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Senate

The Senate met at 2 p.m. and was called to order by the Presiding Officer, the Honorable JON KYL, a Senator from the State of Arizona.

PRAYER

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

Gracious God, thank You for this moment of prayer in which we can affirm Your call to seek unity in the midst of differences in the parties and politics. So often we focus on what separates us rather than the bond of unity that binds us together. We are one in our calling to serve You and our Nation and in the belief that You are the ultimate and only sovereign. You are the magnetic and majestic Lord of all who draws us out of pride and self-serving attitudes to work together for You. We find each other as we join our hearts in gratitude for the privilege of leading our Nation. Keep us so close to You and so open to one another that this will be a week of great progress. Help us to work expeditiously and with excellence for Your glory and our Nation's good. Through our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON KYL led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 16, 2001.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON KYL, a Senator from the State of Arizona, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KYL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

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

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002

The ACTING PRESIDENT pro tempore. Under the previous order the Senate will now proceed to the consideration of H.R. 2311, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2311) making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. As has been announced by the Chair, the Senate will begin consideration of the energy and water appropriations bill. Today will be for debate only. There will be no rollcall votes today. The next vote is expected tomorrow at approximately 12 noon on cloture on the substitute amendment to the Bankruptcy Reform Act. I am to remind everyone that there is a 3 p.m. filing deadline for first-degree amendments to the bankruptcy reform substitute amendment.

We hope to complete action on the energy and water appropriations bill, the transportation appropriations bill, and/or the legislative branch appropriations bill before the end of this week.

I would say to all those listening, it is going to be extremely difficult to do that, but we can do it. There are only a few issues on the energy and water appropriations bill. We hope to resolve those so it does not take a lot of time. And then, of course, the appropriations bill dealing with transportation has in the last few years gone quite rapidly, and we hope it will again this year.

We are not in a position at this time, Senator DOMENICI and I, to offer a unanimous consent agreement as to when the amendments to the energy and water appropriations bill should be filed, but we are going to work on that. Senator DOMENICI is indisposed for the next hour and a half or so. But we expect him to be here at 3:30 today, at which time we will begin opening statements on the energy and water appropriations bill.

MORNING BUSINESS

Mr. REID. I see my friend from Iowa here. Does he wish to speak on the bill or as if in morning business?

Mr. GRASSLEY. Morning business.

Mr. REID. Certainly I would have no problem asking unanimous consent. As I said, Senator DOMENICI is indisposed now for the next hour or so. So what time does the Senator from Iowa expect to use?

Mr. GRASSLEY. I would expect to be done by 2:30.

Mr. REID. Fine. I ask unanimous consent, Mr. President, the Senator from Iowa be recognized for 30 minutes to speak in morning business. When he completes his work, we will return to the energy and water appropriations bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Iowa is recognized.

TAX CUT ACHIEVEMENT

Mr. GRASSLEY. Mr. President, I want to visit with my colleagues and our constituents about the issues of the tax relief that was recently passed

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

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by the Congress of the United States and signed by the President on June 7 and will be the reason that tax rebate checks will go out, distributing $65 billion of overtaxation to the American people—back to the American people so they can spend it, so it will do more economic good than if it is politically distributed here in Washington, DC.

That bill not only has the $65 billion of tax refunds that will start going out next week and be out by September 30, but it already has reductions for other rates. The tax rebates come from the new 10-percent rate that is going into effect retroactive to January 1. It is my understanding there will be about 90 million Americans who will be getting rebates of up to $300 if they are single, $500 if they are a single parent, and also then up to $600 if they are married.

Also, remember that this is not a one-shot rate reduction, or tax rebate; that these rebates, even though they will never be received in a check again, will continue on into the future as permanent reductions in taxation for people in the 10-percent bracket. And also remember that everybody who pays taxes would pay some of that 10-percent bracket so that it does affect all taxpayers. But checks are going out for those up to the amount of $12,000 of taxable income.

I think this tax bill is going to make real changes in the lives of folks across our country. The changes I am going to discuss today result in the greatest tax relief provided in a generation—tax relief, I might add, powerfully brought about in a bipartisan consensus.

