regulations prescribed by the Secretary, any monetary instrument (whether or not in bearer form) with a face amount of not more than $10,000.

''(2) SCOPE OF APPLICATION.—Paragraph (1)(B) shall not apply to any check drawn on the account of the writer in a financial institution referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), (J), (K), (R), or (S) of section 5312(a)(2).''.

(b) PROHIBITION ON STRUCTURING TRANSACTIONS.—

(1) IN GENERAL.—Section 5324 of title 31, United States Code, is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by inserting after subsection (a) the following new subsection:

''(b) DOMESTIC COIN AND CURRENCY TRANSACTIONS INVOLVING NONFINANCIAL TRADES OR BUSINESSES.—No person shall, for the purpose of evading the report requirements of section 5333 or any regulation prescribed under such section—

''(1) cause or attempt to cause a nonfinancial trade or business to fail to file a report required under section 5333 or any regulation prescribed under such section;

''(2) cause or attempt to cause a nonfinancial trade or business to file a report required under section 5333 or any regulation prescribed under such section that contains a material omission or misstatement of fact; or

''(3) structure or assist in structuring, or attempt to structure or assist in structuring, any transaction with 1 or more nonfinancial trades or businesses.'.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) The heading for subsection (a) of section 5324 of title 31, United States Code, is amended by inserting ''INVOLVING FINANCIAL INSTITUTIONS'' after ''TRANSACTIONS'.

(B) Section 5317(c) of title 31, United States Code, is amended by striking ''5324(b)'' and inserting ''5324(c)''.

(c) DEFINITION OF NONFINANCIAL TRADE OR BUSINESS.—

(1) IN GENERAL.—Section 5312(a) of title 31, United States Code, is amended—

(A) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(B) by inserting after paragraph (3) the following new paragraph:

''(4) NONFINANCIAL TRADE OR BUSINESS.—The term 'nonfinancial trade or business' means any trade or business other than a financial institution that is subject to the reporting requirements of section 5313 and regulations prescribed under such section.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) Section 5312(a)(3)(C) of title 31, United States Code, is amended by striking ''section 5316,'' and inserting ''sections 5333 and 5316,''.

(B) Subsections (a) through (f) of section 5318 of title 31, United States Code, and sections 5321, 5326, and 5328 of such title are each amended—

(i) by inserting ''or nonfinancial trade or business'' after ''financial institution'' each place such term appears; and

(ii) by inserting ''or nonfinancial trades or businesses'' after ''financial institutions'' each place such term appears.

(c) 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 5332 (as added by section 112 of this title) the following new item:

''5331. Reports relating to coins and currency received in nonfinancial trade or business.''.

(f) REGULATIONS.—Regulations which the Secretary determines are necessary to implement this section shall be published in final form before the end of the 6-month period beginning on the date of enactment of this Act.

SEC. 366. EFFICIENT USE OF CURRENCY TRANSACTION REPORT SYSTEM.

(a) FINDINGS.—The Congress finds the following:

(1) The Congress established the currency transaction reporting requirements in 1970 because the Congress found then that such reports have a high degree of usefulness in criminal, tax, and regulatory investigations and proceedings and the usefulness of such reports has only increased in the years since the requirements were established.

(2) In 1994, in response to reports and testimony that excess amounts of currency transaction reports were interfering with effective law enforcement, the Congress reformed the currency transaction report exemption requirements to provide—

(A) mandatory exemptions for certain reports that had little usefulness for law enforcement, such as cash transfers between depository institutions and cash deposits from government agencies; and

(B) discretionary authority for the Secretary of the Treasury to provide exemptions, subject to criteria and guidelines established by the Secretary, for financial institutions with regard to regular business customers that maintain accounts at an institution into which frequent cash deposits are made.

(3) Today there is evidence that some financial institutions are not utilizing the exemption system, or are filing reports even if there is an exemption in effect, with the result that the volume of currency transaction reports is once again interfering with effective law enforcement.

(b) STUDY AND REPORT.—

(1) STUDY REQUIRED.—The Secretary shall conduct a study of—

(A) the possible expansion of the statutory exemption system in effect under section 5313 of title 31, United States Code; and

(B) methods for improving financial institution utilization of the statutory exemption provisions as a way of reducing the submission of currency transaction reports that have little or no value for law enforcement purposes, including improvements in the systems in effect at financial institutions for regular review of the exemption procedures used at the institution and the training of personnel in its effective use.

(2) REPORT REQUIRED.—The Secretary of the Treasury shall submit a report to the Congress before the end of the 1-year period beginning on the date of enactment of this Act containing the findings and conclusions of the Secretary with regard to the study required under subsection (a), and such recommendations for legislative or administrative action as the Secretary determines to be appropriate.

Subtitle C—Currency Crimes and Protection

SEC. 371. BULK CASH SMUGGLING INTO OR OUT OF THE UNITED STATES.

(a) FINDINGS.—The Congress finds the following:

(1) Effective enforcement of the currency reporting requirements of subchapter II of chapter 53 of title 31, United States Code, and the regulations prescribed under such subchapter, 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 the currency 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 now 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 subchapter II 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 are important parts 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 thus are easily replaced. Accordingly, only the confiscation of the smuggled bulk cash can effectively break the cycle of criminal activity of which the laundering of the bulk cash is a critical part.

(6) The current penalties for violations of the currency reporting requirements are insufficient to provide a deterrent to the laundering of criminal proceeds. In particular, in cases where the only criminal violation under current law is a reporting offense, the law does not adequately provide for the confiscation of smuggled currency. In contrast, 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; and

(3) to emphasize the seriousness of the act of bulk cash smuggling.

(c) ENACTMENT OF BULK CASH SMUGGLING OFFENSE.—Subchapter II of chapter 53 of title 31, United States Code, is amended by adding at the end the following:

"§ 5332. Bulk cash smuggling into or out of the United States

''(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 the person of such individual or in any conveyance, article of luggage, merchandise, or other container, and transports or transfers or attempts to transport or transfer such currency or monetary instruments from a place within the United States to a place outside of the United States, or from a place outside the United States to a place within the United States, shall be guilty of a currency smuggling offense and subject to punishment pursuant to subsection (b).

''(2) CONCEALMENT ON PERSON.—For purposes of this section, the concealment of currency on the person of any individual includes concealment in any article of clothing worn by the individual or in any luggage, backpack, or other container worn or carried by such individual.

''(b) PENALTY.—

''(1) TERM OF IMPRISONMENT.—A person convicted of a currency smuggling offense under subsection (a), or a conspiracy to commit such offense, shall be imprisoned for not more than 5 years.

''(2) FORFEITURE.—In addition, the court, in imposing sentence under paragraph (1), 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) of this section.

''(3) PROCEDURE.—The seizure, restraint, and forfeiture of property under this section shall be governed by section 413 of the Controlled Substances Act.

''(4) PERSONAL MONEY JUDGMENT.—If the property subject to forfeiture under paragraph (2) is unavailable, and the defendant has insufficient substitute property that may be forfeited pursuant to section 413(p) of the Controlled Substances Act, the court shall enter a personal money judgment against the defendant for the amount that would be subject to forfeiture.

''(c) CIVIL FORFEITURE.—

''(1) IN GENERAL.—Any property involved in a violation of subsection (a), or a conspiracy to commit such violation, and any property traceable to such violation or conspiracy, may be seized and, subject to subsection (d) of this section, forfeited to the United States.

''(2) PROCEDURE.—The seizure and forfeiture shall be governed by the procedures governing civil forfeitures in money laundering cases pursuant to section 981(a)(1)(A) of title 18, United States Code.

''(3) TREATMENT OF CERTAIN PROPERTY AS INVOLVED IN THE OFFENSE.—For purposes of this subsection and subsection (b), 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.''.

(c) 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 5331, as added by this Act, the following new item:

''5332. Bulk cash smuggling into or out of the United States.''.

SEC. 372. FORFEITURE IN CURRENCY REPORTING CASES.

(a) IN GENERAL.—Subsection (c) of section 5317 of title 31, United States Code, is amended to read as follows:

''(c) FORFEITURE.—

''(1) CRIMINAL FORFEITURE.—

''(A) IN GENERAL.—The court in imposing sentence for any violation of section 5313, 5316, or 5324 of this title, 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) PROCEDURE.—Forfeitures under this paragraph shall be governed by the procedures established in section 413 of the Controlled Substances Act.

''(2) CIVIL FORFEITURE.—Any property involved in a violation of section 5313, 5316, or 5324 of this title, or any conspiracy to commit any such violation, and any property traceable to any such violation or conspiracy, may be seized and 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.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 981(a)(1)(A) of title 18, United States Code, is amended—

(A) by striking ''of section 5313(a) or 5324(a) of title 31, or''; and

(B) by striking ''However'' and all that follows through the end of the subparagraph.

(2) Section 982(a)(1) of title 18, United States Code, is amended—

(A) by striking ''of section 5313(a), 5316, or 5324 of title 31, or''; and

(B) by striking ''However'' and all that follows through the end of the paragraph.

SEC. 373. ILLEGAL MONEY TRANSMITTING BUSINESSES.

(a) SCIENTER REQUIREMENT FOR SECTION 1960 VIOLATION.—Section 1960 of title 18, United States Code, is amended to read as follows:

"§ 1960. Prohibition of unlicensed money transmitting businesses

''(a) Whoever knowingly conducts, controls, manages, supervises, directs, or owns all or part of an unlicensed money transmitting business, shall be fined in accordance with this title or imprisoned not more than 5 years, or both.

''(b) As used in this section—

''(1) the term 'unlicensed money transmitting business' means a money transmitting business which affects interstate or foreign commerce in any manner or degree and—

''(A) is operated without an appropriate money transmitting license in a State where such operation is punishable as a misdemeanor or a felony under State law, whether or not the defendant knew that the operation was required to be licensed or that the operation was so punishable;

''(B) fails to comply with the money transmitting business registration requirements under section 5330 of title 31, United States Code, or regulations prescribed under such section; or

''(C) otherwise involves the transportation or transmission of funds that are known to the defendant to have been derived from a criminal offense or are intended to be used to be used to promote or support unlawful activity;

''(2) the term 'money transmitting' includes transferring funds on behalf of the public by any and all means including but not limited to transfers within this country or to locations abroad by wire, check, draft, facsimile, or courier; and

''(3) the term 'State' means any State of the United States, the District of Columbia, the Northern Mariana Islands, and any commonwealth, territory, or possession of the United States.''.

(b) SEIZURE OF ILLEGALLY TRANSMITTED FUNDS.—Section 981(a)(1)(A) of title 18, United States Code, is amended by striking ''or 1957'' and inserting '', 1957 or 1960''.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 95 of title 18, United States Code, is amended in the item relating to section 1960 by striking ''illegal'' and inserting ''unlicensed''.

SEC. 374. COUNTERFEITING DOMESTIC CURRENCY AND OBLIGATIONS.

(a) COUNTERFEIT ACTS COMMITTED OUTSIDE THE UNITED STATES.—Section 470 of title 18, United States Code, is amended—

(1) in paragraph (2), by inserting ''analog, digital, or electronic image,'' after ''plate, stone,''; and

(2) by striking ''shall be fined under this title, imprisoned not more than 20 years, or both'' and inserting ''shall be punished as is provided for the like offense within the United States''.

(b) OBLIGATIONS OR SECURITIES OF THE UNITED STATES.—Section 471 of title 18, United States Code, is amended by striking ''fifteen years'' and inserting ''20 years''.

(c) UTTERING COUNTERFEIT OBLIGATIONS OR SECURITIES.—Section 472 of title 18, United States Code, is amended by striking ''fifteen years'' and inserting ''20 years''.

(d) DEALING IN COUNTERFEIT OBLIGATIONS OR SECURITIES.—Section 473 of title 18, United States Code, is amended by striking ''ten years'' and inserting ''20 years''.

(e) PLATES, STONES, OR ANALOG, DIGITAL, OR ELECTRONIC IMAGES FOR COUNTERFEITING OBLIGATIONS OR SECURITIES.—

(1) IN GENERAL.—Section 474(a) of title 18, United States Code, is amended by inserting after the second paragraph the following new paragraph:

''Whoever, with intent to defraud, makes, executes, acquires, scans, captures, records, receives, transmits, reproduces, sells, or has in such person's control, custody, or possession, an analog, digital, or electronic image of any obligation or other security of the United States; or''.

(2) AMENDMENT TO DEFINITION.—Section 474(b) of title 18, United States Code, is amended by striking the first sentence and inserting the following new sentence: ''For purposes of this section, the term 'analog, digital, or electronic image' includes any analog, digital, or electronic method used for the making, execution, acquisition, scanning, capturing, recording, retrieval, transmission, or reproduction of any obligation or security, unless such use is authorized by the Secretary of the Treasury.''.

(3) TECHNICAL AND CONFORMING AMENDMENT.—The heading for section 474 of title 18, United States Code, is amended by striking ''**or stones**'' and inserting ''**, stones, or analog, digital, or electronic images**''.

(4) CLERICAL AMENDMENT.—The table of sections for chapter 25 of title 18, United States Code, is amended in the item relating to section 474 by striking ''or stones'' and inserting '', stones, or analog, digital, or electronic images''.

(f) TAKING IMPRESSIONS OF TOOLS USED FOR OBLIGATIONS OR SECURITIES.—Section 476 of title 18, United States Code, is amended—

(1) by inserting ''analog, digital, or electronic image,'' after ''impression, stamp,''; and

(2) by striking ''ten years'' and inserting ''25 years''.

(g) POSSESSING OR SELLING IMPRESSIONS OF TOOLS USED FOR OBLIGATIONS OR SECURITIES.—Section 477 of title 18, United States Code, is amended—

(1) in the first paragraph, by inserting ''analog, digital, or electronic image,'' after ''imprint, stamp,'';

(2) in the second paragraph, by inserting ''analog, digital, or electronic image,'' after ''imprint, stamp,''; and

(3) in the third paragraph, by striking ''ten years'' and inserting ''25 years''.

(h) CONNECTING PARTS OF DIFFERENT NOTES.—Section 484 of title 18, United States Code, is amended by striking ''five years'' and inserting ''10 years''.

(i) BONDS AND OBLIGATIONS OF CERTAIN LENDING AGENCIES.—The first and second paragraphs of section 493 of title 18, United States Code, are each amended by striking ''five years'' and inserting ''10 years''.

SEC. 375. COUNTERFEITING FOREIGN CURRENCY AND OBLIGATIONS.

(a) FOREIGN OBLIGATIONS OR SECURITIES.—Section 478 of title 18, United States Code, is amended by striking ''five years'' and inserting ''20 years''.

(b) UTTERING COUNTERFEIT FOREIGN OBLIGATIONS OR SECURITIES.—Section 479 of title 18, United States Code, is amended by striking ''three years'' and inserting ''20 years''.

(c) POSSESSING COUNTERFEIT FOREIGN OBLIGATIONS OR SECURITIES.—Section 480 of title 18, United States Code, is amended by striking ''one year'' and inserting ''20 years''.

(d) PLATES, STONES, OR ANALOG, DIGITAL, OR ELECTRONIC IMAGES FOR COUNTERFEITING FOREIGN OBLIGATIONS OR SECURITIES.—

(1) IN GENERAL.—Section 481 of title 18, United States Code, is amended by inserting after the second paragraph the following new paragraph:

''Whoever, with intent to defraud, makes, executes, acquires, scans, captures, records, receives, transmits, reproduces, sells, or has in such person's control, custody, or possession, an analog, digital, or electronic image of any bond, certificate, obligation, or other security of any foreign government, or of any treasury note, bill, or promise to pay, lawfully issued by such foreign government and intended to circulate as money; or''.

(2) INCREASED SENTENCE.—The last paragraph of section 481 of title 18, United States Code, is amended by striking ''five years'' and inserting ''25 years''.

(3) TECHNICAL AND CONFORMING AMENDMENT.—The heading for section 481 of title 18, United States Code, is amended by striking ''**or stones**'' and inserting ''**, stones, or analog, digital, or electronic images**''.

(4) CLERICAL AMENDMENT.—The table of sections for chapter 25 of title 18, United States Code, is amended in the item relating to section 481 by striking ''or stones'' and inserting '', stones, or analog, digital, or electronic images''.

(e) FOREIGN BANK NOTES.—Section 482 of title 18, United States Code, is amended by striking ''two years'' and inserting ''20 years''.

(f) UTTERING COUNTERFEIT FOREIGN BANK NOTES.—Section 483 of title 18, United States Code, is amended by striking ''one year'' and inserting ''20 years''.

SEC. 376. LAUNDERING THE PROCEEDS OF TERRORISM.

Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting ''or 2339B'' after ''2339A''.

SEC. 377. EXTRATERRITORIAL JURISDICTION.

Section 1029 of title 18, United States Code, is amended by adding at the end the following:

''(h) Any person who, outside the jurisdiction of the United States, engages in any act that, if committed within the jurisdiction of the United States, would constitute an offense under subsection (a) or (b) of this section, shall be subject to the fines, penalties, imprisonment, and forfeiture provided in this title if—

''(1) the offense involves an access device issued, owned, managed, or controlled by a financial institution, account issuer, credit card system member, or other entity within the jurisdiction of the United States; and

''(2) the person transports, delivers, conveys, transfers to or through, or otherwise stores, secrets, or holds within the jurisdiction of the United States, any article used to assist in the commission of the offense or the proceeds of such offense or property derived therefrom.''.

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 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 the 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 and in consultation with Congress, shall within 2 years after the date of the enactment of this section, develop and certify a technology standard that can be used to verify the identity of persons applying for a United States visa or such persons seeking to enter the United States pursuant to a visa for the purposes of conducting background checks, confirming identity, and ensuring that a person has not received a

visa under a different name 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 the 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, efficacy, and privacy implications of the technology standard and electronic database system described in this subsection.

(5) FUNDING.—There is authorized to be appropriated to the Secretary of State, the Attorney General, and the Director of the National Institute of Standards and Technology such sums as may be necessary to carry out the provisions of 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 PORTS 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 from the United States by that person.

(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 clause (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 clause (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 clause (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

(G) 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 the organization engages in the activities described in subclause (I), (II), or (III) of clause (iv), or that the organization 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 AMENDMENTS.—

(1) 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)''.

(2) Section 208(b)(2)(A)(v) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(A)(v)) is amended by striking ''or (IV)'' and inserting ''(IV), or (VI)''.

(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 the 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, sections 212(a)(3)(B) and 237(a)(4)(B) of the Immigration and Nationality Act, as amended by this Act, shall apply to all aliens in exclusion or deportation proceedings on or after the date of the 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) of such Act (as so amended).

(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) of such Act (as so amended); 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) of such Act (as so amended).

(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 the 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 of the House of Representatives and the Senate, 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 paragraphs (5) and (6), the Attorney General shall maintain custody of such an alien until the alien is removed from the United States. Except as provided in paragraph (6), 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). If the alien is finally determined not to be removable, detention pursuant to this subsection shall terminate.

''(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 Deputy Attorney General. The Deputy Attorney General 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.

''(6) LIMITATION ON INDEFINITE DETENTION.—An alien detained solely under paragraph (1) who has not been removed under section 241(a)(1)(A), and whose removal is unlikely in the reasonably foreseeable future, may be detained for additional periods of up to six months only if the release of the alien will threaten the national security of the United States or the safety of the community or any person.

''(7) REVIEW OF CERTIFICATION.—The Attorney General shall review the certification made under paragraph (3) every 6 months. If the Attorney General determines, in the Attorney General's discretion, that the certification should be revoked, the alien may be released on such conditions as the Attorney General deems appropriate, unless such release is otherwise prohibited by law. The alien may request each 6 months in writing that the Attorney General reconsider the certification and may submit documents or other evidence in support of that request.

''(b) HABEAS CORPUS AND JUDICIAL REVIEW.—

''(1) IN GENERAL.—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) or (a)(6)) is available exclusively in habeas corpus proceedings consistent with this subsection. 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.

''(2) APPLICATION.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, including section 2241(a) of title 28, United States Code, habeas corpus proceedings described in paragraph (1) may be initiated only by an application filed with—

''(i) the Supreme Court;

''(ii) any justice of the Supreme Court;

''(iii) any circuit judge of the United States Court of Appeals for the District of Columbia Circuit; or

''(iv) any district court otherwise having jurisdiction to entertain it.

''(B) APPLICATION TRANSFER.—Section 2241(b) of title 28, United States Code, shall apply to an application for a writ of habeas corpus described in subparagraph (A).

''(3) APPEALS.—Notwithstanding any other provision of law, including section 2253 of title 28, in habeas corpus proceedings described in paragraph (1) before a circuit or district judge, the final order shall be subject to review, on appeal, by the United States Court of Appeals for the District of Columbia Circuit. There shall be no right of appeal in such proceedings to any other circuit court of appeals.

''(4) RULE OF DECISION.—The law applied by the Supreme Court and the United States Court of Appeals for the District of Columbia Circuit shall be regarded as the rule of decision in habeas corpus proceedings described in paragraph (1).

''(c) STATUTORY CONSTRUCTION.—The provisions of this section shall not be applicable to any other provision of this 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.''.

SEC. 414. VISA INTEGRITY AND SECURITY.

(a) SENSE OF CONGRESS REGARDING THE NEED TO EXPEDITE IMPLEMENTATION OF INTEGRATED ENTRY AND EXIT DATA SYSTEM.—

(1) SENSE OF CONGRESS.—In light of the terrorist attacks perpetrated against the United States on September 11, 2001, it is the sense of the Congress that—

(A) the Attorney General, in consultation with the Secretary of State, should fully implement the integrated entry and exit data system for airports, seaports, and land border ports of entry, as specified in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), with all deliberate speed and as expeditiously as practicable; and

(B) the Attorney General, in consultation with the Secretary of State, the Secretary of Commerce, the Secretary of the Treasury, and the Office of Homeland Security, should immediately begin establishing the Integrated Entry and Exit Data System Task Force, as described in section 3 of the Immigration and Naturalization Service Data Management Improvement Act of 2000 (Public Law 106–215).

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to fully implement the system described in paragraph (1)(A).

(b) DEVELOPMENT OF THE SYSTEM.—In the development of the integrated entry and exit data system under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), the Attorney General and the Secretary of State shall particularly focus on—

(1) the utilization of biometric technology; and

(2) the development of tamper-resistant documents readable at ports of entry.

(c) INTERFACE WITH LAW ENFORCEMENT DATABASES.—The entry and exit data system described in this section shall be able to interface with law enforcement databases for use by Federal law enforcement to identify and detain individuals who pose a threat to the national security of the United States.

(d) REPORT ON SCREENING INFORMATION.—Not later than 12 months after the date of enactment of this Act, the Office of Homeland Security shall submit a report to Congress on the information that is needed from any United States agency to effectively screen visa applicants and applicants for admission to the United States to identify those affiliated with terrorist organizations or those that pose any threat to the safety or security of the United States, including the type of information currently received by United States agencies and the regularity with which such information is transmitted to the Secretary of State and the Attorney General.

SEC. 415. PARTICIPATION OF OFFICE OF HOMELAND SECURITY ON ENTRY-EXIT TASK FORCE.

Section 3 of the Immigration and Naturalization Service Data Management Improvement Act of 2000 (Public Law 106–215) is amended by striking ''and the Secretary of the Treasury,'' and inserting ''the Secretary of the Treasury, and the Office of Homeland Security''.

SEC. 416. FOREIGN STUDENT MONITORING PROGRAM.

(a) FULL IMPLEMENTATION AND EXPANSION OF FOREIGN STUDENT VISA MONITORING PROGRAM REQUIRED.—The Attorney General, in consultation with the Secretary of State, shall fully implement and expand the program established by section 641(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(a)).

(b) INTEGRATION WITH PORT OF ENTRY INFORMATION.—For each alien with respect to whom information is collected under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372), the Attorney General, in consultation with the Secretary of State, shall include information on the date of entry and port of entry.

(c) EXPANSION OF SYSTEM TO INCLUDE OTHER APPROVED EDUCATIONAL INSTITUTIONS.—Section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C.1372) is amended—

(1) in subsection (a)(1), subsection (c)(4)(A), and subsection (d)(1) (in the text above subparagraph (A)), by inserting '', other approved educational institutions,'' after ''higher education'' each place it appears;

(2) in subsections (c)(1)(C), (c)(1)(D), and (d)(1)(A), by inserting '', or other approved educational institution,'' after ''higher education'' each place it appears;

(3) in subsections (d)(2), (e)(1), and (e)(2), by inserting '', other approved educational institution,'' after ''higher education'' each place it appears; and

(4) in subsection (h), by adding at the end the following new paragraph:

''(3) OTHER APPROVED EDUCATIONAL INSTITUTION.—The term 'other approved educational institution' includes any air flight school, language training school, or vocational school, approved by the Attorney General, in consultation with the Secretary of Education and the Secretary of State, under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Justice $36,800,000 for the period beginning on the date of enactment of

this Act and ending on January 1, 2003, to fully implement and expand prior to January 1, 2003, the program established by section 641(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(a)).

SEC. 417. MACHINE READABLE PASSPORTS.