Some might ask, Why talk about something we have already done? The answer is that the legislation is quite comprehensive and to do it justice we really need to take a thorough and methodical look at it—not look at it just from the standpoint of the rebate checks that are going out, which are getting all the attention, but all the other aspects of the bill as well.

It is true there have been a lot of press reports on this legislation. Again, most of those have been related to the rebate checks going out starting next week. None of these reports, however, I believe, in the press has really tied the specific benefits of the bill back to its bipartisan purpose.

Also, the press reports have tended to analyze the bill in terms of its impact on certain types of taxpayers. At the same time, many press reports have focused exclusively on the budget angle of the tax legislation; in other words, people nervous, tearing out their hair because there is going to be less money coming into the Federal Treasury as a result of our letting the people keep their tax overpayment.

These reports that tend to be very pessimistic often echo the sentiments of the harshest congressional critics of the legislation. These reports, like the congressional critics of this bill—and probably for the most part those who voted against it—tend to ignore the benefits of the bill. Tax relief legislation is just not more money in the taxpayers' pockets in some selfish way that you let the taxpayers keep more of their money. There is great economic good that comes from the distribution of goods and services in this economy based upon an individual making that decision as opposed to a political leader in Washington, DC, making that decision through the Federal budget.

Now, of course, all of this criticism is fair play in the arena of politics. However, in recent weeks it seems to me these arguments have not been answered with the same vigor by the strong bipartisan majority of us who supported the legislation. So today I take the floor to set the record straight. Tax relief is absolutely necessary. Tax relief legislation is an important vehicle in response to our short-term and long-term economic situations. And that is basically a flat economy—1 to 1.5-percent growth instead of the 2-percent growth we projected a year ago, 1 to 1.5-percent economic growth under the last two quarters of the Clinton administration, and carrying through to the first two quarters of President Bush's administration.

That is a situation where we have these checks going out, a short-term stimulus, which, if we had not done it, would have had 100 Senators sitting around this body scratching their heads and deploring the fact that we had a flat economy. So what can we do about it?

Congress has passed tax reduction in the past to stimulate the economy but often taking effect after the economy turned around. It tended not to be as beneficial as it would have been if it had been done at the right time.

I do not want to take credit for having been a leader in the tax rebates, knowing that they were going to be needed now as a stimulus. I confess not to have thought that way last March and April when we started working on tax relief. But we ended up with tax rebates—$65 billion—and most economists are saying they could not have come at a more opportune time for an economy that is flat and in need of some stimulus.

There are three reasons for this bipartisan tax relief package. One is that it is necessary, when the Federal Government overtaxes people, to reduce taxes so that there is not overtaxation.

No. 2, it is necessary to respond to the current and long-term economic problems. I talked about the short-term stimulus, but there are long-term economic benefits from this bill that are going to enhance the economy.

Third, there is sufficient surplus outside Social Security and Medicare that is still available to accomplish a tax cut that addresses certain inequities in the Tax Code, such as the marriage penalty.

I will start with reason No. 1, that the tax cut corrected overtaxation. Before the tax cut, the Federal Government was collecting too much tax. The Federal Government was on a path to accumulate over $3.1 trillion in excess tax collections over the next 10 years. Federal tax receipts were at their highest level in our Nation's history.

The bulk of these excess collections came from the individual income-tax payer. Individual income tax collections were near an all-time high, even higher than some levels imposed by World War II.

The chart I have in the Chamber demonstrates this better than I can, how, since 1960, we have seen very high income taxation. In this particular case, we are seeing taxes, as a whole, collected by the Federal Government, not just the income taxes but everything at the highest level by the year 2000 at 20.6 percent of gross national product.

This chart shows total tax receipts as a percentage of gross domestic product over 40 years. Tax receipts have naturally fluctuated frequently since 1960, but most shockingly they spike up since the tax bill of 1993.