(a) AUDITS.—The Secretary of State shall, each fiscal year until September 30, 2007—

(1) perform annual audits of the implementation of section 217(c)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)(B));

(2) check for the implementation of precautionary measures to prevent the counterfeiting and theft of passports; and

(3) ascertain that countries designated under the visa waiver program have established a program to develop tamper-resistant passports.

(b) PERIODIC REPORTS.—Beginning one year after the date of enactment of this Act, and every year thereafter until 2007, the Secretary of State shall submit a report to Congress setting forth the findings of the most recent audit conducted under subsection (a)(1).

(c) ADVANCING DEADLINE FOR SATISFACTION OF REQUIREMENT.—Section 217(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1187(a)(3)) is amended by striking ''2007'' and inserting ''2003''.

(d) WAIVER.—Section 217(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1187(a)(3)) is amended—

(1) by striking ''On or after'' and inserting the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), on or after''; and

(2) by adding at the end the following:

''(B) LIMITED WAIVER AUTHORITY.—For the period beginning October 1, 2003, and ending September 30, 2007, the Secretary of State may waive the requirement of subparagraph (A) with respect to nationals of a program country (as designated under subsection (c)), if the Secretary of State finds that the program country—

''(i) is making progress toward ensuring that passports meeting the requirement of subparagraph (A) are generally available to its nationals; and

''(ii) has taken appropriate measures to protect against misuse of passports the country has issued that do not meet the requirement of subparagraph (A).''.

SEC. 418. PREVENTION OF CONSULATE SHOPPING.

(a) REVIEW.—The Secretary of State shall review how consular officers issue visas to determine if consular shopping is a problem.

(b) ACTIONS TO BE TAKEN.—If the Secretary of State determines under subsection (a) that consular shopping is a problem, the Secretary shall take steps to address the problem and shall submit a report to Congress describing what action was taken.

Subtitle C—Preservation of Immigration Benefits for Victims of Terrorism

SEC. 421. SPECIAL IMMIGRANT STATUS.

(a) IN GENERAL.—For purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the Attorney General may provide an alien described in subsection (b) with the status of a special immigrant under section 101(a)(27) of such Act (8 U.S.C. 1101(a(27)), if the alien—

(1) files with the Attorney General a petition under section 204 of such Act (8 U.S.C. 1154) for classification under section 203(b)(4) of such Act (8 U.S.C. 1153(b)(4)); and

(2) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility, the grounds for inadmissibility specified in section 212(a)(4) of such Act (8 U.S.C. 1182(a)(4)) shall not apply.

(b) ALIENS DESCRIBED.—

(1) PRINCIPAL ALIENS.—An alien is described in this subsection if—

(A) the alien was the beneficiary of—

(i) a petition that was filed with the Attorney General on or before September 11, 2001—

(I) under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) to classify the alien as a family-sponsored immigrant under section 203(a) of such Act (8 U.S.C. 1153(a)) or as an employment-based immigrant under section 203(b) of such Act (8 U.S.C. 1153(b)); or

(II) under section 214(d) (8 U.S.C. 1184(d)) of such Act to authorize the issuance of a nonimmigrant visa to the alien under section 101(a)(15)(K) of such Act (8 U.S.C. 1101(a)(15)(K)); or

(ii) an application for labor certification under section 212(a)(5)(A) of such Act (8 U.S.C. 1182(a)(5)(A)) that was filed under regulations of the Secretary of Labor on or before such date; and

(B) such petition or application was revoked or terminated (or otherwise rendered null), either before or after its approval, due to a specified terrorist activity that directly resulted in—

(i) the death or disability of the petitioner, applicant, or alien beneficiary; or

(ii) loss of employment due to physical damage to, or destruction of, the business of the petitioner or applicant.

(2) SPOUSES AND CHILDREN.—

(A) IN GENERAL.—An alien is described in this subsection if—

(i) the alien was, on September 10, 2001, the spouse or child of a principal alien described in paragraph (1); and

(ii) the alien—

(I) is accompanying such principal alien; or

(II) is following to join such principal alien not later than September 11, 2003.

(B) CONSTRUCTION.—For purposes of construing the terms ''accompanying'' and ''following to join'' in subparagraph (A)(ii), any death of a principal alien that is described in paragraph (1)(B)(i) shall be disregarded.

(3) GRANDPARENTS OF ORPHANS.—An alien is described in this subsection if the alien is a grandparent of a child, both of whose parents died as a direct result of a specified terrorist activity, if either of such deceased parents was, on September 10, 2001, a citizen or national of the United States or an alien lawfully admitted for permanent residence in the United States.

(c) PRIORITY DATE.—Immigrant visas made available under this section shall be issued to aliens in the order in which a petition on behalf of each such alien is filed with the Attorney General under subsection (a)(1), except that if an alien was assigned a priority date with respect to a petition described in subsection (b)(1)(A)(i), the alien may maintain that priority date.

(d) NUMERICAL LIMITATIONS.—For purposes of the application of sections 201 through 203 of the Immigration and Nationality Act (8 U.S.C. 1151–1153) in any fiscal year, aliens eligible to be provided status under this section shall be treated as special immigrants described in section 101(a)(27) of such Act (8 U.S.C. 1101(a)(27)) who are not described in subparagraph (A), (B), (C), or (K) of such section.

SEC. 422. EXTENSION OF FILING OR REENTRY DEADLINES.

(a) AUTOMATIC EXTENSION OF NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Notwithstanding section 214 of the Immigration and Nationality Act (8 U.S.C. 1184), in the case of an alien described in paragraph (2) who was lawfully present in the United States as a nonimmigrant on September 10, 2001, the alien may remain lawfully in the United States in the same nonimmigrant status until the later of—

(A) the date such lawful nonimmigrant status otherwise would have terminated if this subsection had not been enacted; or

(B) 1 year after the death or onset of disability described in paragraph (2).

(2) ALIENS DESCRIBED.—

(A) PRINCIPAL ALIENS.—An alien is described in this paragraph if the alien was disabled as a direct result of a specified terrorist activity.

(B) SPOUSES AND CHILDREN.—An alien is described in this paragraph if the alien was, on September 10, 2001, the spouse or child of—

(i) a principal alien described in subparagraph (A); or

(ii) an alien who died as a direct result of a specified terrorist activity.

(3) AUTHORIZED EMPLOYMENT.—During the period in which a principal alien or alien spouse is in lawful nonimmigrant status under paragraph (1), the alien shall be provided an ''employment authorized'' endorsement or other appropriate document signifying authorization of employment not later than 30 days after the alien requests such authorization.

(b) NEW DEADLINES FOR EXTENSION OR CHANGE OF NONIMMIGRANT STATUS.—

(1) FILING DELAYS.—In the case of an alien who was lawfully present in the United States as a nonimmigrant on September 10, 2001, if the alien was prevented from filing a timely application for an extension or change of nonimmigrant status as a direct result of a specified terrorist activity, the alien's application shall be considered timely filed if it is filed not later than 60 days after it otherwise would have been due.

(2) DEPARTURE DELAYS.—In the case of an alien who was lawfully present in the United States as a nonimmigrant on September 10, 2001, if the alien is unable timely to depart the United States as a direct result of a specified terrorist activity, the alien shall not be considered to have been unlawfully present in the United States during the period beginning on September 11, 2001, and ending on the date of the alien's departure, if such departure occurs on or before November 11, 2001.

(3) SPECIAL RULE FOR ALIENS UNABLE TO RETURN FROM ABROAD.—

(A) PRINCIPAL ALIENS.—In the case of an alien who was in a lawful nonimmigrant status on September 10, 2001, but who was not present in the United States on such date, if the alien was prevented from returning to the United States in order to file a timely application for an extension of nonimmigrant status as a direct result of a specified terrorist activity—

(i) the alien's application shall be considered timely filed if it is filed not later than 60 days after it otherwise would have been due; and

(ii) the alien's lawful nonimmigrant status shall be considered to continue until the later of—

(I) the date such status otherwise would have terminated if this subparagraph had not been enacted; or

(II) the date that is 60 days after the date on which the application described in clause (i) otherwise would have been due.

(B) SPOUSES AND CHILDREN.—In the case of an alien who is the spouse or child of a principal alien described in subparagraph (A), if

the spouse or child was in a lawful nonimmigrant status on September 10, 2001, the spouse or child may remain lawfully in the United States in the same nonimmigrant status until the later of—

(i) the date such lawful nonimmigrant status otherwise would have terminated if this subparagraph had not been enacted; or

(ii) the date that is 60 days after the date on which the application described in subparagraph (A) otherwise would have been due.

(4) CIRCUMSTANCES PREVENTING TIMELY ACTION.—

(A) FILING DELAYS.—For purposes of paragraph (1), circumstances preventing an alien from timely acting are—

(i) office closures;

(ii) mail or courier service cessations or delays; and

(iii) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(B) DEPARTURE AND RETURN DELAYS.—For purposes of paragraphs (2) and (3), circumstances preventing an alien from timely acting are—

(i) office closures;

(ii) airline flight cessations or delays; and

(iii) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(c) DIVERSITY IMMIGRANTS.—

(1) WAIVER OF FISCAL YEAR LIMITATION.—Notwithstanding section 203(e)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(e)(2)), an immigrant visa number issued to an alien under section 203(c) of such Act for fiscal year 2001 may be used by the alien during the period beginning on October 1, 2001, and ending on April 1, 2002, if the alien establishes that the alien was prevented from using it during fiscal year 2001 as a direct result of a specified terrorist activity.

(2) WORLDWIDE LEVEL.—In the case of an alien entering the United States as a lawful permanent resident, or adjusting to that status, under paragraph (1) or (3), the alien shall be counted as a diversity immigrant for fiscal year 2001 for purposes of section 201(e) of the Immigration and Nationality Act (8 U.S.C. 1151(e)), unless the worldwide level under such section for such year has been exceeded, in which case the alien shall be counted as a diversity immigrant for fiscal year 2002.

(3) TREATMENT OF FAMILY MEMBERS OF CERTAIN ALIENS.—In the case of a principal alien issued an immigrant visa number under section 203(c) of the Immigration and Nationality Act (8 U.S.C. 1153(c)) for fiscal year 2001, if such principal alien died as a direct result of a specified terrorist activity, the aliens who were, on September 10, 2001, the spouse and children of such principal alien shall, until June 30, 2002, if not otherwise entitled to an immigrant status and the immediate issuance of a visa under subsection (a), (b), or (c) of section 203 of such Act, be entitled to the same status, and the same order of consideration, that would have been provided to such alien spouse or child under section 203(d) of such Act as if the principal alien were not deceased and as if the spouse or child's visa application had been adjudicated by September 30, 2001.

(4) CIRCUMSTANCES PREVENTING TIMELY ACTION.—For purposes of paragraph (1), circumstances preventing an alien from using an immigrant visa number during fiscal year 2001 are—

(A) office closures;

(B) mail or courier service cessations or delays;

(C) airline flight cessations or delays; and

(D) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(d) EXTENSION OF EXPIRATION OF IMMIGRANT VISAS.—

(1) IN GENERAL.—Notwithstanding the limitations under section 221(c) of the Immigration and Nationality Act (8 U.S.C. 1201(c)), in the case of any immigrant visa issued to an alien that expires or expired before December 31, 2001, if the alien was unable to effect entry into the United States as a direct result of a specified terrorist activity, then the period of validity of the visa is extended until December 31, 2001, unless a longer period of validity is otherwise provided under this subtitle.

(2) CIRCUMSTANCES PREVENTING ENTRY.—For purposes of this subsection, circumstances preventing an alien from effecting entry into the United States are—

(A) office closures;

(B) airline flight cessations or delays; and

(C) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(e) GRANTS OF PAROLE EXTENDED.—

(1) IN GENERAL.—In the case of any parole granted by the Attorney General under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)) that expires on a date on or after September 11, 2001, if the alien beneficiary of the parole was unable to return to the United States prior to the expiration date as a direct result of a specified terrorist activity, the parole is deemed extended for an additional 90 days.

(2) CIRCUMSTANCES PREVENTING RETURN.—For purposes of this subsection, circumstances preventing an alien from timely returning to the United States are—

(A) office closures;

(B) airline flight cessations or delays; and

(C) other closures, cessations, or delays affecting case processing or travel necessary to satisfy legal requirements.

(f) VOLUNTARY DEPARTURE.—Notwithstanding section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c), if a period for voluntary departure under such section expired during the period beginning on September 11, 2001, and ending on October 11, 2001, such voluntary departure period is deemed extended for an additional 30 days.

SEC. 423. HUMANITARIAN RELIEF FOR CERTAIN SURVIVING SPOUSES AND CHILDREN.

(a) TREATMENT AS IMMEDIATE RELATIVES.—

(1) SPOUSES.—Notwithstanding the second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)), in the case of an alien who was the spouse of a citizen of the United States at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, if the citizen died as a direct result of a specified terrorist activity, the alien (and each child of the alien) shall be considered, for purposes of section 201(b) of such Act, to remain an immediate relative after the date of the citizen's death, but only if the alien files a petition under section 204(a)(1)(A)(ii) of such Act within 2 years after such date and only until the date the alien remarries. For purposes of such section 204(a)(1)(A)(ii), an alien granted relief under the preceding sentence shall be considered an alien spouse described in the second sentence of section 201(b)(2)(A)(i) of such Act.

(2) CHILDREN.—

(A) IN GENERAL.—In the case of an alien who was the child of a citizen of the United States at the time of the citizen's death, if the citizen died as a direct result of a specified terrorist activity, the alien shall be considered, for purposes of section 201(b) of the Immigration and Nationality Act (8 U.S.C. 1151(b)), to remain an immediate relative after the date of the citizen's death (regardless of changes in age or marital status thereafter), but only if the alien files a petition under subparagraph (B) within 2 years after such date.

(B) PETITIONS.—An alien described in subparagraph (A) may file a petition with the Attorney General for classification of the alien under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)). For purposes of such Act, such a petition shall be considered a petition filed under section 204(a)(1)(A) of such Act (8 U.S.C. 1154(a)(1)(A)).

(b) SPOUSES, CHILDREN, UNMARRIED SONS AND DAUGHTERS OF LAWFUL PERMANENT RESIDENT ALIENS.—

(1) IN GENERAL.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is included in a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(2)) that was filed by such alien before September 11, 2001, shall be considered (if the spouse, child, son, or daughter has not been admitted or approved for lawful permanent residence by such date) a valid petitioner for preference status under such section with the same priority date as that assigned prior to the death described in paragraph (3)(A). No new petition shall be required to be filed. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(2) SELF-PETITIONS.—Any spouse, child, or unmarried son or daughter of an alien described in paragraph (3) who is not a beneficiary of a petition for classification as a family-sponsored immigrant under section 203(a)(2) of the Immigration and Nationality Act may file a petition for such classification with the Attorney General, if the spouse, child, son, or daughter was present in the United States on September 11, 2001. Such spouse, child, son, or daughter may be eligible for deferred action and work authorization.

(3) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified terrorist activity; and

(B) on the day of such death, was lawfully admitted for permanent residence in the United States.

(c) APPLICATIONS FOR ADJUSTMENT OF STATUS BY SURVIVING SPOUSES AND CHILDREN OF EMPLOYMENT-BASED IMMIGRANTS.—

(1) IN GENERAL.—Any alien who was, on September 10, 2001, the spouse or child of an alien described in paragraph (2), and who applied for adjustment of status prior to the death described in paragraph (2)(A), may have such application adjudicated as if such death had not occurred.

(2) ALIENS DESCRIBED.—An alien is described in this paragraph if the alien—

(A) died as a direct result of a specified terrorist activity; and

(B) on the day before such death, was—

(i) an alien lawfully admitted for permanent residence in the United States by reason of having been allotted a visa under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)); or

(ii) an applicant for adjustment of status to that of an alien described in clause (i), and admissible to the United States for permanent residence.

(d) WAIVER OF PUBLIC CHARGE GROUNDS.—In determining the admissibility of any alien accorded an immigration benefit under this section, the grounds for inadmissibility specified in section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) shall not apply.

SEC. 424. "AGE-OUT" PROTECTION FOR CHILDREN.

For purposes of the administration of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), in the case of an alien—

(1) whose 21st birthday occurs in September 2001, and who is the beneficiary of a petition or application filed under such Act on or before September 11, 2001, the alien shall be considered to be a child for 90 days after the alien's 21st birthday for purposes of adjudicating such petition or application; and

(2) whose 21st birthday occurs after September 2001, and who is the beneficiary of a petition or application filed under such Act on or before September 11, 2001, the alien shall be considered to be a child for 45 days after the alien's 21st birthday for purposes of adjudicating such petition or application.

SEC. 425. TEMPORARY ADMINISTRATIVE RELIEF.

The Attorney General, for humanitarian purposes or to ensure family unity, may provide temporary administrative relief to any alien who—

(1) was lawfully present in the United States on September 10, 2001;

(2) was on such date the spouse, parent, or child of an individual who died or was disabled as a direct result of a specified terrorist activity; and

(3) is not otherwise entitled to relief under any other provision of this subtitle.

SEC. 426. EVIDENCE OF DEATH, DISABILITY, OR LOSS OF EMPLOYMENT.

(a) IN GENERAL.—The Attorney General shall establish appropriate standards for evidence demonstrating, for purposes of this subtitle, that any of the following occurred as a direct result of a specified terrorist activity:

(1) Death.

(2) Disability.

(3) Loss of employment due to physical damage to, or destruction of, a business.

(b) WAIVER OF REGULATIONS.—The Attorney General shall carry out subsection (a) as expeditiously as possible. The Attorney General is not required to promulgate regulations prior to implementing this subtitle.

SEC. 427. NO BENEFITS TO TERRORISTS OR FAMILY MEMBERS OF TERRORISTS.

Notwithstanding any other provision of this subtitle, nothing in this subtitle shall be construed to provide any benefit or relief to—

(1) any individual culpable for a specified terrorist activity; or

(2) any family member of any individual described in paragraph (1).

SEC. 428. DEFINITIONS.

(a) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this subtitle, the definitions used in the Immigration and Nationality Act (excluding the definitions applicable exclusively to title III of such Act) shall apply in the administration of this subtitle.

(b) SPECIFIED TERRORIST ACTIVITY.—For purposes of this subtitle, the term "specified terrorist activity" means any terrorist activity conducted against the Government or the people of the United States on September 11, 2001.

TITLE V—REMOVING OBSTACLES TO INVESTIGATING TERRORISM

SEC. 501. 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. 502. 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. 503. 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 addition 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. 504. 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. 505. 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. 506. 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. 507. 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. 508. 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

(3) 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 in response 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. 701. 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 without authorization from the mass transportation provider;

''(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. 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. 803. 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. 804. 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 national of the United States as that term is used in section 101 of the Immigration and Nationality Act—

''(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 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. 805. 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. 806. 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 individual, 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 with the intent and 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. 807. 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. 808. DEFINITION OF FEDERAL CRIME OF TERRORISM.

Section 2332b of title 18, United States Code, is amended—

(1) in subsection (f), by inserting ''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), subsection (a), (b), (c), or (d) of section 351 (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) or (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 persons abroad), 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), (b), (c), or (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. 809. 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), 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. Notwithstanding the preceding sentence, offenses listed in section 3295 are subject to the statute of limitations set forth in that section.

''(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 the enactment of this section.

SEC. 810. 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. 811. 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.—Section 930(c) of title 18, United States Code, is amended—

(1) by striking ''or attempts to kill'';

(2) by inserting ''or attempts or conspires to do such an act,'' before ''shall be punished''; and

(3) by striking ''and 1113'' and inserting ''1113, and 1117''.

(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. 812. 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. 813. 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 under any provision listed in section 2332b(g)(5)(B)''.

SEC. 814. 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) by conduct described in clause (i), (ii), or (iii) of subparagraph (A), caused (or, in the case of an attempted offense, would, if completed, have caused)—

''(i) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, 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) PROTECTION FROM EXTORTION.—Section 1030(a)(7) of title 18, United States Code, is amended by striking '', firm, association,

educational institution, financial institution, government entity, or other legal entity,''.

(c) 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 ''(a)(5)(C)'' and inserting ''(a)(5)(A)(iii)''; and

(3) by adding at the end the following:

''(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.''.

(d) DEFINITIONS.—Section 1030(e) of title 18, United States Code is amended—

(1) in paragraph (2)(B), by inserting '', including a computer located outside the United States that is used in a manner that affects interstate or foreign commerce or communication of 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:

''(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:

''(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' means 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; and

''(12) the term 'person' means any individual, firm, corporation, educational institution, financial institution, governmental entity, or legal or other entity.''.

(e) DAMAGES IN CIVIL ACTIONS.—Section 1030(g) of title 18, United States Code is amended—

(1) by striking the second sentence and inserting the following: ''A civil action for a violation of this section may be brought only if the conduct involves 1 of the factors set forth in clause (i), (ii), (iii), (iv), or (v) of 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.''.

(f) 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. 815. 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. 816. 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.

SEC. 817. 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.''.

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 or physical search 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).

TITLE X—MISCELLANEOUS

SEC. 1001. REVIEW OF THE DEPARTMENT OF JUSTICE.

The Inspector General of the Department of Justice shall designate one official who shall—

(1) review information and receive complaints alleging abuses of civil rights and civil liberties by employees and officials of the Department of Justice;

(2) make public through the Internet, radio, television, and newspaper advertisements information on the responsibilities and functions of, and how to contact, the official; and

(3) submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate on a semi-annual basis a report on the implementation of this subsection and detailing any abuses described in paragraph (1), including a description of the use of funds appropriations used to carry out this subsection.

SEC. 1002. SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds that—

(1) all Americans are united in condemning, in the strongest possible terms, the terrorists who planned and carried out the attacks against the United States on September 11, 2001, and in pursuing all those responsible for those attacks and their sponsors until they are brought to justice;

(2) Sikh-Americans form a vibrant, peaceful, and law-abiding part of America's people;

(3) approximately 500,000 Sikhs reside in the United States and are a vital part of the Nation;

(4) Sikh-Americans stand resolutely in support of the commitment of our Government to bring the terrorists and those that harbor them to justice;

(5) the Sikh faith is a distinct religion with a distinct religious and ethnic identity that has its own places of worship and a distinct holy text and religious tenets;

(6) many Sikh-Americans, who are easily recognizable by their turbans and beards, which are required articles of their faith, have suffered both verbal and physical assaults as a result of misguided anger toward Arab-Americans and Muslim-Americans in the wake of the September 11, 2001 terrorist attack;

(7) Sikh-Americans, as do all Americans, condemn acts of prejudice against any American; and

(8) Congress is seriously concerned by the number of crimes against Sikh-Americans and other Americans all across the Nation that have been reported in the wake of the tragic events that unfolded on September 11, 2001.

(b) SENSE OF CONGRESS.—Congress—

(1) declares that, in the quest to identify, locate, and bring to justice the perpetrators and sponsors of the terrorist attacks on the United States on September 11, 2001, the civil rights and civil liberties of all Americans, including Sikh-Americans, should be protected;

(2) condemns bigotry and any acts of violence or discrimination against any Americans, including Sikh-Americans;

(3) calls upon local and Federal law enforcement authorities to work to prevent crimes against all Americans, including Sikh-Americans; and

(4) calls upon local and Federal law enforcement authorities to prosecute to the fullest extent of the law all those who commit crimes.

SEC. 1003. DEFINITION OF "ELECTRONIC SURVEILLANCE".

Section 101(f)(2) of the Foreign Intelligence Surveillance Act (50 U.S.C. 1801(f)(2)) is amended by adding at the end before the semicolon the following: '', but does not include the acquisition of those communications of computer trespassers that would be permissible under section 2511(2)(i) of title 18, United States Code''.

SEC. 1004. VENUE IN MONEY LAUNDERING CASES.

Section 1956 of title 18, United States Code, is amended by adding at the end the following:

''(i) VENUE.—(1) Except as provided in paragraph (2), a prosecution for an offense under this section or section 1957 may be brought in—

''(A) any district in which the financial or monetary transaction is conducted; or

''(B) any district where a prosecution for the underlying specified unlawful activity could be brought, if the defendant participated in the transfer of the proceeds of the specified unlawful activity from that district to the district where the financial or monetary transaction is conducted.

''(2) A prosecution for an attempt or conspiracy offense under this section or section 1957 may be brought in the district where venue would lie for the completed offense under paragraph (1), or in any other district where an act in furtherance of the attempt or conspiracy took place.

''(3) For purposes of this section, a transfer of funds from 1 place to another, by wire or any other means, shall constitute a single, continuing transaction. Any person who conducts (as that term is defined in subsection (c)(2)) any portion of the transaction may be charged in any district in which the transaction takes place.''.

SEC. 1005. FIRST RESPONDERS ASSISTANCE ACT.

(a) GRANT AUTHORIZATION.—The Attorney General shall make grants described in subsections (b) and (c) to States and units of local government to improve the ability of State and local law enforcement, fire department and first responders to respond to and prevent acts of terrorism.