The January 2001 Congressional Budget Office report to Congress shows that in 1992, total tax receipts were around 17 percent of gross domestic product. As I said, by the year 2000, they were at 20.6 percent. The significance of this percentage can only be appreciated in the historical comparisons to which I have already referred. But I want to be more specific.

In 1944, at the height of World War II, taxes, as a percentage of gross domestic product, were 20.9 percent—only .5 percent higher than they are today. By 1945, those taxes had dropped to 20.4 percent of GDP, which is actually lower than the collection level today.

It is unbelievable that in a time of unprecedented peace and prosperity, which defines the last decade, the Federal Government would rake in taxes at a wartime level. The sorriest part of this whole story is that this huge increase in taxes has been borne almost exclusively by the American people who pay the individual Federal income tax.

I have another chart which shows tax collection levels for payroll taxes, corporate taxes, and all other taxes over the past decade. It shows they have been relatively stable. Corporate taxes, during the past 10 years, have increased from 1.6 percent of GDP to 2.1 percent of GDP. Estate taxes have remained relatively stable over that period of time.

However, collection of individual income taxes by the Federal Government has soared. There was a 50-percent increase during that period of time: 7.7 percent of gross domestic product in 1992 to 10.2 percent of gross domestic product as of the year 2000.

Individual income taxes now take up the largest share of GDP in the history of the individual income tax. And that dates back to 1916, except for the Civil War when there was one that the courts declared unconstitutional.

Even during World War II collections from individuals were 9.4 percent. So you see it was a full percentage point below what they are today in peacetime. As you can see, the source of current and future surpluses is from a huge runup in individual income tax collections, and not in runups in any other form of taxes and levies that the Federal Government makes on the taxpayers of this country or the businesses of this country.

Part of this is because the 1993 Clinton tax increase overshot its mark. These excess collections are attributable to that enactment, in August 1993, of the largest tax increase in the history of the world.

Since 1992, total personal income has grown an average of 5.6 percent. Federal income tax collections, however, have grown an average of 9.1 percent a year, outstripping the rate of personal income growth by 64 percent.

The Joint Committee on Taxation, at the request of the Joint Economic Committee of the Congress, estimated that just repealing the revenue-raising provisions of President Clinton's 1993 biggest-in-the-world tax hike would yield tax relief of more than $1 trillion over 10 years.

We ought to take a closer look at that 1993 world's biggest tax increase. The 39.6-percent top bracket reflected a 10-percent surcharge on the basic 36-percent rate. The itemized deductions you can subtract from your taxable income, known as the Pease Rule, and the phaseout of personal exemptions, which we refer to as PEP, the personal exemption phaseout, were temporary bipartisan deficit reduction provisions that were made permanent under the 1993 tax hike.

So remember, you had a top marginal tax rate of 36. That was meant to be permanent. But you had a temporary 10 percent put on top of that, bringing that to 36.9 percent. Yet for higher brackets they wanted to camouflage it. We had a phaseout of exemptions so that higher income people did not get the full advantage of the personal exemption, as an example, which ought to tell you that in a time of budget surpluses, which we are in right now, anybody who was intellectually honest about putting a 10-percent surtax on the basic 36-percent rate just to get rid of the annual budget deficit ought to take that 10-percent rate off. But, no, it was never done by those who proposed it and those who did it. We did it through the gradual reduction of the rates that were in the bill signed by the President June 7.

The chairman of the Finance Committee at the time of the 1993 Clinton tax increase actually called this what I have already referred to as—''a world record tax hike.'' Obviously, with income tax collections as high as they have ever been in the history of the country, we know that to be a fact.

The rationale for the tax increases was deficit reduction. It is reasonable to think that if deficit reduction was a reason for raising taxes to record levels, then in the era of surpluses we are in now, those tax overcharges, those tax overpayments, should be left with the taxpayers of America, not run through the Federal budget anymore, for two reasons: No. 1, because they are not needed, once you balance the budget; and, No. 2, if I distribute that income of the hard-working men and women in America, it doesn't turn over in the economy as much as if they keep it and spend it or invest it.

That is what creates jobs; they create wealth. We in the Federal Government don't create wealth; we only expend the wealth created by others.

This year, on a bipartisan basis, Congress did just that through the tax bill signed by President Bush on June 7. We are going to let you keep your money because we believe it does more economic good, it creates more wealth if you have it than if we have it.

Congress then agreed to return a portion of the record level of taxes back to the taxpayers and, in a sense, Congress, on party-line vote in 1993—and it was a party-line vote—raised taxes too much. And this year, on a bipartisan basis—not a party-line vote but on a bipartisan basis—we corrected that overtaxation and that temporary taxation that was put in place in 1993.

Democrats and Republicans, led by President Bush, started with the fact that the 1993 tax hike took too much from the American taxpayers and the American economy. President Bush offered to reduce individual tax rates across all rate brackets and to reduce the number of brackets.

Congress changed aspects of the President's plan and, from my point of view, improved the President's plan as it made its way through Congress. The bill the President signed did contain relief for taxpayers in all tax brackets. This benefits all taxpayers across America.

There is much wringing of hands and gnashing of teeth over the fiscal impact of that tax relief package. We hear it daily from the leadership on the other side and from many in the media. What you don't hear about is how close everyone in the Senate was on the size of the tax cut. In other words, for those who voted against the tax cut, there was just a little bit of difference between what Republicans and a bipartisan group of Members of this body thought ought to be cut at a higher level versus what everybody else, on mostly a partisan basis, thought we ought to cut taxes—just a little bit of difference.

For the record, everyone on the other side of the aisle who opposed the bipartisan tax relief package had already voted for over $1.25 trillion of tax relief. Some of those people who voted that way are the very same ones who are saying we cut taxes too much. I hope you remember that on the debate on the tax bill, everyone on the other side, including every Member of the Democratic leadership, including the present chairman of the Budget Committee, the Senator from North Dakota, voted for $1.25 trillion in tax relief. Yet they are now saying we shouldn't have this tax cut.

For instance, we had a vote on what was called the Carnahan-Daschle Democratic substitute. That amendment, if it had passed, would have represented tax cuts of that $1.25 trillion I cited.

I raise this point for two reasons: One, to make the record clear on the votes on the tax cut bill; and two, to make an even more fundamental point. That fundamental point is, despite all the rhetoric, there was widespread support for significant across-the-board relief even among the most critical of the final tax package.

Let me repeat reason No. 1 for this tax cut before I go on to reason No. 2. The American people are overtaxed. The American people have paid a tax surplus into the Federal Treasury. The goal is to let the taxpayers distribute those goods and services as opposed to having 100 Senators distribute that money.

Now reason No. 2: The tax cut is needed to reverse slow growth in the economy, not only slow growth long term but I have already referred to the slow growth that has happened right now over the last four quarters, 1- to 1.5-percent growth instead of 2.5-percent as we had projected.

I provided you with the first reason, to correct overtaxation. Now for the second one.

It is our responsibility to help the folks back home who are facing a slower economy to create jobs, to expand the economy. There has been a slowdown since the latter half of the year 2000. I will expand on the point that the economic slowdown did start in the latter part of 2000.

We have two charts. The first chart shows that economic growth has slowed considerably since the middle of last year. In the last two quarters of the Clinton administration, it started to slow. Compared to the average 4-percent growth rate since 1998, the economy grew only a little over 1 percent.

Several factors have contributed to the economic slowdown. For the two previous years, we had a tighter monetary policy by the Federal Reserve. We had Chairman Greenspan throw out of the window his very comprehensive program of liquidity from 1988 until 1995, and then he started worrying about inflation. Worrying about inflation so much, he tightened up money so that we didn't have enough liquidity. When he gets back on the kick of worrying about liquidity, not worrying about inflation, the monetary policy will turn it around. But a tighter monetary policy has brought about this slowdown. We have also had the rising energy rates, a decline in the stock market, and we have had rising tax burdens.

The economic slowdown has real impact on working Americans, as evidenced by this second chart we have

here, as you have seen the unemployment rate go up. It shows that the unemployment rate had fallen steadily, but since the slowdown began last year, the unemployment rate has risen. It is now at 4½ percent, the same level it was in October 1998.