(b) TERRORISM PREVENTION GRANTS.—Terrorism prevention grants under this subsection may be used for programs, projects, and other activities to—

(1) hire additional law enforcement personnel dedicated to intelligence gathering and analysis functions, including the formation of full-time intelligence and analysis units;

(2) purchase technology and equipment for intelligence gathering and analysis functions, including wire-tap, pen links, cameras, and computer hardware and software;

(3) purchase equipment for responding to a critical incident, including protective equipment for patrol officers such as quick masks;

(4) purchase equipment for managing a critical incident, such as communications equipment for improved interoperability among surrounding jurisdictions and mobile command posts for overall scene management; and

(5) fund technical assistance programs that emphasize coordination among neighboring law enforcement agencies for sharing resources, and resources coordination among law enforcement agencies for combining intelligence gathering and analysis functions, and the development of policy, procedures, memorandums of understanding, and other best practices.

(c) ANTITERRORISM TRAINING GRANTS.—Antiterrorism training grants under this subsection may be used for programs, projects, and other activities to address—

(1) intelligence gathering and analysis techniques;

(2) community engagement and outreach;

(3) critical incident management for all forms of terrorist attack;

(4) threat assessment capabilities;

(5) conducting followup investigations; and

(6) stabilizing a community after a terrorist incident.

(d) APPLICATION.—

(1) IN GENERAL.—Each eligible entity that desires to receive a grant under this section shall submit an application to the Attorney General, at such time, in such manner, and accompanied by such additional information as the Attorney General may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this section.

(e) MINIMUM AMOUNT.—If all applications submitted by a State or units of local government within that State have not been funded under this section in any fiscal year, that State, if it qualifies, and the units of local government within that State, shall receive in that fiscal year not less than 0.5 percent of the total amount appropriated in that fiscal year for grants under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $25,000,000 for each of the fiscal years 2003 through 2007.

SEC. 1006. INADMISSIBILITY OF ALIENS ENGAGED IN MONEY LAUNDERING.

(a) AMENDMENT TO IMMIGRATION AND NATIONALITY ACT.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

''(I) MONEY LAUNDERING.—Any alien—

''(i) who a consular officer or the Attorney General knows, or has reason to believe, has engaged, is engaging, or seeks to enter the United States to engage, in an offense which is described in section 1956 or 1957 of title 18, United States Code (relating to laundering of monetary instruments); or

''(ii) who a consular officer or the Attorney General knows is, or has been, a knowing aider, abettor, assister, conspirator, or colluder with others in an offense which is described in such section;

is inadmissible.''.

(b) MONEY LAUNDERING WATCHLIST.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall develop, implement, and certify to the Congress that there has been established a money laundering watchlist, which identifies individuals worldwide who are known or suspected of money laundering, which is readily accessible to, and shall be checked by, a consular or other Federal official prior to the issuance of a visa or admission to the United States. The Secretary of State shall develop and continually update the watchlist in cooperation with the Attorney General, the Secretary of the Treasury, and the Director of Central Intelligence.

SEC. 1007. AUTHORIZATION OF FUNDS FOR DEA POLICE TRAINING IN SOUTH AND CENTRAL ASIA.

In addition to amounts otherwise available to carry out section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291), there is authorized to be appropriated to the President not less than $5,000,000 for fiscal year 2002 for regional antidrug training in the Republic of Turkey by the Drug Enforcement Administration for police, as well as increased precursor chemical control efforts in the South and Central Asia region.

SEC. 1008. FEASIBILITY STUDY ON USE OF BIOMETRIC IDENTIFIER SCANNING SYSTEM WITH ACCESS TO THE FBI INTEGRATED AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM AT OVERSEAS CONSULAR POSTS AND POINTS OF ENTRY TO THE UNITED STATES.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of State and the Secretary of Transportation, shall conduct a study on the feasibility of utilizing a biometric identifier (fingerprint) scanning system, with access to the database of the Federal Bureau of Investigation Integrated Automated Fingerprint Identification System, at consular offices abroad and at points of entry into the United States to enhance the ability of State Department and immigration officials to identify aliens who may be wanted in connection with criminal or terrorist investigations in the United States or abroad prior to the issuance of visas or entry into the United States.

(b) REPORT TO CONGRESS.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit a report summarizing the findings of the study authorized under subsection (a) to the Committee on International Relations and the Committee on the Judiciary of the House of Representatives and the Committee on Foreign Relations and the Committee on the Judiciary of the Senate.

SEC. 1009. STUDY OF ACCESS.

(a) IN GENERAL.—Not later than 120 days after enactment of this Act, the Federal Bureau of Investigation shall study and report to Congress on the feasibility of providing to airlines access via computer to the names of passengers who are suspected of terrorist activity by Federal officials.

(b) AUTHORIZATION.—There are authorized to be appropriated not more than $250,000 to carry out subsection (a).

SEC. 1010. TEMPORARY AUTHORITY TO CONTRACT WITH LOCAL AND STATE GOVERNMENTS FOR PERFORMANCE OF SECURITY FUNCTIONS AT UNITED STATES MILITARY INSTALLATIONS.

(a) IN GENERAL.—Notwithstanding section 2465 of title 10, United States Code, during the period of time that United States armed forces are engaged in Operation Enduring Freedom, and for the period of 180 days thereafter, funds appropriated to the Department of Defense may be obligated and expended for the purpose of entering into contracts or other agreements for the performance of security functions at any military installation or facility in the United States with a proximately located local or State government, or combination of such governments, whether or not any such government is obligated to provide such services to the general public without compensation.

(b) TRAINING.—Any contract or agreement entered into under this section shall prescribe standards for the training and other qualifications of local government law enforcement personnel who perform security functions under this section in accordance with criteria established by the Secretary of the service concerned.

(c) REPORT.—One year after the date of enactment of this section, the Secretary of Defense shall submit a report to the Committees on Armed Services of the Senate and the House of Representatives describing the use of the authority granted under this section and the use by the Department of Defense of other means to improve the performance of security functions on military installations and facilities located within the United States.

SEC. 1011. CRIMES AGAINST CHARITABLE AMERICANS.

(a) SHORT TITLE.—This section may be cited as the ''Crimes Against Charitable Americans Act of 2001''.

(b) TELEMARKETING AND CONSUMER FRAUD ABUSE.—The Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6101 et seq.) is amended—

(1) in section 3(a)(2), by inserting after ''practices'' the second place it appears the following: ''which shall include fraudulent charitable solicitations, and'';

(2) in section 3(a)(3)—

(A) in subparagraph (B), by striking ''and'' at the end;

(B) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) a requirement that any person engaged in telemarketing for the solicitation of charitable contributions, donations, or gifts of money or any other thing of value, shall promptly and clearly disclose to the person receiving the call that the purpose of the call is to solicit charitable contributions, donations, or gifts, and make such other disclosures as the Commission considers appropriate, including the name and mailing address of the charitable organization on behalf of which the solicitation is made.''; and

(3) in section 7(4), by inserting '', or a charitable contribution, donation, or gift of money or any other thing of value,'' after ''services''.

(c) RED CROSS MEMBERS OR AGENTS.—Section 917 of title 18, United States Code, is amended by striking ''one year'' and inserting ''5 years''.

(d) TELEMARKETING FRAUD.—Section 2325(1) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking ''or'' at the end;

(2) in subparagraph (B), by striking the comma at the end and inserting ''; or'';

(3) by inserting after subparagraph (B) the following:

''(C) a charitable contribution, donation, or gift of money or any other thing of value,''; and

(4) in the flush language, by inserting ''or charitable contributor, or donor'' after ''participant''.

SEC. 1012. LIMITATION ON ISSUANCE OF HAZMAT LICENSES.

(a) LIMITATION.—

(1) IN GENERAL.—Chapter 51 of title 49, United States Code, is amended by inserting after section 5103 the following new section:

"§ 5103a. Limitation on issuance of hazmat licenses

''(a) LIMITATION.—

''(1) ISSUANCE OF LICENSES.—A State may not issue to any individual a license to operate a motor vehicle transporting in commerce a hazardous material unless the Secretary of Transportation has first determined, upon receipt of a notification under subsection (c)(1)(B), that the individual does not pose a security risk warranting denial of the license.

''(2) RENEWALS INCLUDED.—For the purposes of this section, the term 'issue', with respect to a license, includes renewal of the license.

''(b) HAZARDOUS MATERIALS DESCRIBED.—The limitation in subsection (a) shall apply with respect to—

''(1) any material defined as a hazardous material by the Secretary of Transportation; and

''(2) any chemical or biological material or agent determined by the Secretary of Health and Human Services or the Attorney General as being a threat to the national security of the United States.

''(c) BACKGROUND RECORDS CHECK.—

''(1) IN GENERAL.—Upon the request of a State regarding issuance of a license described in subsection (a)(1) to an individual, the Attorney General—

''(A) shall carry out a background records check regarding the individual; and

''(B) upon completing the background records check, shall notify the Secretary of Transportation of the completion and results of the background records check.

''(2) SCOPE.—A background records check regarding an individual under this subsection shall consist of the following:

''(A) A check of the relevant criminal history data bases.

''(B) In the case of an alien, a check of the relevant data bases to determine the status of the alien under the immigration laws of the United States.

''(C) As appropriate, a check of the relevant international data bases through Interpol–U.S. National Central Bureau or other appropriate means.

''(d) REPORTING REQUIREMENT.—Each State shall submit to the Secretary of Transportation, at such time and in such manner as the Secretary may prescribe, the name, address, and such other information as the Secretary may require, concerning—

''(1) each alien to whom the State issues a license described in subsection (a); and

''(2) each other individual to whom such a license is issued, as the Secretary may require.

''(e) ALIEN DEFINED.—In this section, the term 'alien' has the meaning given the term in section 101(a)(3) of the Immigration and Nationality Act.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5103 the following new item:

''5103a. Limitation on issuance of hazmat licenses.''.

(b) REGULATION OF DRIVER FITNESS.—Section 31305(a)(5) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of subparagraph (A);

(2) by inserting ''and'' at the end of subparagraph (B); and

(3) by adding at the end the following new subparagraph:

''(C) is licensed by a State to operate the vehicle after having first been determined under section 5103a of this title as not posing a security risk warranting denial of the license.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Transportation and the Department of Justice such amounts as may be necessary to carry out section 5103a of title 49, United States Code, as added by subsection (a).

SEC. 1013. EXPRESSING THE SENSE OF THE SENATE CONCERNING THE PROVISION OF FUNDING FOR BIOTERRORISM PREPAREDNESS AND RESPONSE.

(a) FINDINGS.—The Senate finds the following:

(1) Additional steps must be taken to better prepare the United States to respond to potential bioterrorism attacks.

(2) The threat of a bioterrorist attack is still remote, but is increasing for a variety of reasons, including—

(A) public pronouncements by Osama bin Laden that it is his religious duty to acquire weapons of mass destruction, including chemical and biological weapons;

(B) the callous disregard for innocent human life as demonstrated by the terrorists' attacks of September 11, 2001;

(C) the resources and motivation of known terrorists and their sponsors and supporters to use biological warfare;

(D) recent scientific and technological advances in agent delivery technology such as aerosolization that have made weaponization of certain germs much easier; and

(E) the increasing access to the technologies and expertise necessary to construct and deploy chemical and biological weapons of mass destruction.

(3) Coordination of Federal, State, and local terrorism research, preparedness, and response programs must be improved.

(4) States, local areas, and public health officials must have enhanced resources and expertise in order to respond to a potential bioterrorist attack.

(5) National, State, and local communication capacities must be enhanced to combat the spread of chemical and biological illness.

(6) Greater resources must be provided to increase the capacity of hospitals and local health care workers to respond to public health threats.

(7) Health care professionals must be better trained to recognize, diagnose, and treat illnesses arising from biochemical attacks.

(8) Additional supplies may be essential to increase the readiness of the United States to respond to a bio-attack.

(9) Improvements must be made in assuring the safety of the food supply.

(10) New vaccines and treatments are needed to assure that we have an adequate response to a biochemical attack.

(11) Government research, preparedness, and response programs need to utilize private sector expertise and resources.

(12) 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.

(b) SENSE OF THE SENATE.—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.

SEC. 1014. GRANT PROGRAM FOR STATE AND LOCAL DOMESTIC PREPAREDNESS SUPPORT.

(a) IN GENERAL.—The Office for State and Local Domestic Preparedness Support of the Office of Justice Programs shall make a grant to each State, which shall be used by the State, in conjunction with units of local government, to enhance the capability of State and local jurisdictions to prepare for and respond to terrorist acts including events of terrorism involving weapons of mass destruction and biological, nuclear, radiological, incendiary, chemical, and explosive devices.

(b) USE OF GRANT AMOUNTS.—Grants under this section may be used to purchase needed equipment and to provide training and technical assistance to State and local first responders.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section such sums as necessary for each of fiscal years 2002 through 2007.

(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year not more than 3 percent may be used by the Attorney General for salaries and administrative expenses.

(3) MINIMUM AMOUNT.—Each State shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, America Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.25 percent.

SEC. 1015. EXPANSION AND REAUTHORIZATION OF THE CRIME IDENTIFICATION TECHNOLOGY ACT FOR ANTITERRORISM GRANTS TO STATES AND LOCALITIES.

Section 102 of the Crime Identification Technology Act of 1998 (42 U.S.C. 14601) is amended—

(1) in subsection (b)—

(A) in paragraph (16), by striking ''and'' at the end;

(B) in paragraph (17), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(18) notwithstanding subsection (c), antiterrorism purposes as they relate to any other uses under this section or for other antiterrorism programs.''; and

(2) in subsection (e)(1), by striking ''this section'' and all that follows and inserting ''this section $250,000,000 for each of fiscal years 2002 through 2007.''.

SEC. 1016. CRITICAL INFRASTRUCTURES PROTECTION.

(a) SHORT TITLE.—This section may be cited as the ''Critical Infrastructures Protection Act of 2001''.

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

(1) The information revolution has transformed the conduct of business and the operations of government as well as the infrastructure relied upon for the defense and national security of the United States.

(2) Private business, government, and the national security apparatus increasingly depend on an interdependent network of critical physical and information infrastructures, including telecommunications, energy, financial services, water, and transportation sectors.

(3) A continuous national effort is required to ensure the reliable provision of cyber and physical infrastructure services critical to maintaining the national defense, continuity of government, economic prosperity, and quality of life in the United States.

(4) This national effort requires extensive modeling and analytic capabilities for purposes of evaluating appropriate mechanisms to ensure the stability of these complex and interdependent systems, and to underpin policy recommendations, so as to achieve the continuous viability and adequate protection of the critical infrastructure of the Nation.

(c) POLICY OF THE UNITED STATES.—It is the policy of the United States—

(1) that any physical or virtual disruption of the operation of the critical infrastructures of the United States be rare, brief, geographically limited in effect, manageable, and minimally detrimental to the economy, human and government services, and national security of the United States;

(2) that actions necessary to achieve the policy stated in paragraph (1) be carried out in a public-private partnership involving corporate and non-governmental organizations; and

(3) to have in place a comprehensive and effective program to ensure the continuity of essential Federal Government functions under all circumstances.

(d) ESTABLISHMENT OF NATIONAL COMPETENCE FOR CRITICAL INFRASTRUCTURE PROTECTION.—

(1) SUPPORT OF CRITICAL INFRASTRUCTURE PROTECTION AND CONTINUITY BY NATIONAL INFRASTRUCTURE SIMULATION AND ANALYSIS CENTER.—There shall be established the National Infrastructure Simulation and Analysis Center (NISAC) to serve as a source of national competence to address critical infrastructure protection and continuity through support for activities related to counterterrorism, threat assessment, and risk mitigation.

(2) PARTICULAR SUPPORT.—The support provided under paragraph (1) shall include the following:

(A) Modeling, simulation, and analysis of the systems comprising critical infrastructures, including cyber infrastructure, telecommunications infrastructure, and physical infrastructure, in order to enhance understanding of the large-scale complexity of such systems and to facilitate modification of such systems to mitigate the threats to such systems and to critical infrastructures generally.

(B) Acquisition from State and local governments and the private sector of data necessary to create and maintain models of such systems and of critical infrastructures generally.

(C) Utilization of modeling, simulation, and analysis under subparagraph (A) to provide education and training to policymakers on matters relating to—

(i) the analysis conducted under that subparagraph;

(ii) the implications of unintended or unintentional disturbances to critical infrastructures; and

(iii) responses to incidents or crises involving critical infrastructures, including the continuity of government and private sector activities through and after such incidents or crises.

(D) Utilization of modeling, simulation, and analysis under subparagraph (A) to provide recommendations to policymakers, and to departments and agencies of the Federal Government and private sector persons and entities upon request, regarding means of enhancing the stability of, and preserving, critical infrastructures.

(3) RECIPIENT OF CERTAIN SUPPORT.—Modeling, simulation, and analysis provided under this subsection shall be provided, in particular, to relevant Federal, State, and local entities responsible for critical infrastructure protection and policy.

(e) CRITICAL INFRASTRUCTURE DEFINED.—In this section, the term ''critical infrastructure'' means systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized for the Department of Defense for fiscal year 2002, $20,000,000 for the Defense Threat Reduction Agency for activities of the National Infrastructure Simulation and Analysis Center under this section in that fiscal year.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that debate on this motion be extended by an additional 20 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services.

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

There was no objection.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3162, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, today we have the duty and privilege to pass this historic legislation, the USA–PATRIOT Act of 2001, which was born of adversity and violent attack. This landmark legislation will provide law enforcement and intelligence agencies additional tools that are needed to address the threat of terrorism and to find and prosecute terrorist criminals.

This legislation authorizes the sharing of information between criminal investigators and those engaged in foreign intelligence-gathering. It provides for enhanced wiretap and surveillance authority. It brings the basic building blocks of a criminal investigation, pen registers and trap and trace provisions, into the 21st century to deal with e-mails and Internet communications.

Mr. Speaker, this legislation is the result of bipartisan consultation and review. A version of this legislation was passed by the House Committee on the Judiciary 36 to nothing. The House then passed H.R. 2975 by a vote of 337 to 79. The House and Senate Judiciary Committees and the bipartisan leadership began a process last week to reconcile the differences between the House and Senate bills. This bill is the result of that process and was completed despite the closure of House and Senate offices due to the anthrax attack on the Capitol.

The changes to the bill are few, but significant. First, the sunset provision in the House bill was modified to sunset in 4 years. Provisions of the original version expired in 5 years, and the Senate did not have a sunset provision at all. Also, the Senate bill contained revisions to the so-called McDade law. This compromise version does not contain those changes, and I agreed to review this subject in a different context.

This bill also contains comprehensive money laundering provisions that will be discussed by my colleagues from the Committee on Financial Services. The House bill did not contain such provisions, although the House subsequently passed a separate bill.

Regarding the information-sharing provisions, the Senate bill permitted law enforcement to share grand jury material with intelligence agencies without notice to a court. The House bill permitted such sharing only after prior authorization to the court. This bill allows the sharing of grand jury material, but the Department of Justice must give notice to the court after the disclosure.

The legislation also contains a provision found in neither the House nor the Senate version, but directs the Department of Justice to file an ex parte and in camera notice with the court when the Government installs on an Internet Service Provider a device pursuant to a

lawful pen register or trap and trace order. This provision's author is the esteemed majority leader, the gentleman from Texas (Mr. ARMEY).

This legislation also contains a number of provisions, including three authored by the gentleman from Illinois (Mr. HYDE) and one by the gentleman from Florida (Mr. KELLER), which were in the House Committee on the Judiciary version of the bill, but not in the version passed on the floor. This bill also contains a number of provisions that have been worked out on both sides of the aisle in the other body.

Regarding the bill's immigration provisions, the compromise legislation allows the Attorney General to delegate only to the Deputy Attorney General the ability to certify an alien as a terrorist. The House Committee on the Judiciary version of this bill contained this provision, but the Senate-passed bill did not, but allows such delegation to the Commissioner of the Immigration and Naturalization Service. In addition, the compromise requires the Attorney General to revisit every 6 months the detention of an alien who has been certified as an alien terrorist. The compromise also adds a provision authorizing the appropriation of over $36 million to implement as quickly as possible the foreign student tracking system that was created in 1996. Finally, this legislation contains important humanitarian relief originally contained in the House bill, but not the Senate version, for the families of immigrants killed in the terrorist attacks of September 11.

Mr. Speaker, this legislation is not perfect, and the process is not one that all will embrace. However, these are difficult times that require steadfast leadership and an expeditious response. The legislation is desperately needed, and the President has called on Congress to pass it now. I urge all Members to support this important antiterrorism legislation.

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

Mr. CONYERS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I wanted to begin by pointing out that this is perhaps one of the most important measures that we will determine from the Committee on the Judiciary's point of view, because it is antiterrorist legislation that expands the law in many directions; and from our point of view, we have been trying to put safeguards around these expansions. We have dropped the two worst provisions from the administration proposal, the illegal use of foreign evidence and the pretrial restraint provision. I commend the gentleman from Wisconsin (Mr. SENSENBRENNER), my chairman, who has worked night and day on this matter; and I think that in the overall, we have had good cooperation.

The measure before us corrects unconstitutional immigration provisions. We have corrected the immigration provision that allows indefinite detention without evidence. We have modified or narrowed any number of other controversial provisions, more than a couple dozen. We have added a 4-year sunset provision for most of the surveillance operations. We have added a new Inspector General for Civil Liberties and Civil Rights inside the Department of Justice. We have new Federal tort relief for improper government release of wiretap information. We have added new resources to ease the delays in patrolling and protecting the northern border, and we have immigration relief for persons being sponsored by the victims of those in the September 11 attack.

Mr. Speaker, I will include for the RECORD at this point a section-by-section analysis of the bill.

SECTION-BY-SECTION ANALYSIS

TITLE I—ENHANCING DOMESTIC SECURITY

Section 101: Counterterrorism fund.—Establishes a counterterrorism fund to rebuild any Justice Department component that has been damaged or destroyed as a result of a terrorism incident; provide support for investigations and to pay terrorism-related rewards; and conduct terrorism threat assessments. Not in Administration proposal

Section 102: Sense of Congress condemning discrimination against Arab and Muslim Americans.—Not in Administration proposal

Section 103: Increased funding for the FBI's technical support center.—Authorizes $200 million for each of FY 2002, 2003, and 2004 for the technical support center. Not in Administration proposal

Section 104: Requests for military assistance to enforce prohibition in certain emergencies.—Allows military to assist state and local law enforcement with domestic chemical weapons emergencies. Not in Administration proposal

Section 105: Expansion of National Electronic Crime Task Force Initiative.—Directs the Secret Service to develop a national network with electronic crime task forces based on the New York Electronic Crime Task Force model. Not in Administration proposal

Section 106: Presidential Authority.—Expands International Economic Emergency Powers Act to allow the President to confiscate and vest properties of an enemy when United States is engaged in military hostilities or has been subject to an attack by that enemy. It allows classified information, used to make a determination regarding national security or terrorism cases, to be submitted ex parte and in camera to the reviewing court of such determinations. Same as Administration Proposal.

TITLE II—ENHANCED SURVEILLANCE PROCEDURES

Section 201: Authority To Intercept Wire, Oral, and Electronic Communications Relating to Terrorism.—Adds terrorism offenses to the list of predicates for obtaining title III wiretaps. Not in Administration proposal.

Section 202: Authority To Intercept Wire, Oral, and Electronic Communications Relating to Computer Fraud and Abuse Offenses.—Adds computer fraud and abuse offenses to the list of predicates for obtaining title III wiretaps. Not in Administration proposal.

Section 203: Authority To Share Criminal Investigative Information.—Allows intelligence information obtained in grand jury proceedings to be shared with any law enforcement, intelligence, immigration, or national security personnel as long as notice is given to the court after the disclosure. Recipient can only use information in conduct of their duties subject to disclosure limitations in current law. Intelligence information obtained from wiretaps can be shared with law enforcement, intelligence, immigration, or national security personnel. Recipients can use the information only in the conduct of their duties and are subject to the limitations in current law of unauthorized disclosure of wiretap information. Attorney General must establish procedures for the release of this information in the case of a U.S. person. Intelligence information obtained in intelligence operations can be disclosed to intelligence personnel in performance of their duties. Narrowed Administration proposal to limit scope of personnel eligible to receive information and other limitations noted above. In case of grand jury information, limited proposal to require notification to court after disclosure.

Section 204: Clarification of Intelligence Exceptions From Limitations on Interception and Disclosure of Wire, Oral, and Electronic Communications.—Explicitly carves out foreign intelligence surveillance operations from the protections of ECPA. Same as Administration proposal.

Section 205: Employment of Translators by the FBI.—Authorizes the FBI to expedite employment of translators. Not in Administration proposal.

Section 206: Roving Surveillance Authority Under FISA.—Expands FISA court orders to allow ''roving'' surveillance in manner similar to Title III wiretaps. Same as Administration proposal.

Section 207: Duration of FISA Surveillance of Non-United States Persons Who Are Agents of a Foreign Power.—Currently, the duration for a FISA surveillance may initially be ordered for no longer than 90 days but later can be extended to one year. This section changes the initial period for electronic surveillance from 90 to 120 days and extensions from 90 days to one year; and for searches from 45 to 90 days. Narrower than Administration proposal which sought to eliminate the initial 90-day limitation and authorize surveillance for up to one year from the outset.

Section 208: Designation of Judges.—Increases number of FISA judges from 7 to 11 and requires that at least 3 judges reside within 20 miles of the District of Columbia. Not in Administration proposal.