Although there is still considerable uncertainty about the economy, a number of factors seem to point in the right direction, and one is there is some reversal of the Federal Reserve on its monetary policy. We have had energy prices stabilize. For instance, a week ago last weekend, I bought gas in Cedar Falls, IA, at $1.19 a gallon.

Given the continued pessimism on Wall Street, however, the economy remains vulnerable to potential shocks. So we should continue to monitor signs of potential trouble ahead and be prepared to take additional steps should they become necessary. Republicans and Democrats have a responsibility to address this problem.

There is some speculation by some on my side of the aisle that those on the other side are hoping the recession comes about for political reasons. I disagree with that speculation. I believe everyone here wants to get the economy on a steady path. Everyone knows that the worst thing you can do in an economic downturn is to raise taxes. On the other hand, a tax cut is a stimulus to economic activity. So if your goal were to further slow down the economy, one sure way to do it would be to raise taxes. On the other hand, if you see a slowdown coming, a tax cut would be a wise response to get the economy growing again.

In other words, if we had not cut taxes, not had these rebate checks going out, we would be nervously trying to cut taxes to stimulate the economy. A tax cut stimulates economic growth in two ways. First is to the extent the tax cut currently provides more money for consumers to spend, it creates more demands for goods and services. Secondly, and most importantly, the tax cut stimulates the economy through changes in expectations for workers, investors, and businesses. In other words, a lower tax bite means that workers, investors, and businesses can expect to retain more of the income generated by their activities. That expectation will change what workers and investors and businesses do right now. That does more economic good than if we have a political decision to distribute the goods and services.

Chairman Alan Greenspan and others have alluded to a new form of ''bracket creep'' brought about by high tax rates. In a sense, through this new form of bracket creep, the Federal Government was getting a windfall from workers, investors, and businesses.

With the lower marginal tax rates, some of the damaging bracket creep has been eliminated over the long term. That change should free up more income to flow through the marketplace and stimulate the economy.

So it was pretty clear some action needed to be taken to stimulate the economy. Action was taken and now, hopefully, for the folks back home, the economy will start to grow significantly.

Now if I can go to the third and last reason why the tax bill needed to be passed—the issue of fairness. We heard during the debate, and even recently, a hue and cry from some on the other side of the aisle that not all taxpayers should receive a rate reduction. They said the bipartisan tax relief bill that was signed by the President disproportionately benefits upper income taxpayers and does not provide enough relief at the lower income scale.

Well, we have news for that group of people. None of those allegations is true, and the charts that I have will show that. But we first need to understand the current distribution of tax burdens in America. We already have a highly progressive income tax system. According to the Congressional Budget Office, the top 20 percent of income taxpayers pay over 75 percent of all the income taxes coming into the Federal Government. By contrast, households in the bottom three-fifths of the income distribution pay 7 percent of all individual taxes.

Sometimes I get the feeling around here that when it comes to progressivity, the only way it is going to satisfy anybody here is if the richest man in America is supporting the Federal Government totally. But for those who are worried about this tax bill not being progressive enough, it not only preserves an already progressive system; it actually makes it more progressive. Those who don't like progressive income tax systems don't like to hear me say that. But for those who say our tax bill has made it less progressive, I hope it causes them to keep their mouths shut.

So to all who are critical of the bipartisan tax relief package as a tax cut for the rich, I invite them to pay special attention to data prepared by a neutral source, the Joint Committee on Taxation. These professionals work for both sides of the aisle, Republicans and Democrats, and for both the House and the Senate. As the Joint Committee on Taxation says, the marginal tax rate reductions in our bill, as signed by the President, combined with the increase in the child credit, and its added refundability, the marriage penalty, the education provisions, and the individual retirement accounts and pension provisions—all these aspects of this bill provide the greatest reduction in tax burden for the lower income taxpayer.

I ask unanimous consent that the tables prepared by the Joint Committee on Taxation be printed in the RECORD.