Section 209: Seizure of Voice Mail Pursuant to Warrants.—Provides that voice mails can be accessed by the government with a court order in the same way e-mails currently can be accessed and authorizes nationwide service with a single search warrant for voice mails. Same as Administration proposal.

Section 210: Scope of Subpoenas for Records of Electronic Communications.—Broadens the types of records that law enforcement can subpoena from electronic communications service providers by requiring providers to disclose the means and source of payment, including any bank account or credit card numbers, pursuant to a subpoena. Same as Administration proposal.

Section 211: Clarification of Scope.—Broadens the scope of the subscriber records disclosure statutes to treat cable companies that provide Internet service the same as other Internet Service Providers and telephone companies. Modified Administration

proposal to specify that targets do not receive advance notice of wiretap and amends title 47 to accomplish same purpose as administration proposal.

Section 212: Emergency Disclosure of Electronic Communications.—Permits Internet Service Providers to disclosure voluntarily stored electronic communications of subscribers in the event immediate danger or death or serious bodily injury to a person requires such disclosure. Also otherwise allows law enforcement to compel disclosure to third parties using a court order or a search warrant. Same as Administration proposal.

Section 213: Authority for Delaying Notice of Execution or a Warrant.—Broadens authority of law enforcement to delay notification of search warrants in criminal investigation if prior notification would have an adverse result and if notification is given a reasonable period after the search. Based on codification of Second Circuit decision. Narrower than Administration proposal, which would have permitted delay as law enforcement saw fit.

Section 214: Pen Register and Trap and Trace Authority under FISA.—Currently, when the Attorney General or a designated attorney for the government applies for a pen register or trap and trace device under FISA, the application must include a certification by the applicant that (1) the information obtained would be relevant to an ongoing intelligence investigation, and (2) the information demonstrates that the phone covered was used in communication with someone involved in terrorism or intelligence activities that may violate U.S. criminal law or with a foreign power or its agent whose communication is believed to concern terrorism or intelligence activities that could violate U.S. criminal laws. The conference report deletes second prong, but limits the use of these tools to protection against international terrorism or clandestine intelligence activities and provide that the use of these tools may not be based solely on First Amendment activities. Narrower than Administration proposal, which would have simply removed second prong.

215: Access to Records and Other Items under FISA.—(1) requires a FISA court order to obtain business records; (2) limits the use of this authority to investigations to protect against international terrorism or clandestine intelligence activities; and (3) provides that investigations of U.S. persons may not be based solely on First Amendment activities. Administration had sought to substitute an administrative subpoena requirement.

216: Authorities Relating to the Use of Pen Register and Trap and Trace Devices.—Extends the pen/trap provisions so they apply not just to telephone communications but also to Internet traffic, so long as they exclude ''content.'' Excludes ISP's from liability, gives Federal courts the authority to grant orders that are valid anywhere in the United States instead of just their own jurisdictions, and provides for a report to Congress on this ''Carnivore'' device. Makes a number of improvements over Administration proposal, including exclusion of content, exclusion of ISP liability, and Carnivore report.

217: Interception of Computer Trespasser Communications.—Allows persons ''acting under color of law'' to intercept communications if the owner of a computer authorizes it, and the person acting under color of law is acting pursuant to a lawful investigation. Section 815 also excludes service provider subscribers from definition of trespasser, limits interception authority to only those communications through the computer in question. None of the limitations described in second sentence were included in Administration proposal.

Section 218: Foreign Intelligence Information.—Permits FISA surveillance and search requests if they are for a ''significant'' intelligence gathering purpose (rather than ''the'' purpose under current law). Narrower than Administration proposal, which would have allowed FISA surveillance if intelligence gathering was merely ''a'' purpose.

Section 219: Single Jurisdiction Search Warrants for Terrorism.—Permits Federal judges to issue search warrants having nationwide effect for investigations involving terrorism. Same as Administration proposal.

Section 220: Nationwide Service of Search Warrants for Electronic Evidence.—Permits a single court having jurisdiction over the offense to issue a search warrant for e-mail that would be valid in anywhere in the United States. Narrower than Administration proposal in that it limits forum shopping problem by limiting to courts with jurisdiction over the offense.

Section 221: Trade Sanctions (IR Committee).—Adds Taliban to list of entities potentially subject to sanctions and retains congressional oversight in current law. Far narrower than Administration proposal which would have undermined the congressional approval requirement, conferring upon the President control of agricultural and medical exports ''to all designated terrorists and narcotics entities wherever they are located.''

Section 222: Assistance to Law Enforcement Agencies.—Prohibits technology mandates on entities to comply with this Act. Provides for cost reimbursement of entities assisting law enforcement with title III pen trap orders. This safeguard was not in Administration Proposal.

Section 223: Civil Liability for Certain Unauthorized Disclosures.—Increases civil liability for unauthorized disclosure of pen trap, wiretap, stored communications or FISA information. Also requires administrative discipline of officials who engage in such unauthorized disclosures. Rep. Frank added this civil liberties safeguard pursuant to an amendment.

Section 224: Sunset.—201, 202, 203(b), 204, 206, 207, 209, 212, 214, 215, 217, 218, 220, will sunset in four years—at the end December 31, 2005. Conference agreement to narrow those investigations that survive sunset to particular investigations based on offenses occurring prior to sunset. No sunset provided in Administration proposal or Senate bill. The four-year sunset is an improvement over the five-year sunset in the House bill.

Section 225: Immunity for Compliance with FISA Wiretap.—Provides immunity for civil liability from subscribers, tenants, etc. for entities that comply with FISA wiretap orders. Not in Administration proposal.

Dropped Administration proposal allowing FBI to use wiretap information on U.S. citizens it obtained overseas in violation of the Fourth Amendment.

TITLE III—FINANCIAL INFRASTRUCTURE

Other provisions to be supplied by Financial Services conference. Provisions below from House Judiciary Committee bill.

Section 301: Laundering The Proceeds of Terrorism.—Expands the scope of predicate offenses for laundering the proceeds of terrorism to include ''providing material support or resources to terrorist organizations,'' as that crime is defined in 18 U.S.C. §2339B of the criminal code. Same as Administration proposal.

Section 302: Extraterritorial Jurisdiction [International Relations Committee].—Applies the financial crimes prohibitions to conduct committed abroad in situations where the tools or proceeds of the offense pass through or are in the United States. Same as Administration proposal.

Dropped Administration proposal to allow broad disclosure of tax information to Justice and Treasury Departments.

Dropped Administration proposal allowing pre-trial restraint in all criminal forfeiture cases.

Dropped provision carving out tobacco companies from RICO liability for foreign excise taxes.

Dropped provision making it a criminal offense to misrepresent your identification when opening bank account.

TITLE II—PROTECTING THE BORDER

SUBTITLE A—PROTECTING THE NORTHERN BORDER

Section 401: Ensuring Adequate Personnel on the Northern Border.—Authorizes the waiver of any FTE cap on personnel assigned to the INS to address the national security on the Northern Border. This provision was added at the request of Senator Leahy and Congressman Conyers to ensure the protection of the U.S.-Canadian border.

Section 402: Northern Border Personnel.—Authorizes the appropriation of funds necessary to triple the number of Border Patrol, INS and Customs Service personnel in each state along the northern border. The bill also authorizes $50 million each to the INS and Customs Services for purposes of making improvements in technology for monitoring the northern border and acquiring additional equipment at the northern border. This provision was added at the request of Senator Leahy and Congressman Conyers to ensure the protection of the U.S.-Canadian bordeer.

Section 403: Requiring Sharing by the Federal Bureau of Investigation of Certain Criminal Record Extracts with Other Federal Agencies in Order to Enhance Border Security.—Requires the Justice Department and FBI to provide the State Department and INS information contained in its National Crime Information Center files to permit INS and State to better determine whether a visa applicant has a criminal history record. The bill retains the Administration's proposal.

Section 404: Limited Authority to Pay Overtime.—Strikes certain prohibitions on the paying of overtime to INS employees. This provision was added at the request of Senator Leahy and Congressman Conyers to ensure the protection of the U.S.-Canadian border.

Section 405: Report on the Integrated Automated Fingerprint Identification System for Points of Entry and Overseas Consular Posts.—Requires the Justice Department to report to Congress on the feasibility of enhancing the FBI's Integrated Automated Fingerprint Identification System and other identification systems. The bill retains the Administration's proposal.

SUBTITLE B—ENHANCED IMMIGRATION PROVISIONS

Section 411: Definitions Relating to Terrorism.—Broadens the terrorism ground of inadmissibility to include (a) any representative of a political or social group that publicly endorses terrorist activity in the United States, (b) a person who uses his position of prominence within a country to endorse terrorist activity, or persuade others to support terrorist activity, (c) the spouses and children of persons engaged in terrorism,

and (d) any other person the Secretary of State or Attorney General determines has been associated with a terrorist organization and who intends to engage in activities that could endanger the welfare, safety, or security of the United States.

This bill broadens the definition of ''terrorist activity'' to include the use, not only of explosives and firearms, but other dangerous devices as well. Further, it broadens the definition of a terrorist ''engaging in a terrorist activity'' to include anyone who affords material support to an organization that the individual knows or should know is a terrorist organization, regardless of whether or not the purported purpose for the support is related to terrorism. It also broadens the types of organizations that may be designated or redesignated a foreign terrorist organization by the Secretary of State to comport with definitions of terrorism found elsewhere in the law.

The bill limits the Administration's proposal on the inadmissibility and deportability grounds for providing material support, which are critical to protect people (such as supporters of the IRA or ANC) who give or solicit funds currently or in the past for humanitarian purposes without any knowledge or intent that the funds be used for terrorist activities. The bill makes it an inadmissible and deportable offense for contributing funds or material support to, or soliciting funds for or membership in, an organization that has been designated as a terrorist organization by the Secretary of state pursuant to 8 U.S.C. 1189 or by publication in the Federal Register. In the case of non-designated terrorist organization, however, a limitation was added whereby an alien is not inadmissible or deportable if he demonstrates that he did not know or reasonably should not have known that the funds, material support or solicitation would further terrorist activity. Additionally, either the Secretary of State or the Attorney General can waive this ground of inadmissibility or deportability. The bill also limits the retroactive application of this provision in that a person who provides material support to a designated organization prior to the time of its designation as a terrorist organization shall be treated as if any material support was provided to a non-designated organization.

The bill also adds a waiver provision that permits the Attorney General or consular officer to waive the bar to admission for spouses and children if the person did not know or should not reasonably have known that the principal alien was engaged in terrorism or if the spouse or child has renounced the activity causing the alien to be inadmissible.

Section 412: Changes in Designation of Foreign Terrorist Organizations.—Expands the ability of the Attorney General to mandatorily detain those aliens that he certifies may pose a threat to national security, pending the outcome of criminal or removal proceedings. The bill completely revises the Administration's proposal to better balance the law enforcement needs of the Attorney General with the protection of aliens' civil liberties.

The Attorney General may detain a person he certifies as suspected of involvement in terrorism. The standard of certification that the Attorney General needs to meet is increased to a showing of ''reasonable grounds to believe'' that the alien is deportable or inadmissible as provided in the terrorism provisions. Only the Attorney General or the Deputy Attorney General has the authority to make a certification under this provision. It is otherwise non-delegable to any other official (the original proposal permitted the delegation of this new authority to numerous Justice Department and INS officials).

The Attorney General is now required to bring removal or criminal charges against anyone detained under this section within 7 days, eliminating the indefinite language in the Administration's proposal. If an alien is not charged within 7 days he must be released. During removal or criminal proceedings, the Attorney General must review the appropriateness of the certification every 6 months.

After criminal or removal proceedings are completed, an alien must be removed from the country or released. In the limited number of cases where a person is removable but cannot be removed, the Attorney General must review every 6 months whether the person must be detained on the basis of being a threat to the national security or the community. An alien can only be detained for additional 6 month periods if the release would threaten the national security or the safety of the community.

The bill strengthens the habeas corpus procedures to ensure that the merits of the Attorney General's certification and the criminal and removal proceedings are subject to judicial review. The bill also ensures that judicial review is conducted in proximity to where the alien is being held to ensure adequate legal representation. Habeas corpus petitions can be filed and heard in the Federal district court where the alien is detained with any appeal to the D.C. Circuit Court of Appeals.

Section 413: Multilateral Cooperation Against Terrorists.—Enhances the Government's ability to combat terrorism and crime worldwide by providing new exceptions to the laws regarding disclosure of information from visa records. The bill grants the Secretary of State discretion to provide such information to foreign officials on a case-by-case basis for the purpose of fighting international terrorism or other crimes. It also allows the Secretary to provide countries with which he negotiates specific agreements to have more general access to information from the State Department's lookout databases where the country will use such information only to deny visas to persons seeking to enter its territory. The bill retains the Administration's proposal.

Section 414a: Visa Integrity and Security.—Includes a sense of the Congress that in light of the terrorist attacks, the Attorney General must expedite the implementation of the integrated entry and exit data system authorized by Congress in 1996. Not in Administration's proposal.

Section 415: Participation of Office of Homeland Security on Entry Task Force.—Includes the Office of Homeland Security in the development and implementation of the integrated entry and exit data system authorized by Congress in 1996. Not in Administration's proposal.

Section 416: Foreign Student Monitoring Program.—Requires the Attorney General to fully implement and expand foreign student monitoring program authorized by Congress in 1996. Not in Administration's proposal.

Section 417: Machine Readable Passports.—Requires the Secretary of State to perform annual audits and report to Congress on the implementation of the machine-readable passport program. Not in Administration's proposal.

Section 418: Prevention of Consulate Shopping.—Requires the Secretary of State to review how consular officers issue visas to determine if consular shopping is a problem. Not in Administration's proposal.

SUBTITLE C—PRESERVATION OF IMMIGRATION BENEFITS FOR VICTIMS OF TERRORISM

Adds new subtitle (sections 421–428) to the Administration's proposal to preserve the immigration benefits of the victims of the September 11th terrorist attacks and their family members. For some families, spouses and children may lose their immigration status due to the death or serious injury of a family member. These family members are facing deportation because they are out of status: they no longer qualify for their current immigration status or are no longer eligible to complete the application process because their loved one was killed or injured in the September 11 terrorist attack. Others are threatened with the loss of their immigration status, through no fault of their own, due to the disruption of communications and transportation that has resulted directly from the terrorist attacks. Because of these disruptions, people have been and will be unable to meet important deadlines, which will mean the loss of eligibility for certain benefits and the inability to maintain lawful status, unless the law is changed. The bill:

Creates a new special immigrant status for people who were in the process of securing permanent residence through a family member who died, was disabled, or lost employment as a result of the terrorist activities of September 11, 2001;

Provides a temporary extension of status to people who are present in the United States on a ''derivative status'' (the spouse or minor child) of a non-immigrant who was killed or injured on September 11, 2001;

Provides remedies for people who will be adversely affected or will lose their right to apply for benefits because of their inability to meet certain deadlines through no fault of their own and as a result of the September 11, 2001 terrorist attack (visa waiver, diversity lottery, advance parole and voluntary departure);

Provides immigration relief to the widows/widowers and orphan children of citizens and legal permanent residents who were killed in the September 11 attacks by allowing applications for permanent resident status to be adjudicated;

Prevents children from aging out of eligibility for immigration benefits where the delay was the result of the September 11 attacks;

Provides for temporary administrative relief to allow the family of people who were killed or seriously injured in the terrorist attacks who are not otherwise covered by this subtitle; and

Prohibits any benefits from being provided to anyone culpable for the terrorist attacks on September 11 or any family member of such person.

These provisions were added at the request of Congressman Conyers and Senator Kennedy.

TITLE V—REMOVING OBSTACLES TO INVESTIGATING TERRORISM

Section 501: Attorney General's Authority to Pay Rewards.—Ensures non-terrorism rewards are subject to budgetary caps. From Leahy DOJ reauthorization bill, not in Administration's proposal.

Section 502: Secretary of State Rewards (IR Committee).—Amends the Department of State's reward authority so that rewards may be offered for the identification or location of the leaders of a terrorist organization, increases the maximum amount of an

award from $5 million to $10 million, and allows the Secretary to further increase a reward up to $25 million if the Secretary determines that offering the payment of such additional amount is important to the national interest. Also provides a sense of congress that the Secretary should offer a $25 million award for Osama bin Laden and other leaders of the September 11th attack. Broadens the AG's authority to offer rewards without caps for information related to terrorism. Based on Administration's proposal.

Section 503: DNA Identification of Terrorists.—Requires persons convicted of terrorism offenses also to submit to DNA samples. Same as Administration proposal (modified to include other crimes of violence).

Section 504: Coordination with Law Enforcement.—Allows Federal law enforcement conducting electronic surveillance or physical searches to consult with other Federal law enforcement officers to protect against hostile acts, terrorism, or intelligence activities. Not in Administration proposal.

Section 505: Miscellaneous National-Security Authorities.—In counterintelligence investigations, the Director of the FBI or his designee, not lower than the Deputy Assistant Director, may request telephone, financial, or credit records of an individual if he certifies that the information sought is (1) relevant to an authorized foreign counterintelligence investigation, and (2) that there are ''specific and articulable'' facts finding that the person/entity from whom the information is sought is a foreign power or its agent. Based on Administration's proposal, but limited to telephone records, financial and consumer reports.

Section 506: Extension of Secret Service to coordinate with Justice Department to investigate offenses against U.S. government computers. Not in Administration proposal.

Section 507: Disclosure of Educational Records (Education and Workforce).—Allows the release of student education records if it is determined by the Attorney General or Secretary of Education (or their designee) that doing so could reasonably be expected to assist in investigating or preventing a federal terrorism offense or domestic or international terrorism. Based on Administration's proposal, but Ed and Workforce agreed that AAG must get court order to obtain records and limited to terrorism cases.

Section 508: Disclosure of NCES Information.—Same as 507, but covers surveys conducted by the Education Department. Based on Administration's proposal.

TITLE VI—PROVIDING FOR VICTIMS AND PUBLIC SAFETY OFFICERS

SUBTITLE A—AID TO FAMILIES OF PUBLIC SAFETY OFFICERS

Section 611: Expedited Payment for Public School Officers Involved in the Prevention Investigation, Rescue, or Recovery Efforts Related to a Terrorist Attack.—Expedites payment of benefits to victims, their families, and public safety officers. Not in Administration proposal, added at the request of Representative Nadler.

Section 612: Technical Correction with Respect to Expedited Payments for Heroic Public Safety Officers.—Makes technical correction to Nadler bill, which passed into law in mid-September 2001. Not in Administration proposal, added at the request of Representative Nadler.

Section 613: Public Safety Officer Benefit Program Payment Increase.—Increases public safety officer benefits from $100,00 to $250,000. Not in Administration proposal.

Section 614: Office of Justice Programs.—Adds to the list of programs within OJP. Not in Administration proposal.

SUBTITLE B—AMENDMENTS TO THE VICTIMS OF CRIME ACT OF 1984

This subtitle makes changes to the administration of—and authorizes additional funding for—the crime victims fund. Not in Administration proposal.

TITLE VI—INCREASED INFORMATION SHARING

This Subtitle expands regional information sharing to facilitate Federal-state-local law enforcement responses to terrorism. Not in Administration's proposal.

TITLE VIII—STRENGTHENING THE CRIMINAL LAWS AGAINST TERRORISM

Section 801: Terrorist Attacks and Other Acts of Violence Against Mass Transportation Systems.—Establishes a new Federal offense for attacking a mass transportation system. Not in Administration proposal.

Section 802: Definition of Domestic Terrorism.—Creates a definition for ''domestic terrorism'' for the limited purpose of providing investigative authorities (i.e., court orders, warrants, etc.) for acts of terrorism within the territorial jurisdiction of the United States. Such offenses are those that are ''(1) dangerous to human life and violate the criminal laws of the United States or any state; and (2) appear to be intended (or have the effect)—to intimate a civilian population; influence government policy intimidation or coercion; or affect government conduct by mass destruction, assassination, or kidnapping (or a threat of).'' Same as Administration proposal.

Section 803: Prohibition Against Harboring Terrorists.—Makes it an offense when someone harbors or conceals another they know or should have known had engaged in or was about to engage in federal terrorism offenses. Based on Administration's proposal except that the final bill removes the suspicion prong that made it an offense to harbor someone merely suspected of engaging in terrorism.

Section 804: Jurisdiction over Crimes Committed at U.S. Facilities Abroad.—Extends the special and maritime criminal jurisdiction of the United States to offenses committed abroad by or against U.S. nationals. Same as Administration proposal except those actions involving military personnel are excluded per Representative Scott's amendment.

Section 805: Material Support for Terrorism.—Permits prosecution under current crime of material support for terrorism to occur in ''any Federal judicial district in which the underlying offense was committed, or in any other Federal judicial district as provided by law,'' and includes the provision of ''monetary instruments'' as ''material support.'' Same as Administration's proposal.

Section 806: Assets of Terrorist Organizations.—Extends forfeiture and confiscation authority to ''all assets, foreign or domestic'' that are owned or controlled by ''any person, entity or organization engaged in planning or perpetuating any act of domestic terrorism or international terrorism against the United States, citizens or residents . . . or their property.'' Same as Administration proposal.

Section 807: Technical Clarification Relating to Provision of Material Support to Terrorism.—Makes clear that whoever provides material support or resources to terrorists or foreign terrorists organizations may be subject to criminal liability under §2339A or §2339B. Moreover, proposed section 407 of the Administration's legislation seemed to gut the congressional approval requirement and confer upon the President the independent power to impose agricultural and medical sanctions on terrorists ''wherever they are located.'' Same as Administration proposal.

Section 808: Definition of Federal Crime of Terrorism.—Adds new highly egregious offenses to existing definition of ''Federal crime of terrorism,'' thereby ensuring that ''coercing government'' is an element of the offense along with other predicates. Also, added predicates are narrowed to those being the most egregious. Significantly narrower than Administration's proposal, which would have added more predicates and eliminated the requirements that the government prove the crime was committed to influence government. Final bill also eliminates freedom of press issue that could have made press disclosure of covert agents a terrorist offense.

Section 809: No Statute of Limitation for Prosecuting Terrorism Offense.—Provides that terrorism offenses may be prosecuted without time limitations, however, more focused list of offenses will continue to carry an 8-year statute of limitations except where they resulted in, or created a risk of, death or serious bodily injury. Administration proposal did not include more focused list subject to 8-year statute of limitation.

Section 810: Alternative Maximum Penalties for Terrorism Crimes.—Provides alternative maximum prison terms for terrorism crimes, including imprisonment for any term of years or for life. Based on Administration's proposal, except modified to provide more measured increases in maximum penalties where appropriate, including life imprisonment or supervision only in cases in which the offense resulted in death.

Section 811: Penalties for Terrorist Conspiracies.—Adds a new section to the terrorism chapter of the criminal code to provide that the maximum penalties for conspiracies to commit terrorism are equal to the maximum penalties authorized for the objects of such conspiracies (similar approach is found in the criminal code with respect to drug crimes). Based on Administration proposal, except narrowed to add conspiracy provisions only to a few criminal statutes where appropriate, and to provide that the penalties for such conspiracies may not include death.

Section 812: Post-Release Supervision of Terrorists.—Authorizes longer supervision periods, including lifetime supervision, for persons convicted of terrorism crimes (a similar approach is found in the drug crimes statute, which imposes a term of supervised release of at least 10 years, instead of 5 years, in cases where there is a prior conviction). Narrower than the Administration's proposal because it contains more measured increases in maximum penalties where appropriate, including life imprisonment or supervision in cases in which the offense resulted in death.

Section 813: Inclusion of Acts of Terrorism Crimes as Racketeering Activity.—Provides that any terrorism-related crimes can be RICO predicates. Same as Administration proposal.

Section 814: Deterrence and Prevention of Cyberterrorism.—Alters damage and civil liability triggers for computer hacking offenses. Also eliminates mandatory minimums in current law for computer hacking offenses. Not in Administration proposal.

Section 815: Additional Defense to Civil Actions Relating to Preserving Records in Response to Government Requests.—Eliminates any ISP liability to customers for turning customer records over to law enforcement pursuant to any statutory authorization. Not in Administration proposal.

Section 816: Development and support of Cybersecurity Forensic Capabilities.—Requires the Attorney General to establish regional computer forensic laboratories. Not in Administration proposal.

Section 817: Biological Weapons.—Makes it an offense for a person to possess a biological weapon that is not reasonably justified, under the circumstances, by a prophylactic, protective, bona fide research, or other peaceful purpose. Similar to Administration proposal except that provision stating that government does not have to establish mens rea of defendant has been removed in the conference report.

TITLE IX—IMPROVED INTELLIGENCE

Not in Administration proposal:

Section 901: Responsibilities of Director of Central Intelligence Regarding Foreign Intelligence Collected under FISA.—Authorizes the Director of the CIA to establish requirements and priorities for collecting foreign intelligence, and to provide assistance to the Attorney General in ensuring that information derived from electronic surveillance or physical searches is properly disseminated. The DCI cannot direct, manage, or undertake electronic surveillance or physical search operations unless otherwise authorized by statute or executive order.

Section 902: Inclusion of International Terrorist Activities within Scope of Foreign Intelligence under the National Security Act.—Includes international terrorist activities within the scope of foreign intelligence under the National Security Act.

Section 903: Sense of Congress.—Sense of Congress on the establishment of intelligence relationships to acquire information on terrorists.

Section 904: Temporary Authority to Defer Submittal to Congress of Reports on Intelligence and Intelligence-Related Matters.—Grants DCI temporary authority to delay submittal of reports to Congress on intelligence matters.

Section 905: Disclosure to Director of Central Intelligence of Foreign Intelligence-Related information with Respect to Criminal Investigations.—Requires the Attorney General to disclose to the CIA Director foreign intelligence acquired by the Justice Department in the course of a criminal investigation, except when disclosing such information would jeopardize an ongoing investigation.

Section 906: Foreign Terrorist Asset Tracking Center.—Requires the DCI, the AG, and the Secretary of the Treasury to report to Congress by February 1, 2002, on the desirability of a Foreign Asset Tracking Center to track terrorist assets.

Section 907: National Virtual Translation Center.—Requires the DCI and the FBI to report to Congress on the establishment of a National Virtual Translation Center.

Section 908: Training of Government Officials Regarding Identification and Use of Foreign Intelligence.—Requires DCI and AG to establish program to train officials to handle foreign intelligence information.

TTLE X—MISCELLANEOUS

Not in Administration proposal:

Section 1001: Review of the Department of Justice.—Requires DOJ Inspector General to designate one official to receive complaints of civil liberties and civil rights abuses and to report such abuses to Congress semi-annually. Added at Mr. Conyers' request.

Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT), a member of the Committee on the Judiciary who has worked ceaselessly on this matter.

Mr. SCOTT. Mr. Speaker, I thank the gentleman for yielding.

First of all, I think it is appropriate to comment on the process by which the bill is coming to us. This is not the bill that was reported and deliberated on in the Committee on the Judiciary. It came to us late on the floor. No one has really had an opportunity to look at the bill to see what is in it since we have been out of our offices. The report has just come to us. It would be helpful if we would wait for some period of time so that we can at least review what we are voting on, but I guess that is not going to stop us, so here we are.

First of all, this has limited to do with terrorism. This bill is general search warrant and wiretap law. It is not just limited to terrorism. Had it been limited to terrorism, this bill could have passed 3 or 4 weeks ago without much discussion, but we are talking about wiretapping law.

Now, the present law under wiretap provides that you cannot wiretap until you have probable cause that a crime has been committed. Then you can get a wiretap order from a judge. There is an exception for Federal intelligence. It is a much lower standard, but you can only use the wiretap information, what you gain, in foreign intelligence. So law enforcement officials have no incentive to try to push the envelope using the foreign intelligence idea as a pretext excuse for getting wiretap orders, because if they find anything, under criminal law, they cannot use it anyway.

This bill makes three significant changes. One, it reduces standards for getting a foreign intelligence wiretap from one where it is a primary, the reason you are getting it, to: it is a significant reason for getting the wiretap. Much less. Well, we wonder, if it is not the primary reason, why are you getting the wiretap?

Second, it allows the roving wiretap, so once you find a target, if he is using cell phones, for example, you can go and find him wherever he is. Third, you can use the information in a criminal investigation. The combination gives us the situation where there is very little standard and one can essentially conduct a criminal investigation without probable cause.

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If one has, for example, a target who is using cell phones and we get the wiretap, if he uses a pay phone, we can listen to anybody using a pay phone. If he is in a club or an organization, a business, one can go and tap the phones there. If he is visiting the Democratic National Headquarters, maybe one could tap all the phones there.

I had an amendment that was not accepted that would have required the police, when they are listening in on these conversations, to stop listening when the target is not using the phone. When the target leaves the organization or leaves the building, stop listening.

This amendment was not accepted, so we have a situation where we now have an incentive to plant these bugs all over the place, and one can use that information.

If that bothers Members, if they mind the Federal Government listening in on private conversations, if one thinks there is something inherently wrong with the government listening in to innocent conversations, and now remember, for foreign intelligence one does not even need a crime to start the thing, it can be foreign intelligence, a trade deal or anything else, and one is listening to everybody's private conversations.

There are other problems with the bill. There are provisions that allow detention under certain circumstances that may be indefinite.

We expand the ability of the government to conduct secret searches, so-called sneak and peak, where we do not tell people we even investigated. One could start targeting domestic organizations, designate domestic groups as terrorist groups, and one could start getting the CIA into designating these groups as targets for criminal investigations.

Mr. Speaker, there is a lot in this bill that we have not appropriately considered. That is why we need more time to think of it, because it goes way past terrorism. This is the way we are going to be conducting criminal investigations, and therefore, the bill ought to be defeated under suspension of the rules.

The SPEAKER pro tempore (Mr. SWEENEY). The gentleman from Ohio (Mr. OXLEY) is recognized for 10 minutes.

Mr. OXLEY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I rise in support of the legislation, particularly the provisions in title III which would represent the most comprehensive anti-money laundering legislation which the House has considered in more than a decade. The legislation gives the administration important new tools with which to wage a global financial war on terrorism, and to starve Osama bin Laden and others like him of the funding needed to commit their acts of evil.

The bill that passed the House last week by a 412 to 1 vote has in my view been improved in conference with the other body. The legislation targets the specific channels used by terrorists to finance their operations in this country and globally, including bulk cash smuggling, international wire transfers to and from foreign banks, and using informal black market banking systems, such as the ancient network known as hawala.

The bill also establishes a framework for an unprecedented public-private

partnership that will have as its primary objective the identification, reporting, and disruption of financial transactions related to money laundering generally and terrorist activity specifically.

Finally, the legislation gives the Secretary of the Treasury, in consultation with other government agencies, the power to impose countermeasures aimed at combatting overseas money laundering threats, particularly those emanating from so-called offshore secrecy havens.

It has often been said that an effective international regime for thwarting money laundering and disrupting terrorist financing is only as strong as its weakest link. As long as there are jurisdictions that offer no-questions-asked banking and exert little or no regulatory oversight of their financial services sectors, international efforts to impede the flow of dirty money will never fully succeed.

With this legislation, we take a critical step toward smoking terrorists and other criminal organizations out of the offshore financial bunkers that for too long have offered them safe haven.

The money laundering portion of this legislation was introduced in the House on October 3, marked up by the Committee on Financial Services on October 11, and passed by the House on October 17.

Obviously, to move such complex and far-reaching legislation through the process so quickly requires an extraordinary level of bipartisan cooperation. In that regard, I want to pay special tribute to the committee's ranking member, the gentleman from New York (Mr. LAFALCE), and commend him for his tireless work in committee and in our dealings with the other body to get the strongest possible bill.

I also want to thank Chairman SARBANES, my counterpart in the Senate, and his staff, both for their good faith efforts to reconcile the House and Senate bills in negotiation late last week, and for their hospitality in hosting the House delegation in Senator SARBANES' hideaway in the Capitol at a time when most of the Capitol complex was closed. While both the House and Senate were shut out of our office buildings, both bodies continued to work under less-than-ideal circumstances to get this critical piece of legislation to the President's desk this week.

I also want to pay tribute to the gentleman from Wisconsin (Chairman SENSENBRENNER) and the Committee on the Judiciary for their fine work on the antiterrorism legislation.

Finally, let me also thank the administration for working closely with the committee to ensure that the new legal authorities that the executive branch will receive under this legislation are carefully tailored to meet the nature of the threat that our Nation now confronts.

The bill that Members will have an opportunity to vote on later tomorrow is balanced, comprehensive, and bipartisan. It sends the strongest signal we can send to the terrorists and to those countries that offer them aid and comfort that the war against terrorism will be fought in the financial theater as aggressively as the war now being waged by our brave men and women in uniform.

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

The SPEAKER pro tempore. The gentleman from New York (Mr. LAFALCE) is recognized for 10 minutes.

Mr. LAFALCE. Mr. Speaker, I yield myself 5 minutes.

Mr. LAFALCE. Mr. Speaker, the war against terrorism will not be won unless we cut off al-Qaeda and all terrorist groups from the funds that sustain their attacks against civilized humanity. We can do that.

Title III of the PATRIOT Act provides the United States absolutely essential weapons in our fight to disrupt terrorist funding. Title III provides a comprehensive set of tough new anti-money laundering laws and strengthens existing anti-money laundering laws.

The bill incorporates the legislation that I introduced in the last Congress and early in this Congress giving the Secretary of the Treasury increased authority to block transfers of funds into the United States financial system from foreign banking systems that are easily exploited by terrorists and criminal organizations because those foreign jurisdictions have weak or nonexistent anti-money laundering regimes.

We have evidence indicating that bin Laden took advantage of weak regulatory systems overseas to funnel money through U.S. banks to his associates in the United States, money that was used to finance the September 11 attacks. We cannot allow the world's bank secrecy havens to become the port of entry into the United States banking system for terrorist funds.

But, so long as some foreign banks are allowed to hide the identity of terrorists and narco lords, the legitimate global banking system will be vulnerable to exploitation by these groups. Our legislation, incorporated now in the PATRIOT Act, increases the power of the government to track terrorist and criminal money kept in offshore secrecy havens.

We cannot succeed alone. All nations must have strong antiterrorist and anti-money laundering laws. The provisions of our bill give the United States new tools and leverage in our efforts to raise global anti-money laundering standards.

The PATRIOT Act also takes aim at hawalas, the underground banking system that is used by international terrorists like al-Qaeda. Informal global money transmitting systems allow terrorists to send money around the world with little or no paper trail. Our PATRIOT Act reins in the operation of hawalas by requiring hawalas to register with our government or face criminal prosecution. Hence, we make unlicensed hawalas de facto illegal and de facto criminal.

The bill also stiffens the penalty for smuggling cash in and out of the United States, which is something that a hawala operator will ultimately engage in at some point.

Mr. Speaker, bin Laden has bragged that he knows how to exploit the gaps in the Western financial system. The PATRIOT Act is strong legislation that will enable us to close those gaps and enhance our fight against terrorists and criminals. It deserves everyone's support.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. BACHUS), who is a member of both the Committee on the Judiciary and Committee on Financial Services.

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

Mr. Speaker, we learned something 6 weeks ago. It was a very painful lesson. We learned that legislation was needed to provide law enforcement and intelligence additional tools that they needed to address the threat of terrorism and terrorists.

Mr. Speaker, we may not have understood and appreciated the word ''terrorism'' and what terrorists were before September 11, but we certainly do today. We know who they are, we know what they are capable of. We may not have appreciated the need for this legislation before September 11, but surely today we appreciate the need for this legislation and the urgency of such legislation.

Mr. Speaker, we may not have thought too much about giving law enforcement stronger tools for combatting international terrorism before September 11, but today we think a lot about that. We realize that that needs to be done. We did not investigate terrorists and identify them on a real-time basis before September 11. We sometimes overlooked the urgency. We know that urgency today.

Finally, Mr. Speaker, we now know that we need to cooperate not only between agencies, law enforcement agencies, but between countries and between the private sector and government to track terrorists, to track their assets, to monitor their activities. If we did not realize that before September 11, surely we know now the price we pay when they exploit our vulnerabilities. They exploited our vulnerabilities, our free society, and the losses were great. It is time to close those vulnerabilities.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a distinguished member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member for yielding time to me.

Mr. Speaker, I think Americans know very well that character is judged not so much on how a man or woman acts in the good times, but how we act in the face of adversity. This country certainly has faced adversity over these last couple of weeks, and I am proud of what America has stood for.

That is why I rise today with caution and concern regarding the new proposed Uniting and Strengthening America, the U.S.A. Act, not because I do not believe there should not be additional tools to help us fight against the horrific acts of terrorism, but because I believe in the face of adversity America should lift up its virtues of equality, justice, freedom, and the Bill of Rights.

I am certainly glad to realize that some of the work of the Committee on the Judiciary, which I supported and which we voted out early on a legislative initiative that was voted 36 to 0, that in this new initiative we can see some of that work.

I do believe that in making our country safe against terrorism, that we do not necessarily need to do away with due process, and that we should not target innocent people unfairly because of their race, color, sexual orientation, creed, gender, or religion.

I support some of the provisions in this legislation and I hope to consider them overnight, because unfortunately, the process that brought this bill to the floor disturbs me.

I offered an amendment that would allow detention cases to be brought in local courts, rather than just the District of Columbia. I am very gratified to know that it is in this bill. It means that people who have and need resources of their lawyers and need to have family members and witnesses do not have to travel to the District of Columbia.

I am relieved that there is an immigration relief for persons being sponsored by victims who died on September 11, so those who were being sponsored, if their sponsor died, they can still access legalization.

The bill also clarifies that the AG's new detention authority is limited to cases of terrorism, and detention cases must be reviewed every 6 months. That is a positive side.

It is also good to know that the sunset provision has now been established not as an extended, unending 5-year period with the authority resting in the administration, but it is cut off at 4 years, so America knows that we are using these tools to help us fight terrorists but not fight Americans.

But I am concerned, Mr. Speaker. I am concerned that the legislation still permits the Attorney General indefinitely to incarcerate or detain noncitizens based on mere suspicion, and to deny readmission to the United States of such noncitizens.

I am also concerned that the AG and the Secretary of State has the power to incarcerate members of domestic organizations as terrorists. One might simply be paying dues and be declared part of a terrorist organization.

It allows widespread investigation of Americans just on the basis of intelligence purposes. It allows searches of highly personal financial records. It allows student records to be searched.

I would say this, Mr. Speaker: Let us show America's character and bring forth a bill that all of us will find a good balance on. We will review this bill, but I hope we will find an opportunity to vote on a good bill and provide the leadership that we need to lead.

□ 1945

Mr. OXLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA), the vice chair of the committee.

Mrs. ROUKEMA. Mr. Speaker, I thank the gentleman from Ohio (Mr. Oxley) for yielding the time. I rise in strong support of this legislation today.

Many of us in this Chamber have worked for a number of years to provide the law enforcement tools that we need to fight the drug trade, money launderers, and terrorists; and in the wake of September 11, the terrorist attacks, this has never been more important. And indeed, we may soon learn that the anthrax attacks are financed by the same money sources. We do not know that yet.

The point is that, as has already been outlined, particularly by the gentleman from New York (Mr. LAFALCE), I want to commend him for stating some of the specifics of this legislation. He has been a leader, and we have worked together on this, and whether we are talking about the bill prohibiting correspondent banking privileges for offshore shell banks and authorizes the Secretary of the Treasury to take special measures if a foreign country or bank is deemed to present a money laundering threat, the gentleman from New York (Mr. LAFALCE) went into great detail on that, and I want to associate myself with his remarks.

The bill is not perfect. I am sorry that, for example, we excluded making it a crime to smuggle over $10,000 interstate. We included it for overseas, but it was not included for interstate. Nevertheless, this is an excellent bill.

I would like to say to some of the nay sayers that complain about the provisions, as to whether or not they deny due process or whatever, the question has been asked are we endangering the rights and privacy of innocent Americans. The answer is no, but it does give our law enforcement officials the requirements that they need for their careful investigation. It gives our regulators and law enforcement officials what they need to get the job done.

May I say that in this brave new world of terrorists, we must cripple this demonic network. Let me just have a couple of additional seconds to say that unless we have this strong provision in the bill, it would make a mockery of the legislation; and it is an absolutely essential core of anti-terrorist legislation.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK) to discuss the anti-money laundering provisions.

Mr. FRANK. Mr. Speaker, as a member of both committees, who has sat through both markups, I get to make two different sets of remarks, and I will have comments about the procedures later. But I want to congratulate the gentleman from New York (Mr. LAFALCE) and the gentleman from Ohio (Mr. OXLEY), as well as Members of the other body, for their persistence in bringing this bill before us.

We have talked a lot about the changes in perception people have undergone since the terrible mass murders of September 11. This is one of the most profound. This needs to crack down on those Nations which allow their banking systems to be used as cover for a variety of illegal activities, whether it is drugs or tax evasion or terrorism. That was long overdue, and it was opposed by the administration and some others. And I welcome the recognition now that cracking down on this misuse of money is very important.

There was a great disconnect between people denouncing the terrorism and not wanting to end its financing, and I must say I was struck and I am pleased that the administration has come around now to be supportive of the bill. When the Secretary of the Treasury testified and the gentleman from New York (Mr. LAFALCE), who was a main sponsor and author of this bill, asked if he was for money laundering a couple of weeks after the terrorism, he said only if it gets added some good due process provisions.

My initial reaction was to hope he would run into the Attorney General that day and tell him about the value of due process provisions, because we had a period there where it seemed to me that the administration thought that due process existed for bank accounts but not necessarily for people. What we are getting is a kind of convergence, and I think that is very important.

This is why I wanted to stress this bill in particular, this money laundering section, which is so important

that has been so sought by law enforcement officials at all levels. I was with the district attorney of New York County yesterday, Mr. Moore, who said, again, that is all on this subject, it has to be enforced well.

This is not self-executing, and the bill will become law and the Secretary of the Treasury and his aides will have a great weapon that can be used. It should be used sensitively and sensibly, but it can and must be used. And I hope that the initial reluctance to get this passed will not get in the way of its effective enforcement.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this legislation and want to congratulate the leadership of both the Committee on the Judiciary and the Committee on Financial Services for bringing this forward. I support the provisions that have come from both committees. I think they have done a fine job.

Obviously, everyone has said it, September 11 changed our lives. And in past wars when we have talked about men and women in uniform, we have talked about men and women who are in the military; and today, we have to refer to men and women in uniform right here in the United States who are in law enforcement, who are in the midst of this war.

That is why I believe that the steps taken in this legislation will go a long way towards empowering them to deal with the very tragic situation that we face. We all know one of the provisions, I think, that is very, very important to note is that the technological changes that we have observed over the past couple of decades have clearly provided an impetus for the changes that are being made in this measure. And in the past, our own surveillance structure has been used against us whereby people could continue to move with the new technology, with cellular telephones, et al, and they could not be traced.

Under this bill, an individual will be able to be targeted; and regardless of what mode of communication will be utilized by this individual, the ability to follow them will be there. It is important to note that the content of conversations will not be taken, but in fact, the numbers will.

I think this is a very, very helpful and positive step forward. I also happen to be a proponent of the sunset provisions. I am concerned about civil liberties for everyone, and I believe that it is important to note that some of these provisions may, may be unnecessary at another time in our Nation's history. So I believe that the agreement for the 4-year sunset provision is an appropriate one, and I congratulate my colleagues for coming to this compromise on it.

I believe that this measure should, as is evidenced here, enjoy strong bipartisan support; and I thank my friend, the gentleman from Wisconsin (Mr. SENSENBRENNER) for the time.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2 minutes and 40 seconds to the gentlewoman from California (Ms. LOFGREN), a distinguished member of the Committee on the Judiciary.

Ms. LOFGREN. Mr. Speaker, having had a chance to review the bill before us, I find that I must support the measure. I will say this is not a perfect bill. It is not as thoughtful as the Committee on the Judiciary product, although there is much that we did work on in the bill; but it is better than what the House passed last week.

I have been an admirer of the committee chairman's insistence on regular order in the House, and I think that had he been successful in his quest for regular order on this bill, we would have an even better product than we do.

I would also like to note, however, that there has been a lot of loose language among people who oppose this bill. And people are perfectly free to disagree with it, but it is important that we not be incorrect about what is actually in the bill.

I actually heard someone say that the bill would provide for indefinite incarceration on a mere suspicion by the Attorney General. That is simply not the case. The Attorney General may detain persons, but he has to certify, and he has to have reasonable grounds to believe that the individual is involved in terrorism, and that decision is reviewable by a court. So that is real. To say it is mere suspicion and indefinite is certainly not the case; and of course, there is a 7-day limit where a court would take a look at the case.

There are a couple of other issues I wanted to raise. Section 403 and 405 do wonderful things in terms of upgrading technology and integrating law enforcement information with the INS and with the consular officers. However, I think it is important for us to understand that the problem in this arena is not primarily a legislative one. It is a managerial one, and the immigration service has not been successful in implementing the computer efforts that the Congress has already directed them to do. So I am hopeful that the committee can really assert ourselves in our oversight jurisdiction to make sure that the agency actually performs these necessary tasks.

Section 814 reiterates a flawed approach to computer hacking; but it is no worse, I think, than current law. And I would point out that the burden of proof on deportation has been shifted in a way that conflicts with the most recent Supreme Court case on that point. Thank goodness we have a severability clause because that provision is likely unconstitutional. These matters could have been corrected had we engaged in regular order.

Nevertheless, the gentleman from Texas (Mr. ARMEY) is fond of saying let us not let the perfect be the enemy of the good; and I think that is good advice.

Mr. OXLEY. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I rise in strong support of the conference report for the PATRIOT Act, in particular, title III of the Anti-Money Laundering Act.

This legislation takes substantive steps to halt the transfer of illegal funds which are used to perpetrate cowardly acts of terrorism against Americans and support the illegal drug trade. We have a duty and a responsibility to do all in our power to stop these illegal activities. The legislation takes this fight to a new level by creating new public-private partnerships that will enable government and businesses to work together to stop these illicit funds.

In addition, the legislation will make progress to stop hawalas, an ancient system of trading value from one place to another in an attempt to avoid taxes, tariffs, and detection. The bill will combat hawalas by ensuring that the law which requires money transfer businesses to be licensed can be used to prosecute these illusive operations.

This legislation will also ensure that financial institutions of all sizes implement programs to combat their vulnerabilities to those who would seek to use them to transfer or launder illegal funds. The Treasury is required to review the new law and publish rules to ensure that the size, location, and activities of these businesses are taken into account.

I would like to enter into a brief colloquy with the gentleman from Ohio (Mr. OXLEY).

I understand this legislation is intended to impart greater authority and flexibility to the Secretary of the Treasury, particularly regarding the due diligence provisions in paragraphs 1, 2, and 3 in section 312(b) of the bill. Is this the understanding of the gentleman from Ohio?

Mr. OXLEY. Mr. Speaker, will the gentlewoman yield?

Mrs. KELLY. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Speaker, that is my understanding.

Mr. LAFALCE. Mr. Speaker, will the gentlewoman yield?

Mr. Speaker, that is not the language we agreed upon that is in the bill. The Secretary does not have discretion.

Mrs. KELLY. Reclaiming my time, the Congress has come together to

strengthen our financial laws to combat those who seek to harm our Nation. I ask my colleagues on both sides of the aisle to support this Act. Let us make America financially safe and strong.

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

I think this was an attempt that we just witnessed to try to give improper, incorrect legislative intent to the language that we did craft. The language that we crafted said specifically that there is a finding by an international organization, in which the United States concurs, that if there is an inappropriate regulatory regime in a country, then the Secretary must enforce heightened due diligence. There is no discretion at that point. Those three provisions were debated, an amendment was offered, it was defeated; and we ought not to attempt to rewrite it now by legislative intent.

□ 2000

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. LAFALCE. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, I thank my ranking member for yielding me this time, because I participated in this and he is absolutely right.

There were two points at which there could have been this issue. As originally presented, the bill did say that a decision by an international organization that made that finding was binding on the United States and due diligence resulted. The gentleman from Louisiana (Mr. BAKER) offered an amendment to say no because he did not want the American Government to be precluded by a decision with which it might have disagreed.

We then worked out an amendment and the amendment split the difference, and it said the decision would not be binding on the U.S. unless the U.S. was a member of the organization that made it and concurred in the decision. But as the gentleman from New York pointed out, once the United States has concurred in the decision that a particular country is that sort of a haven, then the due diligence is automatic. In other words, the time to reject is when you say, okay, they are not really that kind of a haven.

But the amendment clearly said and the debate clearly said that once the United States concurs in the finding of the international organization that this is a money laundering haven, then all of the due diligence must be applied.

Mrs. KELLY. Mr. Speaker, will the gentleman yield?

Mr. LAFALCE. I yield to the gentlewoman from New York.

Mrs. KELLY. With all due respect to the ranking member, I believe that he may be referring to a different part of the bill. The part I was referring to was paragraphs 1, 2 and 3 of section 312(b) of the bill.

I think if the gentleman will refer to that, he will see that there has been no change other than what we have agreed to.

Mr. LAFALCE. Reclaiming my time, Mr. Speaker, there would then be no need for interpretation or additional legislative intent.

What I was concerned about is there were three specific provisions that were attempted to be deleted by amendment, which we defeated. In fact, the amendment was withdrawn. Subsequent to that, the gentleman from Louisiana (Mr. BAKER) offered an amendment which would have given discretion to the Secretary of the Treasury as to whether or not heightened due diligence would be called for. We defeated that. Heightened due diligence is called for automatically upon the finding.

So long as the gentlewoman is not dealing with those sections, fine. But my fear was that the gentlewoman was dealing with those particular sections that we had considerable debate about.

Mrs. KELLY. If the gentleman will continue to yield, I was dealing with section 312, not section 311.

Mr. LAFALCE. The gentlewoman mentioned three specific points in there, and I was concerned they were the three that had been attempted to be deleted during committee debate.

Mrs. KELLY. As a member of the committee, I was there for those votes and there for that discussion, and I believe that that was section 311, not 312. I was referring in my discussion with the chairman of the committee to section 312.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise today to explain that I will be voting in favor of the Patriot Act of 2001.