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

DISTRIBUTIONAL EFFECTS OF THE CONFERENCE AGREEMENT FOR H.R. 1836 [1]

[Prepared by the staff of the Conference Agreement for H.R. 1836, May 26, 2001]

Income category [2]	Change in Federal taxes [3]		Federal taxes [3] under present law		Federal taxes [3] under proposal		Effective Tax Rate [4]	
	Millions	Percent	Billions	Percent	Billions	Percent	Present Law (percent)	Proposal (percent)
Less than $10,000	−$75	−1.0	$7	0.4	$7	0.4	8.7	8.6
10,000 to 20,000	−2989	−11.5	26	1.5	23	1.4	7.5	6.7
20,000 to 30,000	−5,790	−9.4	62	3.5	56	3.3	13.4	12.2
30,000 to 40,000	−5,674	−6.4	89	5.1	83	4.9	16.1	15.1
40,000 to 50,000	−5,490	−5.4	102	5.9	97	5.7	17.4	16.4
50,000 to 75,000	−11,546	−4.5	256	14.6	244	14.4	19.1	18.3
75,000 to 100,000	−8,488	−3.5	244	13.9	235	13.9	21.7	21.0
100,000 to 200,000	−10,488	−2.6	408	23.3	397	23.5	24.2	23.6
2000, and over	−6,997	−1.3	555	31.7	548	32.4	27.8	27.4
Total, All Taxpayers	−57,536	−3.3	1,748	100.0	1,690	100.0	21.4	20.7
CALENDAR YEAR 2002								
Less than $10,000	−75	−1.0	7	0.4	7	0.4	9.2	9.1
10,000 to 20,000	−3,596	−13.3	27	1.5	23	1.3	7.6	6.6
20,000 to 30,000	−7,124	−11.3	63	3.4	56	3.2	13.5	12.0
30,000 to 40,000	−6,849	−7.6	91	4.9	84	4.8	16.1	14.8
40,000 to 50,000	−6,198	−5.8	106	5.8	100	5.7	17.5	16.5
50,000 to 75,000	−13,251	−5.0	267	14.5	254	14.4	19.0	18.0
75,000 to 100,000	−10,227	−4.0	255	13.9	245	13.9	21.7	20.8
100,000 to 200,000	−14,416	−3.3	442	24.1	427	24.3	24.2	23.4
200,000 and over	−16,557	−2.9	578	31.5	562	32.0	27.9	27.1
Total, All taxpayers	−78,294	−4.3	1,836	100.0	1,758	100.0	21.5	20.6
CALENDAR YEAR 2003								
Less than $10,000	−83	−1.1	8	0.4	8	0.4	9.7	9.6
10,000 to 20,000	−3,516	−12.9	27	1.4	24	1.3	7.6	6.6

DISTRIBUTIONAL EFFECTS OF THE CONFERENCE AGREEMENT FOR H.R. 1836 [1]—Continued

[Prepared by the staff of the Conference Agreement for H.R. 1836, May 26, 2001]