Previously, I was one of three Republicans to cast a ''no'' vote on the bill, but I believe that the addition of the money laundering provisions of this bill are a great addition to the bill and certainly enhance the ability of law enforcement to do what they need to do. Also, the provision of sunset for 4 years, which the Senate includes no sunset, but the 4-year provision is a good provision.

I intend to vote for the bill and I appreciate the kind of provisions that have been added to make this a much better bill. I thank the chairman for the opportunity to express my support.

Mr. CONYERS. Mr. Speaker, I yield 3¼ minutes to the gentleman from North Carolina (Mr. WATT), who is on both committees, and I understand the gentleman from New York (Mr. LAFALCE) will yield the balance of his time.

Mr. LAFALCE. Mr. Speaker, I yield the balance of my time to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, may I inquire as to how much time I have been yielded in total?

The SPEAKER pro tempore (Mr. SWEENEY). The gentleman from North Carolina (Mr. WATT) has 3¾ minutes, with the 30 seconds yielded by the gentleman from New York (Mr. LAFALCE).

Mr. CONYERS. Mr. Speaker, what is the time remaining for all sides?

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 10 minutes remaining, the gentleman from Michigan (Mr. CONYERS) has 8½ minutes remaining, before yielding, the gentleman from Ohio (Mr. OXLEY) has 1½ minutes remaining, and the gentleman from New York (Mr. LAFALCE) has 30 seconds remaining.

Mr. CONYERS. Mr. Speaker, I yield 4¼ minutes to the gentleman from North Carolina (Mr. WATT).

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. WATT) is recognized for 4¼ minutes.

Mr. WATT of North Carolina. Mr. Speaker, I yield to the ranking member of the committee, the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I thank the gentleman. I would like to make it clear, Members of the House, that I am very proud of the results that have come out with reference to money laundering because we dropped the administration proposal that would have eliminated due process safeguards that would have prevented RICO liability for tobacco companies, and I am very proud of that. My reservations that continue as we end tonight's debate is on the bill and the issues that came out of the House Committee on the Judiciary.

And I thank my colleague for yielding.

Mr. WATT of North Carolina. Mr. Speaker, reclaiming my time, I thank both gentlemen for yielding me this time.

I voted for the Committee on the Judiciary's version of the anti-terrorism bill. I voted against the bill that came to the floor because it was a far cry from the Committee on the Judiciary's bill. I voted in the Committee on Financial Services for the money laundering provisions of the bill. And I feel like I am in a really, really difficult position with these bills, now having been put together, because the money laundering provisions which were reported out of the Committee on Banking and Financial Services, I think, are worthwhile and needed provisions and strike a good balance in terms of protecting the rights of individuals in our country.

I would have thought that if any committee would have been overstepping due process bounds, it might have been the Committee on Financial Services, not the Committee on the Judiciary. So I find myself in the same position that the gentleman from Michigan (Mr. CONYERS) has expressed. Were the money laundering provisions a freestanding bill, I would certainly support them. But I think the Committee on the Judiciary part of this bill goes too far.

And let me be blunt. Some of us, who have a different history in America, with delegation of authority to the Government and the abuse of that authority, proceed a lot differently than others when we talk about giving authority to the Government that can be abused. And I think that is why we are having so much trouble in this debate. We cannot just come in in the middle of a terrorism episode and forget all of the history that has occurred in our country.

Some groups in our country have had their rights violated, trampled on by the law enforcement authorities in this country; and so we do not have the luxury of being able to just sit back and give more authority than is warranted, the authority possibly to abuse due process through law enforcement, even in the context of what we are going through now. This is a very difficult time. I acknowledge that it is. But I think we are giving the Government and law enforcement too much authority in this bill.

We drew a very, very delicate, fine balance in the Committee on the Judiciary. Unfortunately, we took several giant steps backwards when we passed the House version of the bill; and now we have taken a couple of steps forward, more toward the Judiciary bill. But I cannot justify voting for this bill only because it is better than what the House previously passed. It still does not measure up, and I encourage my colleagues to vote against it.

Mr. OXLEY. Mr. Speaker, I have 1½ minutes remaining; is that correct?

The SPEAKER pro tempore. That is correct.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume to close for our side.

Mr. Speaker, this has been a legislative process at its best, the Congress coming together, recognizing a very, very serious problem: the fact that our law enforcement people, the Secretary of the Treasury, currently do not have the powers and the tools necessary to deal with this horrible threat known as terrorism, this new kind of war. The Congress came together, both Republicans and Democrats from both sides of the Capitol, to craft this legislation.

This is going to pass by an overwhelming margin. I think we all understand that. Because the Members recognize, a, that the committees have done their work, have made the compromises, have made the necessary changes to get a piece of legislation that can pass, be sent to the President, and can indeed solve this very, very difficult problem. Nothing could be more important in our careers here in the Congress, no matter how long we stay, than to protect the American people and to make certain that the people who seek to terrorize us and to kill our citizens are brought to justice, and, indeed, even more importantly stop these individuals before they commit these heinous acts.

So from my perspective, this is one of the proudest moments of my 20 years here in the Congress, to participate in this wonderful exercise of democracy and positive legislation. For that, I think all of us deserve a great deal of credit.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the very distinguished gentleman from the Commonwealth of Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank the chairman for yielding me this time, and let me respond for a moment to the gentleman from North Carolina. There is no one for whom I have such profound respect as I do the gentleman from North Carolina (Mr. WATT), and I listen carefully to what he says, because what he says always rings true.

In this particular case, however, I do have a disagreement, because we hear much about roving wiretaps, we hear much about expanded powers; but I think it is absolutely essential to note that the expansion of powers do not go to the criminal side of the bill that is before us. In other words, the safeguards that are inculcated in our jurisprudence through the fourth amendment of the Constitution are still there. All those checks and balances are still there.

Clearly, there is an unease; and I share some of these concerns. I do not think that there was any doubt in the aftermath of September 11 that it was clear that the administration was going to come to the Congress to seek additional authorities to deal with the terrorist attacks on our Nation. And while all of us were ready to and willing to grant them, what was appropriate, many, including myself, also braced for a frontal assault on civil liberties. In that regard, even the administration proposal was most notable, in my opinion, for what it did not contain: no new death penalty provisions, no new mandatory sentences.

On the other hand, the proposal did contain a number of profoundly disturbing features, including provisions that would have authorized the indefinite detention of nonresident aliens, the use in evidence in a criminal prosecution of information illegally obtained by foreign intelligence services operating abroad in criminal prosecutions in the United States, and the use of wiretap authority under the so-called FISA Act, even when the real purpose of the wiretap had little or nothing to do with intelligence gathering.

Now, we all know what happened here on the floor of the House when the committee bill came before the body.

□ 2015

Much was accomplished in that committee. It has been mentioned time and time again that it was a unanimous vote, and both the chairman and the staffs on both side and the gentleman from Michigan (Mr. CONYERS) really do deserve our gratitude.

However, in the aftermath of what happened here, many of us could not support the bill. I was one of those who voted against it. But the good news is that there were subsequent negotiations with the Senate, and it has resulted in a better bill. Among other things, and it has been mentioned again and again, that there is a sunset provision.

The sunset provision obviously will give us a second look and correct the problems that we hope will not arise, but many of us fear. At this point in time I want to commend the gentleman from Massachusetts (Mr. FRANK) because he participated in those negotiations and really did improve the bill that left the floor of this House.

Having said that, I still harbor reservations about some aspects of the bill. For example, it allows disclosure of secret grand jury information to intelligence and national security officials without a court order. This is a serious departure from our criminal jurisprudence, and I cannot understand why it is included because securing a court order is a simple procedure. It would not hinder an investigation. However, notwithstanding such reservations, I have to acknowledge we have come a long way and I will support the bill.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, I supported the bipartisan bill that came out of the Committee on the Judiciary; and sadly, that is not before us today and it is not the bill that we would have been able to support and that I could have supported with enthusiasm.

The bill that passed the House was improved upon by the conference. Court supervision was added to the grand jury provisions. Money laundering provisions are now in the bill; and as we know, the first shot that was fired by this administration was one using the freezing of assets and monetary measures. Probably the saving

grace here is that the sunset provision forces us to come back and to look at these issues again when heads are cooler and when we are not in the heat of battle.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Speaker, I do not know how I am going to vote on this bill yet because I have a notion that a bill of this weight, I ought to read it.

What I want to talk about now is my deep disappointment in the procedure. The gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the committee, has fought hard for a fair chance for the Members to look at things; but on the whole, his efforts have not been honored.

We now, for the second time, are debating on the floor a bill of very profound significance for the constitutional structure and security of our country. In neither case has any Member been allowed to offer a single amendment. At no point in the debate in this very profound set of issues have we had a procedure whereby the most democratic institution in our government, the House of Representatives, engages in democracy.

Who decided that to defend democracy we had to degrade it? Who decided that the very openness and participation and debate and weighing of issues, who decided that was a defect at a time of crisis? This is a chance for us to show the world that democracy is a source of strength; that with our military strength and our determination and our unity of purpose goes a continued respect for the profound way in which a democracy functions.

This bill, ironically, which has been given all of these high-flying acronyms, it is the PATRIOT bill, it is the U.S.A. bill, it is the stand up and sing the Star Spangled Banner bill, has been debated in the most undemocratic way possible, and it is not worthy of this institution.

There is no reason why we could not have had this open to amendment tonight. This bill should not be debated now. Was it really necessary to debate one of the most profound pieces of legislation and its impact on our society that we have had, was it really necessary to debate it at night after all of the Members who have been working all day were told to go home? Why could this not have been a full-fledged debate with some amendments? I think because leadership of the House thought Members might have voted for a 3-year sunset. They might have voted not to have the burden of proof be on someone to prove his innocence in a criminal trial.

Mr. Speaker, the House has not been well served by a procedure which degrades democracy in the name of defending it.

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

Mr. Speaker, no one has appreciated the attempts at fairness more than the ranking member of the Committee on the Judiciary. The members of the Committee on the Judiciary had a free and open debate; and we came to a bill that even though imperfect, was unanimously agreed on. That was removed from us, and we are now debating at this hour of night, with only two copies of the bill that we are being asked to vote on available to Members on this side of the aisle. I am hoping on the other side of the aisle they at least have two copies.

Mr. Speaker, there is something wrong with that process. The gentleman from Wisconsin (Mr. OBEY) first put his finger on it in the debate in which 79 Members were not able to go along with the bill, is that a legislative body that does not debate is being railroaded whether they know it or not, whether they want to accede to it or not.

Although I like the money laundering provisions in the bill, I detest the work product that bears the name of my committee on it that has now been joined with this bill. For those reasons as we close this debate, my inclination is not to support the bill. I hate to say that to Members because a number have asked me what I was going to do, and I have said up to now I was not sure.

Mr. Speaker, why should I put my name down in history for all time that I went for this ridiculous procedure which has been outlined? I do not feel inclined to support it tonight or tomorrow morning either.

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

Mr. Speaker, this is the latest step in a long process to attempt to pass a bill and send to the President a bill that is vitally needed. It is vitally needed by our law enforcement officials who are fighting the battle at home. We do not know how this battle will be fought. We do not know what tactics the enemy will take. We do not know what agents the enemy will use.

What we need is we need to get the intelligence necessary to protect the people of the United States of America from whatever the enemy has up its sleeve.

The Committee on the Judiciary did marvelous work. The gentleman from Michigan (Mr. CONYERS) was a joy to work with, as were all of the other members of the committee when we reported the bill out 36 to nothing. The other body did not have committee consideration. They took their bill directly to the floor and passed it 96 to one.

What we have before us here today is the result of a preconference that had bipartisan and bicameral participation. Wednesday of last week there was a meeting presided over by our distinguish Speaker, the gentleman from Illinois (Mr. HASTERT). In attendance were the gentleman from Texas (Mr. ARMEY), the gentleman from Missouri (Mr. GEPHARDT), the gentleman from Massachusetts (Mr. FRANK) representing the gentleman from Michigan (Mr. CONYERS), myself on the House side, and Senators DASCHLE, LOTT, LEAHY, and HATCH representing the Senate leadership and the chairman and ranking minority membership of the Committee on the Judiciary.

The issues and disagreement between the House and the Senate were thrashed out thoroughly. I can tell the membership tonight that the bill that is before us tonight is better than the bill which was passed on October 12 by a vote of 337 to 79. We were able to get a shorter sunset. We were able to include money laundering provisions which were not in our bill because of jurisdictional problems, but which were in the bill passed by the other body and language was passed by us last week as a result of the efforts of the chairman and ranking member of the Committee on Financial Services, the gentleman from Ohio (Mr. OXLEY) and the gentleman from New York (Mr. LAFALCE).

Mr. Speaker, this is not a perfect bill. I do not think we can get a perfect bill given the conflicting issues that are before us; but none of the changes are new in the legislation that is before us compared to either the Committee on Financial Services bill of last week and the Committee on the Judiciary bill of October 12. There is no surprise in any of these issues. This is a bill that is vitally needed. The President has called for it. The Attorney General has called for it, and we should not delay in passing it.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, is the gentleman from Wisconsin in any position to assure Members of the House that there will be a conference on this measure?

Mr. SENSENBRENNER. Mr. Speaker, it would be my hope that because this is the result of a preconference, the body would pass this bill unamended and send it to the Senate. The issues that would have been debated in the conference were debated in the preconference with the participants that I just mentioned. There was compromise that took place between what the Senate passed and what the House passed.

I think that this bill again is better than the bill that we passed on October 12, and I believe that it is deserving of the support of all Members of the House of Representatives.

Mr. CONYERS. Mr. Speaker, if the gentleman would continue to yield, we had a preconference before we had a

bill and before there was a conference; and now we are not going to have a conference.

Mr. SENSENBRENNER. Mr. Speaker, reclaiming my time, I think the urgency of getting this job done is very, very great. If there were issues that were not discussed between this body and the other body, I think the gentleman's representation would be correct. But all of these issues were discussed.

I think a conference would merely delay passing powers that law enforcement vitally needs. We have done a good job in balancing the need for stronger law enforcement powers and civil liberties. I would urge support of this bill.

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

The SPEAKER pro tempore (Mr. SWEENEY). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 3162.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed until tomorrow.

□ 2030

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. SWEENEY) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 23, 2001.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on October 23, 2001 at 4:44 p.m. and said to contain a message from the President whereby he submits the FY 2000 Annual Report of the Railroad Retirement Board.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNUAL REPORT OF RAILROAD RETIREMENT BOARD FOR FISCAL YEAR 2000—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. PLATTS) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Transportation and Infrastructure and the Committee on Ways and Means:

To the Congress of the United States:

I transmit herewith the Annual Report of the Railroad Retirement Board for Fiscal Year 2000, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act and section 12(1) of the Railroad Unemployment Insurance Act.

GEORGE W. BUSH.
THE WHITE HOUSE, *October 23, 2001.*

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.

DISTRICT IN CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I am very pleased to be back here where I feel most at home, on the House floor, and have felt that way for more than a decade now, especially tonight when we have had an Earth-shattering experience here in the District, just when the 600,000 people who live here were getting a grip. I speak, of course, of the death of two postal workers unexpectedly that has come down upon us.

Mr. Speaker, I come to the floor also to say that no city has had a greater number of direct consequences from the September 11 attack than the District of Columbia: The closure of National Airport; the shutdown of our major industry, tourism, the only real industry we have got here except government; the closure of the House; anthrax scares and now anthrax deaths. Like most of you, I know my constituents look to me, they have to look to me for leadership, especially in times of crisis. I am trying to help my people move on to avoid panic, and I need the help of this House and of the entire Congress.

My folks are being very brave when you consider what they have encountered. I have just come from D.C. General Hospital where Majority Leader DASCHLE, Mr. SARBANES, Ms. MIKULSKI of Maryland, Mayor Williams, and all of us gathered to inspect the facility where postal workers are receiving Cipro. We pray for the families of those who have died from Brentwood and of those who have come down with the disease there and on the Hill.

I must tell you that the postal workers there were amazingly calm, in their uniforms, simply ready to get their Cipro and go on with their work. But, Mr. Speaker, the 24-hour cable and the announcement that health officials have to make, public officials have to make, warning postal workers and Americans of danger have eclipsed any messages that we are Americans and we have got to go on with our lives and not be terrorized by terror.

The leadership role those of us in the Congress, all of us who are public officials, must play in times like this compels us to help our people get their balance, avoid paralysis, panic, and pain. We have got to start reminding our folks not only of the danger but that most of us are safe.

Yes, I am struggling with the grief of two who died here; but at the same time, I tell my people that the two who died here of anthrax which gives flu-like symptoms, that 10,000 die of flu every year. We have got to put this into some perspective or else we are simply going to help paralyze our own people. We have got to remind them that the Nation's capital is the best protected city in the world notwithstanding the anthrax deaths. We have got to help the people of this city and of the United States get past this. We have got to help them understand that the House and the Senate and the Congress will soon be safe enough for all to come and see.

Above all, we have got to send a message that yes, school children can come again to their Nation's capital and can come to their Congress. I ask for your help in getting out to the people of this city and to the American people messages of reassurance that all now hunger for.

AIRPORT SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, ground zero is still burning while the House is fiddling. Six weeks have passed since terrorists attacked America by hijacking four airplanes. Six weeks have passed since that deadly day, September 11, 2001, in which terrorists attacked the United States of America. Six weeks have passed since nearly 6,000 Americans and other people perished in the deadliest day in the history of American soil.

Mr. Speaker, it is high time House leaders let the Members vote on the bipartisan aviation security bill, H.R. 2951, which I have cosponsored with the gentleman from Iowa (Mr. GANSKE) and the gentleman from New Jersey (Mr. ANDREWS). It is high time Congress acts to protect the American people from future terrorist hijackings.

We need to pass this bipartisan bill, because it provides the flexibility to hire a combination of Federal, State, and local law enforcement personnel to

provide security for our Nation's airports. Airport security, Mr. Speaker, should be a law enforcement function, not a minimum wage function. Let me repeat that, Mr. Speaker, because that is the bottom line that divides us here in the House. That is what this debate is all about, and that is why the bill has yet to come to the floor. Airport security should be a law enforcement function and not a minimum wage function. The American people will not return to flying until they know the skies are safe.

Despite the changes made since September 11, security lapses continue. I recently met with several Minneapolis-St. Paul airport police officers, airport screeners, and supervisors as well as Northwest Airlines pilots and flight attendants. To a person, they all told me airport security is still inadequate. I talked to a supervisor of screeners, security checkpoint screeners at Dulles Airport, spent about a half-hour with this woman, this supervisor, and she said, ''Congressman, airport security here is a joke. It's not uniform, 80 percent of our personnel at Dulles are not citizens, 40 percent of them don't speak English and don't understand what is expected in terms of our security.''

Mr. Speaker, that was alarming to me and it is certainly not reassuring to the American people. Low-paid and undertrained baggage screeners and spot checks of passenger luggage are not the solution. They are the problem. When the president of a major flight attendants union says that flight attendants do not feel safe yet, how can we expect the traveling public to feel safe? How can we expect the traveling public to return to the airlines?

We all know that the President has said he will sign our bipartisan aviation security bill if we can get it passed in this body. It passed the other body 100-to-nothing, unanimously. It is high time to stop the delay and pass this bill now.

Aviation security delayed is aviation security denied.

ECONOMIC STIMULUS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Speaker, over the past few days, I have been meeting with constituents in Maine, including a couple of meetings with fire department, police department, and EMT personnel about what they have been going through since September 11. My colleague, the gentleman from Maine (Mr. BALDACCI), and I did one of those meetings together; and I did another one yesterday morning in Portland.

What those people said to me over and over again is we need help with the added costs that we have run up since September 11; and, after all, this was an attack on the United States and not on the State of Maine or the City of Portland or the towns in my district or anywhere else in the country. Second, they said we need training to cope with these new threats, chemical and biological threats or other threats, that we are not entirely prepared for. And, third, they said we need better communication with Federal officials, State officials, and others, in fact with each other, in order to do the jobs that we have set out to do.

But when we look at what is happening to our States right now, we notice several things. First, costs are up. Costs are up because of overtime and all sorts of additional tasks that are being undertaken since September 11. Revenues are down because of the slowing economy. Sales taxes have dropped; and other State revenues are down, so that for many States deficits are looming. In fact, for more than half a dozen States in this country, the deficits look like they could be over $1 billion.

Tomorrow, this Congress, back in session, will take up an economic stimulus bill; and I have to say how disappointed I am in the bill that has been reported out by the Committee on Ways and Means on a partisan, not a bipartisan, basis.

First of all, it provides huge tax breaks to some of the largest corporations in the country. Second, it will cut State revenues, I said cut State revenues, by $5 billion a year for each of the next 3 years. And, third, it is, as I said, not a bipartisan bill, not in the spirit of unity and resolve that we have shown in this Congress and around the country since September 11 but a partisan bill.

Let me touch for a moment on the tax cuts to corporations, largely coming from the repeal of the corporate alternative minimum tax and certain AMT tax credit carry-forwards, a technical term. But let us look at this.

People around this country, many of them, got $300 for a tax rebate a little while ago. IBM, if the bill passes tomorrow and is signed by the President and passed by the Senate, would get $1.4 billion in a tax rebate. General Motors would get $833 million in a tax rebate. General Electric would get $671 million in a tax rebate.

What sense does that make? I cannot explain that to people back in Maine. We have $25 billion going to some of the largest and most successful corporations in this country. They are good companies, they work hard; but these corporations do not need $25 billion in tax rebates now.

□ 2045

Let me go quickly to another point. I mentioned what has been happening in our States. Revenues are down; costs are up. A report by the Center on Budget and Policy Priorities shows that the States collectively will lose $5 billion in revenues over each of the next 5 years precisely because of the tax changes that are going to be made at the Federal level if the House bill passes tomorrow.

Now, why does that happen? It happens because so many States, in fact, 49, have their tax laws tied to the Federal tax laws, so when we make a change here, it affects State revenues. What does this mean for economic stimulus? It means that State revenues will be cut. They will have to increase taxes or lay off people because of the changes that we make. What will that do? It will slow down the economy.

So the steps that are proposed to be taken by the Republican majority tomorrow are steps that will slow down economic activity in our states. It makes no sense.

Now we are engaged in a war on terrorism. We are engaged in conflict abroad, and we are engaged in a major effort here at home to protect our citizens. We are asking our citizens for sacrifice; we are asking our citizens to pull together.

Tomorrow, we will have an economic stimulus package from the House Committee on Ways and Means on a partisan basis which hands out $25 billion to the largest corporations in this country and will take away $5 billion a year from our State governments at a time when they need it most.

Mr. Speaker, the majority should be embarrassed by this legislation that is coming to the House floor tomorrow. These major American companies in energy areas, in automobiles, they should be embarrassed by this $25 billion handout. We should turn our back on it and develop a real economic stimulus package for the people of this country.

AIRLINE SECURITY LEGISLATION NEEDED

The SPEAKER pro tempore (Mr. BROWN of South Carolina). Under a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

Mr. INSLEE. Mr. Speaker, this is day 42 after the attack of September 11, and still this Chamber has not had one single solitary itty-bitty vote to do a darn thing about airline safety. It is incredible to me that tomorrow we will be voting on these giant handouts, corporate tax breaks; and we have done absolutely nothing, Mr. Speaker, for the traveling public of this country to make airlines safer.

Let me tell you why I feel so strongly about this. Thursday I was flying up to New York, and the fellow next to me was going through security. And we have got National Guardsmen standing there, and they are doing the great duty standing there. And our screeners are I think trying to do a little better job.

The guy next to me had a nail clipper, and the screening people said, ''Sir, you can't have that.'' They took the nail clipper and ripped off the little pointed deal to take the nail clipper away from him.

That is great, that we are taking nail clippers away from people. But they did not do anything about the guy's bag that he checked in that could have had 40 pounds of C–4 high explosives in it, that went right into the belly of the airplane I was getting on, with another 150 people getting on, who thought, who thought the bags are checked for explosives in this country.

In fact, they are not, because, Mr. Speaker, the sad fact is that 90 percent probably-plus of the bags that go into our airplanes go straight into the belly of the airplane, and they are not checked for anything. They could have dynamite, they could have nitrates, they could have C–4, they could have gasoline, and they are not checked about that. Do you know what the House has done about that for the last 40 days is zip.

I have to tell you, Mr. Speaker, I am very frustrated by the majority's refusal to bring up a vote in this Chamber to do anything about airline safety when this incredible risk is being faced by the traveling public.

Mr. Speaker, I yield to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the gentleman for yielding and want to thank him and the gentleman from Minnesota (Mr. RAMSTAD) for rising also on this.

It is just unbelievable to our constituents when we go home and they ask about airport safety to tell them that we have done nothing; that the committee has completed its work, legislation is prepared to go, the Senate has passed the bill, and on the House floor we have done nothing.

It is even more unbelievable to them when they read one of the reasons the House has not taken action is that you have the leadership in the Republican Party now telling lobbyists that if they do not come and lobby against this legislation, they will not help them out in other pieces of legislation, they will not help them out on things that matter to them.

So what we have now is we have this lobbying game, or fund-raising game, or favors game being played in this Chamber, in this House, against the safety of the American people. It is an outrage to the American people, because the gentleman is so right.

Today I walked all over San Francisco airport. I saw the entire airport. I was in the line so I could get through the machines to clear your carry-on luggage. All that was was the appearance of safety. It was not safety, as the gentleman points out, because we still have not gotten to the point where we have the kinds of technology, the machines, the security, the training, the people in place.

So the gentleman is absolutely right. The leadership of this House on the Republican-side of the aisle absolutely ought to be ashamed. They are breaking faith with the American people on getting this legislation to the floor so that we can get on with it. And it is harming our communities, because the American people are not flying unless they absolutely have to. That is hurting the economies in Florida, Texas, Arizona, California, and the State of Washington and New York and all points in between, because the American people are still nervous. And they ought to be nervous, because this Congress has not addressed this issue.

Mr. INSLEE. Mr. Speaker, reclaiming my time, let me tell you, I represent Boeing Company. We make the airplanes. If the airlines do not have passengers, we do not sell airplanes. The majority party is bringing up a stimulus package tomorrow that basically is a tax bill out for some corporate interests, which is okay. That is a legitimate issue at least to vote on. But the fact of the matter is you could do the biggest stimulus package in this known universe; and if they take down a couple more of our airplanes, the U.S. economy is going in the tank. Boeing is going to have major problems; I will tell you that.

This is an economic and safety issue. To me, it is just absolutely stunning, when we would pass this bill, airline security, that passed 100 to zip in the Senate; and it would pass with overwhelming bipartisan support. If we had a vote on this, Republicans and Democrats would link hands and say we need some modicum of airline safety. This would not be a partisan issue. But the leadership, which wants to hand out these special goods to special interests, is blocking a bipartisan majority in this House to keep planes from being blown up in the sky. I think it is ridiculous.

We have had some good bipartisan cooperation, sending a message to the world that we are united in dealing with this menace. But when it comes time to stand up to the special interests, the majority leadership is not allowing us to do it. And it is wrong; and we are going to talk on this floor, until this gets done, every night.

AIRLINE SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, we are talking about a life and death matter this evening. And I think the American people, if they knew what is happening, would be justifiably outraged, because most people think when they go to an airport and they check their luggage, that that luggage is screened for explosive devices before it is placed in the belly of that airplane. So they get on that airplane, sometimes they allow their families, their children to get on those airplanes, thinking that it is safe to fly.

Now, by law, we have to put a disclaimer on the packs of cigarettes that says if you smoke these cigarettes, you are endangering yourself in certain ways. I believe if we continue to allow the current situation to exist, we should be required to put a disclaimer on airline tickets that says if you get on this airplane, you need to know that it has not been screened, the baggage has not been screened for explosives, and this airplane may explode in midair.

Now, I do not want to be overly dramatic or I do not want to be an alarmist, but the American people have a right to accurate, factual information. They have a right to know that although the Senate has voted 100 to nothing to move an airline security bill, this House has refused to even allow that bill to come to this floor so that we can debate it and talk about it and air our differences and have a vote.

The leadership in this House, the Republican leadership in this House, is refusing to allow this bill to even come to this floor. And every day that an American citizen buys an airline ticket and gets on an airplane, they are in danger; and they need to know that.

I had a young stockbroker call me from New York City the other day when he heard about our efforts to get this done. He told me that he had a sister-in-law who was on, I think, the 19th floor of the first tower that was hit by the plane in New York; and thankfully, she was able to get to safety. But this young man said, ''I am taking my family on a vacation in early November,'' and he said ''I am outraged because I have always assumed that when I check my luggage, it was screened for explosives.'' He said, ''What can I do to get this legislation passed into law?''

I suggested to that young man that he contact his Senators and that he contact his Representatives in this House, and I shared with him that the Senate has done their work, Republicans and Democrats alike. Not a single dissenting vote in the Senate. The most conservative Senators, the most liberal Senators, all agreed that it is time to take airport security seriously; and they joined together in a bipartisan way. They cast their votes, 100 to nothing.

The American people have a right to ask why is the House not taking action? Why is the House preventing this legislation from coming to this floor for a vote? It is unconscionable. I am convinced that if we do not deal with this legislation, Mr. Speaker, that American citizens some day in the future will get on a plane and it will explode and they will lose their lives.

And if that happens, it will be because this House has been negligent and derelict in its duty.

We owe this to the American people. They want it, and the only thing that is keeping it from happening is the leadership on that side of the aisle that refuses to allow this legislation to come to the floor for a vote.

Mr. INSLEE. Mr. Speaker, will the gentleman yield?

Mr. STRICKLAND. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Speaker, I think the gentleman raises a very important point. You know, we have had to have a little bump in the road because of this anthrax issue to prevent us from working. But it is not anthrax that is keeping us from working, it is the poisonous special interests which have got the Republican leadership to refuse to allow the House to vote.

I will tell you, we are going to get over this anthrax thing. We are going to find a way to open our mail, a way to vote. If we do not get the Republican leadership to put this on the agenda, the House is not going to be working.

So I have confidence, we are going to get over the scare, but we have to get over the leadership decision to prevent us from voting.

Mr. STRICKLAND. Mr. Speaker, reclaiming my time. My friend from Washington, and I took an amendment to the Committee on Rules this evening asking that this be made a part of the stimulus package. That request has been denied. This is just unconscionable.

Mr. Speaker, I yield to the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Speaker, the gentleman raised a very important point. We are not voting on airline security, yet we are voting on a stimulus package, yet the two industries that are most hurt, the airlines and tourism, is there anything in this so-called stimulus package that does anything to get our airlines flying better, any deductions, any support? Is there anything in that stimulus package for the airlines?

Mr. STRICKLAND. Mr. Speaker, Not to my knowledge.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to refrain from characterizing actions of the Senate.

MUNICIPAL PREPARATIONS STRATEGIC RESPONSE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Connecticut (Mr. LARSON) is recognized for 60 minutes as the designee of the minority leader.

Mr. LARSON of Connecticut. Mr. Speaker, I rise to address the House on the Municipal Preparations Strategic Response Act of 2001, H.R. 3161.

Mr. Speaker, I think it has become clear to a number of Members that September 11 has clearly changed the lives of all American citizens. And, as we reflect on the events of September 11, I do not think it is lost on the Members here about the tremendous heroic effort that was put forward on behalf of the victims of the World Trade Center, of the Pentagon, and those valiant people of Flight 93. But also not lost on the Members of this body and the other body was that it was not the FBI or the CIA or the FAA or the Armed Services that was first to respond to these tragic events of September 11.

□ 2100

They are local firefighters, police, emergency medical teams, allied health professionals, hospitals. They are, in fact, our first line of defense.

Mr. Speaker, I commend the President for his appointment of Tom Ridge and the emphasis on homeland defense. What the Municipal Preparations Strategic Response Act of 2001 recognizes is that homeland defense begins at home, and it begins with those who are in the front lines, those that respond first.

The genesis for this bill comes from a series of meetings that a number of Members on both sides of the aisle have been conducting back in their home districts. In the process, what we have heard is that when it comes to the Federal budget with respect to dealing with terrorism, that of approximately $8.9 billion that is appropriated, only a scant $300 million makes it back out to our municipalities. The rest remains here in the beltway with Federal agencies.

The concern, of course, is that in our ability to deal with terrorist attacks, we must make sure that all of our frontline responders are well equipped, are well trained, and are well prepared. As important, as many municipalities and many States, as has the great State of California, have prepared for many natural disasters, there is much that we can learn from our local county and State government, and that should all be part of the bottom-up strategic planning that goes forward as Mr. Ridge takes over his most important office of Homeland Defense. But without appropriate funding, without making sure that the first-line responders have the kind of financial aid that they are going to need, this simply will not take place.

Mr. Speaker, I am joined this evening by several of my colleagues who have both conducted hearings and are coauthors of this legislation. Let me prevail first upon the distinguished gentleman from California (Mr. GEORGE MILLER), the ranking member of the Committee on Education and the Workforce, who most recently this past week had one of these such meetings.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman from Connecticut for yielding, and I thank him very much for being the prime mover in this effort to make sure that our local community first-responders are fully engaged as this Nation prepares to deal with the threat of terrorism at the local level, and for coming up with legislation that recognizes the difficulty of doing this, but also provides the resources so that it can be done properly; so that, in fact, assessments can be made at the local level of exactly what those kinds of threats might be to our communities; so that there can be regional cooperation; so that the HAZMAT teams can work together, they can learn to share their resources and their knowledge and their training of their personnel and of their response plans; so that there can be a working together, both up and down the infrastructure of our local communities between police and fire, HAZMAT, public health, private health hospitals, people who are going to be called upon to respond to possibly decontaminate a significant number of citizens, or to help a local agency next to them respond with an attack that could take place there. This is not about getting overly dramatic, but it is recognizing that this is something the local communities have done for many years.

In California we have earthquake plans; we have flood plans; we have fire plans in some of our rural communities, trying to determine what the threat would be to these communities, how we can respond and whether or not the resources and the training and the personnel will be there. When we now overlay the threat of terrorism on many of these plans, we recognize that we have to go back to the drawing board.

I represent an area that has many, many petrochemical facilities in my congressional district, and we have many plans to deal with the communities for the releases or the explosions or the accidents that take place at these facilities from time to time to try and warn a community, to have a shelter in place, or to go to the hospitals or to have a warning system so that they can get immediate information. As many times as we have been through it, it does not always work the way it should.

In my meeting yesterday with the county sheriff, with the members of the board of supervisors, with the chiefs of police from the city of Richmond, the city of Martinez, from the Consolidated Fire District, from the HAZMAT personnel, from the people from Kaiser Permanente, the largest health care deliverer in my area, what became very clear was that they need additional resources to do the planning so that the resources will be in place if our communities need these kinds of responses.

So the gentleman has put together legislation to provide this money to the local community. I was startled when a number of weeks ago the gentleman told me the percentage of the money, if the gentleman would repeat it.

Mr. LARSON of Connecticut. Mr. Speaker, of $8.9 billion appropriated, only $300 million.

Mr. GEORGE MILLER of California. Mr. Speaker, we appropriated in the Congress $8.9 billion.

Mr. LARSON of Connecticut. Only $300 million makes it outside of the beltway.

Mr. GEORGE MILLER of California. Mr. Speaker, $300 million goes outside the beltway, and yet these are the people who are going to respond. As somebody pointed out earlier, the reason that we have to provide these resources is that these are events that are not of the local community's making. These are events that are going to occur for a whole host of reasons, none of which can justify them happening; but this Nation has come under attack and, in all likelihood, from the information we receive from our intelligence agencies, will very likely come under attack again. That response is not, that event is not of the local community's making; but the community will be called upon to do that. We need to make sure that our citizens have the assurance that there will be a plan in place that will try to minimize the harm and the casualties that could occur in the community.

Mr. LARSON of Connecticut. Mr. Speaker, reclaiming my time, in the gentleman's discussion with the county and local governments out in California, or in the gentleman's congressional district, do they feel that they are amply prepared to deal with biochemical threats, and what did the gentleman learn from that? Is there something instructive that we can take or that the rest of the Nation can take from California?

Mr. GEORGE MILLER of California. Mr. Speaker, a number of our colleagues, the gentlewoman from California (Ms. ESHOO) had a meeting in her local community; the gentlewoman from California (Ms. WOOLSEY) had a meeting in her local community; the gentlewoman from California (Ms. LEE) had a meeting last week in her community, and some of those meetings were attended by Special Agent John Lightfoot from the FBI. And he also was making assessments of some of the plans around bioterrorism, about the HAZMAT, hazardous materials resources available in the community to deal with these.

The fact of the matter is that it is a very checkered situation. Some communities like my own, because of the nature of the industry, we have a very sophisticated HAZMAT program with highly trained chemists and people on board to deal with toxic materials, and yet next door they might not have anything. So immediately, the conversation was, how would we respond? And in many cases they said, when we have a refinery explosion, we know people are going to be coming to the hospital, because there has been an explosion, there has been a release of perhaps harmful material; and in this case people will just start walking into the hospital and that is when we will first discover that an event has taken place. The people from the hospital said, we can decontaminate a couple of people; the HAZMAT people said we can decontaminate a few dozen people, but if we have hundreds or thousands of people coming in, we have no plan to deal with that, and we would have to call on the resources of the entire San Francisco Bay region, but those resources are not completely coordinated yet. There are many communities that have absolutely no ability.

So the gentleman raises a good point.

Mr. LARSON of Connecticut. Mr. Speaker, that is a point that is consistent with the issues that have been raised, both on the Task Force on Terrorism that has been conducted by the gentleman from New Jersey (Mr. MENENDEZ) and others in the caucus, but the concept of commonality of communication and interoperability seem to be two of the most paramount things that we have to accomplish by providing these frontline responders with adequate planning money so that they can, in fact, strategically respond, even though, in many instances, as the gentleman points out is the case in his district and in California, where they are already well prepared in specific areas, but perhaps not to deal with a threat of this nature.

Mr. GEORGE MILLER of California. Mr. Speaker, we have dealt, and again, we do not know the nature of a terrorist attack, how it is carried out on a target, but we have dealt with an individual refinery explosion or release of toxic materials, we just had one this last week in my hometown. But if multiple refineries were the subject of the attack, there was talk in Texas of where the concentration of petrochemical industries there, in California and in my area and elsewhere, that would immediately outstrip the current resources. Because the current resources are designed for an isolated, although maybe harmful event, or lethal event, but yet isolated compared to perhaps what we might experience.

So I just want to commend the gentleman, if I might, for bringing this legislation to the Congress and securing the coauthors that he has, and also making this a point of discussion in our Homeland Security Task Force in the caucus where I know he and others have raised this. I have been on the other task force, but on this one, Members have told me.

Also, I think the gentleman ought to be very proud of the fact that when we go home and we talk to the people on the front lines, they look at this and they say, this is what we need to do our job if we are, in fact, going to be called upon to provide the kind of protection that we think the citizens that we represent will want. So the legislation is clearly in tune with the needs of the first responders; and clearly it is in tune with their understanding of the kind of threat and the match of resources that would be necessary in a terrorist environment.

So I want to commend the gentleman very much for devising this legislation; and hopefully, the House will get an opportunity in short order to deal with this legislation.

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentleman from California for also coauthoring this very important piece of legislation and for his leadership. As the gentleman points out, there are more than 70 Members on a bipartisan basis that have signed on to the bill that really, from a pragmatic standpoint, just makes all the sense in the world. I think intuitively when our first responders, our local officials, our county and State officials hear about the legislation, this is the kind of thing that they are looking for from us.

Mr. GEORGE MILLER of California. Mr. Speaker, if the gentleman will yield, my last point, we have had a lot of debates, and I am in the middle of one now that has gone on for several years on the education bill. The desire on both sides of the aisle has been to drive the dollars to the classroom, recognizing that very often education dollars get siphoned off and they do not quite carry out the intent, which is to provide an education to America's children. They are used bureaucratically, a lot of other ways on the State and Federal level.

I think in this, it is the same idea with the gentleman's legislation, that we have to drive these dollars down to the people who in fact are going to be put into the position of responding on behalf of our communities. Driving those dollars for planning, driving those dollars for coordination, for cooperation among various departments and agencies within a region is really about the frontline and the first line of defense for American citizens. So I think this is also very consistent with what we have talked about in this Congress on a number of other subjects about giving local communities that flexibility, but giving them the resources so that they can respond in a first-class fashion. I thank the gentleman for yielding.

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentleman for his insight.

Mr. Speaker, I would like to turn to the gentleman from Texas, but before I

do, I just wanted to review a little bit more about this bill which will provide a total of $1.5 billion in funding, $1 billion of funding to cities, counties, towns, boroughs, tribes, and other municipal authorities for strategic planning needed to ensure that local emergency responders, including municipal, private, volunteer fire departments, police departments, sheriffs' offices, emergency medical technicians, paramedics and other health professionals, as well as our area hospitals, are fully prepared, equipped, and trained for emergency and security issues that arise from terrorist attacks.

Mr. Speaker, the gentleman from Texas, because of his unbelievable and outstanding and exemplary work with missing children, certainly knows this issue probably better than most. I yield to the gentleman from Texas (Mr. LAMPSON) at this time.

Mr. LAMPSON. Mr. Speaker, I am thrilled to be able to join the gentleman and so many other cosponsors as an original cosponsor on this bill, the Municipal Preparations Strategic Response Act of 2001. It is a critical piece of legislation, obviously; and the reason is that we all know that our cities and our local governments are the ones that are indeed on the front line of homeland security.

I have been conducting meetings at the local level with airport officials, port officials, petrochemical people that run refineries and other facilities in southeast Texas; and each of these groups is committed to doing everything that they can possibly do to ensure the safety of their facilities and the people that work in them and live around them.

□ 2115

We all want that. After all of those meetings, it is abundantly clear to me that we must take a bottom-up approach.

I was listening to what the gentleman from California (Mr. MILLER) was saying in talking about the many different facilities. We can make it even simpler than talking about significant facilities like the petrochemical industry. We can look at our airports. Everybody sees those at home.

We have police departments, sheriffs' departments, local people that local funds, local tax dollars are paying for being absolutely strapped in an effort to try to provide an adequate number of personnel to protect those airports. Those are mandates that come from us. We have to have people there keeping those facilities secure.

Congress is saying, do it, the people want it done, yet they are having to pay for it. This is an opportunity for us to share that burden with all of those local governments, to the people that the gentleman just mentioned a minute ago, the cities, counties, towns, boroughs, tribes, the other municipalities and municipality authorities, for the strategic planning that is necessary to put these critical things into place.

Mr. LARSON of Connecticut. Mr. Speaker, one of the things that should be pointed out as well about this legislation is something that they heard in California and we have heard in Connecticut, and I am sure the gentleman has heard in Texas, as well; that is that because the municipalities and counties are strapped already, what they are saying is that these monies have to come to us ununencumbered.

That means that traditionally through a number of programs, we would require a matching grant on the part of the municipality, State, or the county. In this case, because it is now part of homeland defense, and in some instances money is already being expended and appropriated which many of us feel should be included in the $20 billion we have already appropriated for these events; but having said that, clearly, as our legislation does, what we wanted to make sure is that there would be no matching grant required.

We heard that loud and clear in Connecticut. I do not know if that is what the gentleman is hearing down in Texas, as well.

Mr. LAMPSON. If the gentleman will yield further, they have a significant need. We know security and preparedness comes at a cost. Those suits these people have to wear to go in and check a hazardous material that has been leaked into the atmosphere costs about $800 or more a copy. That means a lot of fire departments or emergency management facilities or organizations do not have the ability to have access to this equipment, so we are expecting these people to go into situations that are dangerous to their own health; and we are not working with them.

I have discussed this situation with my mayor, the mayor of Beaumont, Texas, my hometown. He happens to be in Washington, D.C. tonight. Mayor Moore is the co-chair of the Task Force on Emergency Preparedness for the United States Conference of Mayors. I want to be able to continue working with Mayor Moore and other elected officials in my district to ensure that our local emergency responders are fully prepared, equipped, and trained to respond to any future needs.

That is why this legislation is so very important. The Municipal Preparation and Strategic Response Act of 2001 will provide a total of $1 billion in straight-out funding, and another half a billion or so, $250 million, to the very successful COPS program, and another $250 million or so to the firefighter programs within our communities.

These are straight-out grants to the local governments to be able to take care of the needs of our citizens at home from the bottom up, not from Washington, D.C. down.

Mr. LARSON of Connecticut. Mr. Speaker, that is something that obviously, with the appointment of Tom Ridge, and again, I commend the President for that appointment. We sent a letter off to Mr. Ridge, knowing that he is obviously getting his arms around this very important task that he has, so it is understandable it may take him some time to reply to us.

But the offer is one of assistance and help, and one that, at its very heart in essence says, look, what we are hearing from our constituents is not to foist on us from the top down a Federal mandated solution to this problem, but to work with us from the bottom up so that, both from the standpoint of the knowledge and expertise that we have in dealing with these issues. And then also the plugging the gaps where we are doing things well, but there is a gap in being able to address those specific issues.

Mr. LAMPSON. If the gentleman would yield to me again, he said earlier it is $8.9 billion that we have appropriated to help with homeland security.

Mr. LARSON of Connecticut. Correct.

Mr. LAMPSON. Of all of that money, only $300 million makes it out to local communities.

Mr. LARSON of Connecticut. The gentleman from Michigan (Mr. STUPAK), who heads the COPS program at one of our local press conferences, laid that idea and concept out very clear. Instead of the $8.9 billion that is appropriated to deal with terrorism, only $300 million makes it outside of the Beltway. That is a very telling statistic.

As local officials are quick to point out to us, this is very problematic to them, because what they are concerned most with is that the Federal Government will create a mandate upon them that is unfunded.

Now, we are all dealing with, and we all know, and I know that the gentleman from New Jersey (Mr. HOLT) has been in the forefront of promoting educational concepts like the full funding of the IDEA program, where once again there is a lack of a fulfillment of a mandate.

But certainly when we are calling upon our front-line defenders to go out there and risk their very lives, we have to make sure that these are not unfunded mandates.

Mr. LAMPSON. Let me just make one final point before we go to the gentleman from New Jersey.

Just to commend the gentleman, I would tell him how proud I am to be able to join him as a cosponsor of the legislation. I would ask every one of our colleagues to join on as cosponsors of this legislation and let us move it forward. It is critical. It can make a difference in people's lives, and that is what we have to do. That is what we

are about here. I thank the gentleman for his good work.

Mr. LARSON of Connecticut. Mr. Speaker, I thank the gentleman. I thank him again for being a coauthor of this bill. I thank him for the input that he has provided for what I think is a very strong and bipartisan bill.

I have to point out that the gentleman from Pennsylvania (Mr. WELDON), who has been a tremendous help to me since I have been a Member of Congress, is an early signer onto this bill. He has also been very active with the Congressional Fire Services Caucus as well, and I think intuitively he understood how important this is.

I think once the Members get to see, and we already have more than 70 Members who have signed on, but I believe that people will sign onto H.R. 3161 because of its commonsense approach. That is what we are seeking to do here is to not only engage our local officials, but also recognize that they are on the front line, and not just pay them lip service but actually provide them with the funding to carry out the strategic planning, as well as providing them with the equipment and the expertise they will need if we are going to send them into battle.

Mr. LAMPSON. When we work together, we make good things happen.

Mr. LARSON of Connecticut. We sure do. I thank the gentleman from Texas; and I yield to the gentleman from New Jersey (Mr. HOLT), who is also a coauthor of this piece of legislation and has conducted and held meetings in his district in New Jersey.

Mr. HOLT. Mr. Speaker, I thank my friend, the gentleman from Connecticut, for yielding to me; but I thank him even more for putting together this good piece of legislation.

Mr. Speaker, clearly the gentleman is influenced by the work of the Congressional Fire Services Caucus and the Congressional Law Enforcement Caucus, two caucuses in which I am pleased to join the gentleman.

He has drawn on the ideas in the fire bill, the ideas in the COPS program, two very successful pieces of legislation that, as the gentleman says, get the program, get the dollars down to the people on the ground. That is one of the wonderful features of the Community-Oriented Policing Program. Yes, it is a national program because so many communities share in the need, but it is really a local program. This is not run with the heavy hand of the Federal Government. The COPS program actually gets money to police on the street, on the beats, in the neighborhoods.

When we are dealing with emergencies, with terrorist attacks such as we saw in New York City, or as we are seeing right now using less visible attacking instruments, biological weapons, it hits locally. It hits at home. The gentleman's bill gets the action locally and at home. So I am really very pleased to be able to join the gentleman, not only as an original cosponsor but as someone who is actively trying to build the list of cosponsors and move along.

I have just come from a meeting of the Homeland Security Task Force, where we are working to include this legislation in our proposal of overall efforts to deal with bioterrorism.

If I may for a moment, I would just like to point out a few of the features that I find so attractive in this bill. I have met a number of times with first responders in my district, most recently just last week. My district in central New Jersey has felt the blow of terrorism really quite directly, not only in the number of lives that were lost in the attack on the World Trade Center and in the plane crashes, but in the response of our emergency personnel on September 11, in the subsequent days in our urban search and rescue teams, and now with the bioterrorism that has touched Ewing and West Trenton in my district.

These local responders that I have met with, although they have really taken a blow, they are really strong in their determination. They have worked closely together, towns with other towns, towns with counties, towns with the State, individual rescue and emergency squads.

They like the idea of the gentleman's bill that provides an opportunity for a strategic response that is regional; for liaison between units of local government. They also like the idea of communication that the gentleman has built into this, communication with authorities in the event of an emergency and communication from authorities to the population at large.

They understand how critical communication is, clear, accurate communication, in a situation such as we have now in Ewing, where the post office has been part of or has been touched by this bioterrorism.

So the gentleman's bill, if I may say our bill, deals with these in a way that I find our local emergency responders like.

Mr. LARSON of Connecticut. Mr. Speaker, I think the gentleman appropriately says ''our bill'' because it has been the input of so many Members, and the input they have derived by going back out to their respective congressional districts and meeting both locally, regionally, or county-wide with so many first responders.

Ultimately, that is what this is all about. It is standing together as we face down terrorism, both in terms of homeland defense and in terms of our resolve as a people to stay together and address this issue.