Income category [2]	Change in Federal taxes [3]		Federal taxes [3] under present law		Federal taxes [3] under proposal		Effective Tax Rate [4]	
	Millions	Percent	Billions	Percent	Billions	Percent	Present Law (percent)	Proposal (percent)
20,000 to 30,000	−7,135	−11.0	65	3.3	58	3.1	13.6	12.1
30,000 to 40,000	−6,946	−7.5	93	4.8	86	4.6	16.0	14.8
40,000 to 50,000	−6,155	−5.7	108	5.6	101	5.5	17.4	16.4
50,000 to 75,000	−13,554	−4.9	279	14.4	266	14.3	18.9	18.0
75,000 to 100,000	−10,553	−4.0	265	13.7	255	13.8	21.7	20.8
100,000 to 200,000	−15,487	−3.2	479	24.8	464	25.1	24.2	23.4
200,000 and over	−17,453	−2.9	609	31.5	591	31.9	28.1	27.3
Total, All Taxpayers	−80,882	−4.2	1,933	100.0	1,852	100.0	21.5	20.6
CALENDAR YEAR 2004								
Less than $10,000	−69	−0.9	8	0.4	8	0.4	10.0	9.9
10,000 to 20,000	−3,429	−12.6	27	1.3	24	1.2	7.6	6.6
20,000 to 30,000	−7,121	−10.8	66	3.3	59	3.1	13.6	12.2
30,000 to 40,000	−6,964	−7.3	96	4.7	89	4.6	16.0	14.8
40,000 to 50,000	−6,320	−5.8	110	5.4	103	5.3	17.4	16.4
50,000 to 75,000	−15,049	−5.2	288	14.2	273	14.2	18.7	17.8
75,000 to 100,000	−12,913	−4.6	279	13.8	266	13.8	21.5	20.5
100,000 to 200,000	−22,095	−4.3	512	25.2	490	25.3	24.1	23.0
200,000 and over	−21.671	−3.4	642	31.6	620	32.1	28.2	27.3
Total, All Taxpayers	−95,630	−4.7	2,028	100.0	1,932	100.0	21.6	20.6
CALENDAR YEAR 2005								
Less than $10,000	−76	−1.0	8	0.4	8	0.4	10.1	10.0
10,000 to 20,000	−3,867	−14.0	28	1.3	24	1.2	7.6	6.5
20,000 to 30,000	−7,937	−11.6	68	3.2	60	3.0	13.7	12.1
30,000 to 40,000	−7,720	−7.9	98	4.6	90	4.4	16.0	14.7
40,000 to 50,000	−6,945	−6.2	112	5.3	105	5.2	17.2	16.2
50,000 to 75,000	−16,630	−5.5	303	14.2	286	14.1	18.7	17.6
75,000 to 100,000	−14,709	−5.1	287	13.5	273	13.5	21.4	20.3
100,000 to 200,000	−24,654	−4.5	547	25.7	522	25.8	24.0	22.9
200,000 and over	−21,182	−3.1	678	31.9	657	32.4	28.3	27.4
Total, All Taxpayers	−103,720	−4.9	2,129	100.0	2,025	100.0	21.6	20.6
CALENDAR YEAR 2006								
Less than $10,000	−76	−0.9	8	0.4	8	0.4	10.4	10.3
10,000 to 20,000	−3,789	−13.6	28	1.2	24	1.1	7.6	6.6
20,000 to 30,000	−7,853	−11.4	69	3.1	61	2.9	13.7	12.2
30,000 to 40,000	−7,839	−7.9	99	4.4	91	4.4	16.0	14.7
40,000 to 50,000	−7,570	−6.5	116	5.2	108	5.2	17.2	16.0
50,000 to 75,000	−18,755	−6.0	313	14.0	294	14.0	18.6	17.5
75,000 to 100,000	−17,212	−5.8	297	13.3	280	13.3	21.3	20.0
100,000 to 200,000	−30,208	−5.1	588	26.3	558	26.6	23.9	22.7
200,000 and over	−44,177	−6.1	719	32.1	675	32.1	28.3	26.6
Total, All Taxpayers	−137,476	−6.1	2,238	100.0	2,100	100.0	21.7	20.3

[1] Includes provisions affecting the child credit, individual marginal rates, a 10% bracket, limitation of itemized deductions, the personal exemption phaseout, the standard deduction, 15% bracket and EIC for married couples, deductible IRAs, and the AMT.

[2] The income concept used to place tax returns into income categories is adjusted gross income (AGI) plus; [1] tax-exempt interest, [2] employer contributions for health plans and life insurance, [3] employer share of FICA tax, [4] worker's compensation, [5] nontaxable Social Security benefits, [6] insurance value of Medicare benefits, [7] alternative minimum tax preference items, and [8] excluded income of U.S. citizens living abroad. Categories are measured at 2001 levels.

[3] Federal taxes are equal to individual income tax (including the outlay portion of the EIC), employment tax (attributed to employees), and excise taxes (attributed to consumers). Corporate income tax and estate and gift taxes are not included due to uncertainty concerning the incidence of these taxes. Individuals who are dependents of other taxpayers and taxpayers with negative income are excluded from the analysis. Does not include indirect effects.