It is oftentimes, I think, missed on the general public when we are down here talking about lofty idealism and bills, and they are really anxious to help themselves; to go back to the gentleman's district, as he has done, and to seek the input of people who in many respects are more knowledgeable or have more pragmatic solutions in talking to a number of the people in my district.

I know in our case that what we found is that the concern exists for the overlap, or perhaps the gaps; the term ''commonality of communication'' in terms of responding, and chains of command, whether they be bottom-up or top-down. The interoperability and mobility between local, State, county, and Federal agencies is something that is going to require more planning on our part; and also the identifying of those gaps. This cannot be a decision that is foisted upon local officials from the top down or by some think tank, however productive and good some of those ideas may be.

□ 2130

Mr. LARSON of Connecticut. If they are not joint with the frontline responders and if they are not part of this process of giving input, then I do not think we have the best in homeland security.

Mr. HOLT. If the gentleman would yield?

Mr. LARSON of Connecticut. I yield to the gentleman.

Mr. HOLT. It is easy to say we can have good clear communication if we have a centralized authority. But, in fact, when terrorism has taken place, it is necessarily a group of individuals from neighboring towns that respond. And so the communication has to be set up in such a way that it flows in from many people, and it flows out to the whole population. And that depends on coordination, and in many cases that exists only in a really sketchy undeveloped form. This legislation would help develop that.

The other point that I wanted to make that is so very important, when we talk about the threat assessments, we talk about what might be the targets of terrorism.

Well, it is easy for somebody here in Washington in some agency to imagine what are vulnerable sites to attack around the country. But, in fact, it is the people who live in the town; it is the local police who know the town block by block, alley by alley, who are better, who are best able to determine what the vulnerabilities are out there. The gentleman's bill, again, if I may say, our bill gets at that and uses this local talent in identifying the targets of terrorism using the guidelines that are developed nationally.

Mr. LARSON of Connecticut. Our bill does do just that.

Again, several Members, and I especially want to commend the gentleman from Mississippi (Mr. TAYLOR), who has done an outstanding job in his district both conducting and holding meetings

and someone himself who is often times entering other countries, going undercover, wearing disguises, et cetera, all in the pursuit of gaining information.

Also, the gentleman from California (Mr. GEORGE MILLER) mentioned earlier, and as a member of the Committee on Education and the Workforce perhaps he could provide insight here as well. He said one of the things that the gentlewoman from California (Ms. PELOSI) found that in conducting her meetings back home in her district is there is grave concern around the whole issue of schools, and what do we do, and how are we prepared with respect to schools.

I know this is a longstanding interest of the gentleman; and as someone who is in the forefront of education issues, is this something the gentleman is picking up in New Jersey?

Mr. HOLT. Absolutely. Schools in America are local. We talk about the education bills that come out of Congress and all of that, and there are certainly some important things we have done in setting the tone of fairness and accomplishment and accountability; but ultimately the schools are funded locally. They are staffed locally. They are designed and built locally. And if we are going to prepare the schools to deal with terrorist threats and other emergencies, that has to be done locally. The vulnerabilities have to be recognized locally and the responses have to be developed locally. Again, that is what this bill does.

It has a very local focus to a problem that is shared in every town, at every town and county around America. Remember, a lot of what we are talking about is preparing all of America for a dangerous time. It would be nice to think that it is only the urban centers that are going to have problems. Well, a week or 2 or 3 ago people would not have thought of Boca Raton, Florida, Palm Beach County as an area that would be touched by terrorism or West Trenton or Hamilton, New Jersey, as areas that would be touched by terrorism.

The point is if we are going to have presentation nationally, it has to reach every town and every county, just as a public health system only works if the doctors and the county health authorities and so forth are part of a network that is national.

Mr. LARSON of Connecticut. And to the gentleman's points, one of the things we want to point out with regard to H.R. 3161, The Municipal Presentation and Strategic Response Act of 2001, is that it coordinates a response and procedures with similar emergency response units so that we are not reinventing the wheel here, in neighborhood units and in neighboring units of local government as well as with State and Federal agencies.

One of the things that I find instructive in meeting with people, and again I would say that the work of the gentleman from Mississippi (Mr. TAYLOR) bore this out, that when one prepares an issue report to units of local governments, State legislatures, and Congress that include recommendations for a specific elective action, this is something that we really need to have come from the bottom up; that as we conduct public forums, as we start to look at the contents of strategic response plan, as people learn how to communicate with authorities in the event of emergency, something that perhaps in some States and in some regions we have done better than others because whether it be California having to deal with earthquakes or Florida having to deal with hurricanes. Programs the rest of the Nation can learn from. Also, where to go to find safer public assembly and other emergency shelters and any other appropriated information that needs to be gathered.

The silver lining in this: if there can be a lesson from the tragic events of September 11, is, in fact, that we are a Nation that is committed and involved more so than ever before. There has been an outpouring of patriotism. There has been an incredible desire on the part of the public to want to know what they can do to help and also what they have to do to be prepared.

Many of them have very solid and sound suggestions to make, and we ought to make sure in Congress that we are providing our local authorities, meaning our State, county, regional, and municipal governments, with the kind of resources that they are going to need to carry off this bottom-up strategic planning that is needed.

As my colleague knows, the bill itself provides $250 million. It goes directly into the COPS program, as the gentleman was stating earlier in his remarks, as well as another 250 million that goes to firefighters. Again, I would point out that those come with no strings attached, no matching grants because they need the money now.

There is no time for these municipalities to save. Most of their budgets have long since gone to bed, and we have to make sure that we are providing our frontline defenders with the equipment and the training that they are going to need as we send them into harm's way, and ultimately that is the goal.

It was not lost on me that with the awful situation that took place in Senator DASCHLE's office the other day that it was two of our Capitol Police officers that responded and went in there and now are diagnosed. These are the kinds of things. It will not be Federal agencies that are going to be responding first. It will be the local entity that will be out there, and shame on us if we do not provide them both the equipment and the training and then the strategic planning tools that they are going to need in order to address these issues.

Mr. HOLT. Mr. Speaker, will the gentleman yield?

Mr. LARSON of Connecticut. I yield to the gentleman from New Jersey.

Mr. HOLT. The benefits of this will be there even in those towns that are not touched by terrorism. The benefit of strategic response, improved communication, local threat assessment, all of that will lead to better policing, better firefighting, better community protection, and better community spirit, if as we hope is the case, we do not have more terrorism strikes in these towns.

Although this is motivated by our national emergency, right now it is of general long-lasting benefit to our communities, and it is this sense of community that has grown out of our national emergency of the past 6 weeks.

A realization, recognition, even a celebration of the fact that we are dependent on each other, that is the great lesson of the past 6 weeks, how dependent we are on each other; and that is why the emergency responders, police, fire, medical, are held in such high regard now, because people are reminded that we are dependent on them and we should do everything we can to make sure that they are equipped, that they have the resources to do the job that we ask them to do.

I know that they are committed in their determination to public service, and it is not asking too much for us as a Congress to give them what they need to do their jobs.

Mr. LARSON of Connecticut. Reclaiming my time, I spend a lot of time going out to a number of my public schools in the district, and parochial schools for that matter, and talking about September 11; and as the gentleman points out, clearly firefighters or police officers, emergency medical teams are viewed far differently than they were prior to September 11. And I find it incredibly heartening as well that the youth of our Nation also now are able to distinguish between celebrity and real heroes and perhaps look at their parents like all the parents on September 11 that either got on an airplane or went to work at the World Trade Center or at the Pentagon, and found themselves, ordinary citizens, involved in a heroic effort.

All too often in our culture we make icons out of sports and Hollywood and music celebrities; and while it is true that we should celebrate their accomplishments, there is a major distinction between celebrity and heroes that is being picked up by the youth of our Nation.

This bill that we have put forward today seeks to recognize those who lost their lives by understanding, as so many people have said more eloquently than I, about those racing up the stairs

in the World Trade Center while they were coming down and to memorialize them is to recognize their sacrifice, to put them in the pantheon of heroes that came about that day, but also recognize the need to further train and provide the appropriate equipment and provide for the kind of strategic planning that we are going to need to continue to root out terrorists and to make sure that at home we are safe and secure.

That is what homeland defense is all about; and I commend the President and Tom Ridge in their efforts, and it is my sincere hope that our efforts here in coordinating local, State and municipal officials, together along with Tom Ridge's new assignment, that we are going to be able to not build a fortress around America. I do not think anyone believes that that can happen, but to have energized, enlightened, involved, and committed communities to understand that we in Congress recognize their valor, their frontline defense and also all of our collective responsibility no longer to look the other way or to defer responsibility to someone else but actually to be participants in our community, not as necessarily elected officials, but as active, involved, committed citizens who, when they see things that are wrong, no longer turn their head and look the other way but step forward and address that and call upon the local authorities to make sure that we are looking out for one another and for our neighbors and not painting with the broad brush of prejudice the many when we know it is the fanatical few that have caused and perpetrated this unbelievable horror and nightmare on America.

□ 2145

Mr. HOLT. I commend my friend from Connecticut for taking the time tonight. I thank him for sharing some of that time with me. I commend him for his eloquence. But mostly, now, I commend him for the work he has done to prepare this legislation.

Mr. Speaker, I hope that all of our colleagues will join in this because there is not a town in America that would not benefit from this legislation. I commend the gentleman from Connecticut (Mr. LARSON) for the hard work he has put into preparing this and his energy in finding cosponsors and moving the legislation along.

Mr. LARSON of Connecticut. I thank the gentleman from New Jersey and once again recognize the gentleman from Texas.

Mr. LAMPSON. All of what the gentleman has been saying is right on the mark in trying to look out for the local jurisdictions who are having a difficult time responding to many different needs that they are facing right now during such an unusual time in the history of our country.

Primarily, this bill will establish $1 billion in grant programs for cities, counties, towns, boroughs, tribes, and other municipalities and regional authorities to develop local emergency response plans that would do a large number of different things, such as to develop strategic response plans that provide for a clearly defined and unified response to terrorist attacks or other catastrophes; to coordinate the activities and procedures of various emergency response units; to define the relationship, roles, responsibilities, jurisdictions, and command structures and communication protocols of emergency response units; to coordinate response procedures with similar emergency response units and neighboring units of local government as well as with State and Federal agencies. That is a critical point right there.

One of our agencies got shut down in my congressional district just last week because of a lack of cooperation, a lack of questions about whose jurisdiction or whose real ground is this that we need to be responding to. That is unfortunate, and we need to find ways to make sure that all levels of our government are sharing information and are working to solve problems in unusual and very extenuating circumstances, to find situations where one organization or a person feels like they have the right or responsibility to do one thing and should not be checked by another agency, yet it is another agency's responsibility to be looking out after the security of a particular area. Those are arguments we should not be having right now.

This bill would provide the means for local governments, whether it is cities, counties or whatever level it might be, as well as Federal agencies to develop plans to work together.

Mr. LARSON of Connecticut. Exactly.

Mr. LAMPSON. That is the kind of cooperation that is critical if we are going to solve the problems that are facing our communities and truly have the kind of safety that we all need and want to have.

This incident that occurred in my congressional district in Texas happened at a port. Ports are critical facilities for us, particularly when they are serving the petrochemical industry, which is a facility that develops the fuel that runs all our automobiles and brings products to all of us all over the United States of America. So is it a critical area we need to address? Unquestionably, it is. And this is a reasonable tool with which we can do something for the grass-roots level of people who are strapped for cash, who are trying their best to put good programs into place to stretch their means as far as they possibly can to make sure that there are an adequate number of policemen and firemen and other kinds of law enforcement and emergency management folks to do the jobs that have to be done. It is tough.

Mr. LARSON of Connecticut. I had the opportunity to meet with the gentleman's mayor actually in Mystic, Connecticut, where they were gathering at a regional conference and they were talking about the need for regional coordination. One of the things that he pointed out, and I thought it a very important point that he made, is, look, we would very much like to get involved in this not just because of the impact on the local municipality but the need for regional-wide planning and looking at entities where the money can flow to so that it gets dispersed in a manner that addresses the gaps that are occurring within some of the very important policy issues as they relate to responding to potential terrorist attacks.

As the gentleman from California (Mr. GEORGE MILLER) was pointing out earlier, depending upon the community one lives in and what kind of civil preparedness there is there to deal with natural disasters or what kind of HAZMAT training has taken place because of the location of, we will say a nuclear generating power facility or a petrochemical port, whatever the case may be, we find that there are different levels, some very sophisticated, some nonexistent. Yet, homeland defense has got to make sure that we are incorporating all of our communities, boroughs, municipalities, and make them part of this effort.

Mayor Moore's point was we can best do that through regional councils, through regional organizations where they already are meeting on several infrastructure issues, where they are already dealing with these things and often feel that they are the neglected stepchild of the Federal Government or that we bypass them and go directly to the State, and then they do not feel that they get money from us that goes to administration fees and other areas.

Mr. LAMPSON. What is unfortunate is that in some of those instances there are even people going out and raising money privately to accomplish some of these tasks. That is not appropriate. Many of these functions are of national scope and of national interest, and to have people in a local area having to go out and privately raise money on their own in order to achieve some of these specific tasks does not seem fair or right to me. That is why we have a government. That is why we choose to live in communities where we can all chip in and our few pennies mounted together turn into billions of dollars that can make a difference for all of the people of this country.

That is what makes this a good bill, I think, and a very excellent direction in which we should be going to solve these problems.

Mr. LARSON of Connecticut. I thank the gentleman from Texas again for his strong input; and through the gentleman, I thank Mayor Moore as well for his input.

Mr. LAMPSON. David Moore of Beaumont, Texas.

Mr. LARSON of Connecticut. I think that that is what makes good legislation, especially when we have the bottom-up response that we have had.

Mr. LAMPSON. We hope our colleagues will join us all in cosponsoring this legislation and in seeing to it that it gets brought to the floor of the House of Representatives for a vote quickly.

Mr. LARSON of Connecticut. Mr. Speaker, before I yield back the balance of my time, I again would remind our colleagues that it is H.R. 3161, the Municipal Preparation and Strategic Response Act of 2001. Again, I am proud the gentleman from Pennsylvania (Mr. WELDON), and I cannot thank him enough for his input and help, is also a cosponsor of this legislation. The value that the Congressional Fire Services Caucus and the Congressional Law Enforcement Caucus have provided us, the insight that we have received from health care professionals, hospitals, the endorsement of municipal leaders of this legislation has all been terrific.

But before I leave the podium tonight, I cannot help but mention that I am deeply troubled by the stimulus package that is coming before this body tomorrow, primarily because I have been concerned for some time now about our inability to pay for a lot of the initiatives that we would like to see.

Homeland defense in this bill is $1.5 billion. That is not an awful lot of money, but I have a sickening feeling going home to my home district and talking as I have to many groups, most notably to seniors. Tom Brokaw did this Nation a great service in his book ''The Greatest Generation''; and in that book he heralded a unique generation that now has witnessed a second day of infamy. They lived through the Depression; they certainly lived through December 7, 1941; they fought and won and rebuilt the Nation and educated a whole generation of baby boomers. They have now lived through September 11.

As we project out, they are the first ones to rise up and say we must root out terrorism, we have to all stand together as a Nation, but it just confounds me that we will tap into Medicare and vanquish the Social Security Trust Fund in an effort to pay for all of this, so they will have sacrificed twice. At no other point in our history when we have gone to war, and make no mistake this is a war, have we asked one generation to sacrifice as much as we are asking them.

Mr. Brokaw, if you are listening, I hope you prevail upon the American public and upon the Congress to recognize that this cannot happen. These people deserve to live out their final days in the dignity that Social Security, Medicare and, frankly, prescription drugs should provide them.

Mr. Speaker, I just could not leave the podium this evening without addressing that concern. It is heartfelt. I hope that other Members share the same feeling and same concern about how we are going to pay for all of this. We ought to think long and hard about tax cuts; and truthfully, we ought to think about rolling back some of our provisions or at least letting the top 1 percent of this Nation bear some of the sacrifice that we have already asked the greatest generation ever to do.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. GEPHARDT) for today on account of business in the district.

Mr. BILIRAKIS (at the request of Mr. ARMEY) for today and October 24 until 2:00 p.m. on account of illness.

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. NORTON) to revise and extend their remarks and include extraneous material:)

Ms. NORTON, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Member (at the request of Mr. RAMSTAD) to revise and extend his remarks and include extraneous material:)

Mr. RAMSTAD, for 5 minutes, today.

SENATE BILLS AND A CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 423. An act to amend the Act entitled ''An Act to provide for the establishment of Fort Clatsop National Memorial in the State of Oregon, and for other purposes; to the Committee on Resources.

S. 941. An act to revise the boundaries of the Golden Gate National Recreation Area in the State of California, to extend the term of the advisory commission for the recreation area, and for other purposes; to the Committee on Resources.

S. 1057. An act to authorize the addition of lands to Pu'uhonua o Hōnaunau National Historical Park in the State of Hawaii, and for other purposes; to the Committee on Resources.

S. 1097. An act to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of the Great Smoky Mountains National Park; to the Committee on Resources.

S. 1105. An act to provide for the expeditious completion of the acquisition of State of Wyoming lands within the boundaries of Grand Teton National Park, and for other purposes; to the Committee on Resources.

S. Con. Res. 74. 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; to the Committee on the Judiciary.

ENROLLED JOINT RESOLUTION SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly an enrolled joint resolution of the House of the following title, which were thereupon signed by the Speaker:

H.J. Res. 69. Joint resolution making further continuing appropriations for the fiscal year 2002, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1465. An act to authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes.

ADJOURNMENT

Mr. LARSON of Connecticut. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 58 minutes p.m.), the House adjourned until Wednesday, October 24, 2001, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4372. A communication from the President of the United States, transmitting Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States; (H. Doc. No. 107—136); to the Committee on Appropriations and ordered to be printed.

4373. A letter from the Principal Deputy General Counsel, Department of Defense, transmitting a draft of proposed legislation entitled, ''Contracts for Performance of Firefighting and Security-Guard Functions at Department of Defense Facilities''; to the Committee on Armed Services.

4374. A letter from the Associate General for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Revision to Cost Limits for Native American Housing [Docket No. FR–4517–F–02] (RIN: 2577–AC14) received October 1, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4375. A letter from the Secretary, Department of Labor, transmitting the Department's annual report to Congress on the FY 2000 program operations of the Office of Workers' Compensation Programs (OWCP), the administration of the Black Lung Benefits Act (BLBA), the Longshore and Harbor Workers' Compensation Act (LHWCA), and the Federal Employees' Compensation Act

for the period October 1, 1999, through September 30, 2000, pursuant to 33 U.S.C. 942; to the Committee on Education and the Workforce.

4376. A letter from the Director for Executive Budgeting and Assistance Management, Department of Commerce, transmitting the Department's final rule—Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements [Docket No. 010925133–1233–01] received October 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4377. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule—Uniformed Services Accounts—received October 3, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4378. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting the Department's final rule—Waiver of Advance Notification Requirement To Import Acetone, 2–Butanone (MEK), and Toluene [DEA–197F] (RIN: 1117–AA53) received September 26, 2001, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4379. A letter from the Secretary, Department of Labor, transmitting notification that three federal accounts in the federal Unemployment Trust Fund are expected to exceed their statutory ceilings on September 30, 2002; to the Committee on Ways and Means.

4380. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation entitled, ''Money Laundering Act of 2001''; jointly to the Committees on the Judiciary, Financial Services, Ways and Means, and Energy and Commerce.

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. LINDER: Committee on Rules. House Resolution 270. Resolution providing for consideration of the bill (H.R. 3090) to provide tax incentives for economic recovery (Rept. 107–252). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TAUZIN (for himself and Mr. DINGELL):

H.R. 3160. A bill to amend the Antiterrorism and Effective Death Penalty Act of 1996 with respect to the responsibilities of the Secretary of Health and Human Services regarding biological agents and toxins, and to amend title 18, United States Code, with respect to such agents and toxins; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut (for himself, Mr. BALDACCI, Mr. PASCRELL, Mr. DOYLE, Mr. WELDON of Pennsylvania, Mrs. JONES of Ohio, Mr. FRANK, Mrs. THURMAN, Mr. WU, Ms. JACKSON-LEE of Texas, Mr. TAYLOR of Mississippi, Mrs. MCCARTHY of New York, Mr. WEINER, Mr. LANGEVIN, Mr. WEXLER, Mr. DELAHUNT, Mr. OLVER, Mr. HOLDEN, Mr. CRAMER, Mr. HOEFFEL, Mr. HOLT, Mr. KANJORSKI, Mr. CROWLEY, Mr. STUPAK, Mr. HILL, Ms. SCHAKOWSKY, Mr. ROSS, Mr. ABERCROMBIE, Mr. HINCHEY, Mr. BRADY of Pennsylvania, Mr. HONDA, Mr. REYES, Mr. CLYBURN, Mr. GONZALEZ, Mr. FATTAH, Mr. BORSKI, Mr. ALLEN, Mr. CLAY, Mr. UDALL of Colorado, Mr. CUMMINGS, Mr. EDWARDS, Mr. SAWYER, Mr. BACA, Mr. SHOWS, Mr. BISHOP, Mr. MASCARA, Mr. MEEKS of New York, Mr. KENNEDY of Rhode Island, Mr. UNDERWOOD, Ms. MCCARTHY of Missouri, Mr. MOORE, Mr. WYNN, Mr. GEORGE MILLER of California, Mr. FILNER, Mr. MCDERMOTT, Mr. JOHN, Mr. MCGOVERN, Mr. TIERNEY, Mr. ACKERMAN, Mrs. CHRISTENSEN, Mr. KIND, Ms. PELOSI, Mr. LAMPSON, Mr. FARR of California, Ms. ESHOO, Mrs. CAPPS, Ms. MILLENDER-MCDONALD, Mr. ISRAEL, Ms. DELAURO, Mr. TURNER, and Ms. LEE):

H.R. 3161. A bill to direct the Director of the Federal Emergency Management Agency to provide grants to local governments and emergency response units to develop plans for a clearly defined and coordinated response to emergencies, and to provide grants to police and fire departments for counterterrorism training; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Science, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself and Mr. OXLEY):

H.R. 3162. 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; to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), Financial Services, International Relations, Energy and Commerce, Education and the Workforce, Transportation and Infrastructure, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY of New York (for herself, Mr. GEORGE MILLER of California, Mr. OWENS, Mr. NADLER, Mr. KILDEE, Mr. ROEMER, Mr. SHAYS, Mrs. MINK of Hawaii, Mr. MALONEY of Connecticut, Mr. SCOTT, Mr. PASCRELL, Mr. EVANS, Mr. CROWLEY, Mr. FOSSELLA, Mr. GRUCCI, Mr. HINCHEY, Mr. ISRAEL, Mrs. KELLY, Mr. LAFALCE, Mrs. MALONEY of New York, Mr. MCHUGH, Mr. MEEKS of New York, Mr. QUINN, Mr. RANGEL, Mr. REYNOLDS, Mr. SERRANO, Ms. SLAUGHTER, Mr. SWEENEY, Ms. VELÁZQUEZ, Mr. WALSH, Mr. WEINER, Ms. WOOLSEY, Ms. SOLIS, Mrs. DAVIS of California, Ms. MCCOLLUM, Mr. KING, Mr. BRADY of Pennsylvania, Mr. DOYLE, Mr. BALDACCI, Mr. WU, Ms. DELAURO, Mr. ACKERMAN, Mr. GILMAN, Mr. BLUMENAUER, Mr. BERMAN, Ms. PELOSI, Mr. WAXMAN, Ms. BERKLEY, Mr. DELAHUNT, Mr. CAPUANO, and Mr. LYNCH):

H.R. 3163. A bill to provide student loan forgiveness to the surviving spouses of the victims of the September 11, 2001, tragedies; to the Committee on Education and the Workforce.

By Ms. MCKINNEY:

H.R. 3164. A bill to amend titles 10 and 37, United States Code, to repeal the authority of the Secretary of a military department to suspend tracking and recording the number of days that members of the armed forces are deployed for purposes of determining the eligibility of such members for the per diem allowance for lengthy or numerous deployments; to the Committee on Armed Services.

By Mr. OBEY:

H. Con. Res. 252. Concurrent resolution expressing the sense of the Congress that a series of postage stamps should be issued in recognition of the recipients of the Congressional Medal of Honor; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 285: Mr. FLETCHER.

H.R. 1582: Mr. BACA.

H.R. 2638: Mr. FLETCHER.

H.R. 3059: Mr. EHRLICH.

H.R. 3086: Ms. HOOLEY of Oregon, Ms. SÁNCHEZ, Mr. PICKERING, Mrs. TAUSCHER, Mrs. ROUKEMA, Mr. FROST, Mr. STUPAK, Mr. ENGLISH, Mr. BALLENGER, Mr. HALL of Ohio, and Mr. KOLBE.

H.R. 3088: Mr. ENGEL, Mr. NADLER, Ms. ROS-LEHTINEN, Mr. REYES, Mr. HORN, Mr. ORTIZ, Mr. HOBSON, Mrs. NAPOLITANO, Mr. DEUTSCH, Mr. BACA, Mr. MCNULTY, Mr. DIAZ-BALART, Mr. TIBERI, and Ms. GRANGER.