[4] The effective tax rate is equal to Federal taxes described in footnote (3) divided by: income described in footnote (2) plus additional income attributable to the proposal.

Source: Joint Committee on Taxation. Detail may not add to total due to rounding.

Mr. GRASSLEY. Mr. President, I will go to a couple of the charts I referred to prepared by Joint Tax. Look at the levels of reduction in tax burden shown on this chart. You can see that the lowest income brackets receive the highest reduction.

Now, for the year 2006—and I say for the year 2006 because that is when the individual tax provisions or rates are implemented—taxpayers with over $100,000 of income receive a tax cut of between 5 and 6 percent. Taxpayers earning between $10,000 and $50,000 get a tax cut of between 6.5 percent and 13.6 percent, with those at the lower income levels getting the biggest percentage of reduction. Even those with incomes below $10,000, who, by and large, don't pay income and payroll taxes, receive a tax cut under the bipartisan tax relief package.

Under the tax relief, 6 million Americans will be taken off the income tax rolls. Those are lower bracket people. Just tell 6 million people who are never going to be paying income tax in the future that they aren't getting a benefit from this greater than higher income people who are going to be paying income taxes the rest of their lives. A four-person family earning $35,000 a year will no longer have any income tax burden.

As the Joint Tax data also shows, a large reduction of the tax burden is targeted toward taxpayers between the $30,000 and $75,000 income brackets. These taxpayers will enjoy significant effective tax relief.

I also said that the bipartisan tax relief actually makes our tax system more progressive. The Joint Tax Committee again provides the proof. As the Joint Tax tables demonstrate, under the bipartisan tax relief package, the overall burden goes down for taxpayers earning below $100,000. For taxpayers making $100,000 or more, however, their share of the Federal tax burden will actually increase under the bipartisan tax relief legislation. For example, for taxpayers earning between $100,000 and $200,000 a year, their share of the burden will increase by three-tenths of a percent. This is not the case for taxpayers earning between $10,000 and $30,000. Their share of the overall burden will decrease by three-tenths of a percentage point.

So the bipartisan tax relief legislation not only retains the progressivity of the tax system, but that progressivity is enhanced.

Now, it is clear that distribution tables aren't the only way to define tax fairness. There were other categories of tax relief that carried bipartisan priority in terms of fairness. First, on a bipartisan basis, there is concern about the added burden for couples who decide to marry. This important social objective was impaired by the marriage penalty. The bipartisan tax relief legislation provided marriage tax relief.

Second, on a bipartisan basis, there was concern about the Tax Code's failure to recognize the cost of raising children. The bipartisan tax relief legislation provides tax relief for millions of families with children, including those who pay no income tax at all. In addition, the dependent care tax credit was enhanced for families with children in day care.

Third, on a bipartisan basis, there was concern about helping families with the rising cost of education. As a

response, the bipartisan tax relief legislation includes a package of educational tax relief measures.

Fourth, on a bipartisan basis, there was concern about declining savings rates and the need for more secure retirement plan benefits for more workers to help baby boomers who are saving less. As a response, the bipartisan tax relief legislation included significant enhancements to individual retirement accounts and retirement plans. This package was then perhaps the greatest improvement in our individual IRAs and retirement plans in a generation.

Finally, there was a bipartisan concern about the confiscatory impact of the death tax, especially for family farmers and small businesses. As a response, the bipartisan tax relief legislation includes death tax relief, including repeal.

Today I have talked about the three most important reasons from my perspective why we were able to pass the largest bipartisan tax relief measure in a generation.

The first reason is to correct the policy of overtaxation that stemmed from the heavy tax hike of 1993.

The second is to respond with an economic stimulus against the current economic slowdown.

The third is there are sufficient budgetary resources to address tax fairness problems.

It is important to realize that the major tax legislation just enacted rests on a very sound foundation. It should not be dismissed, it should not be obfuscated, and it should not otherwise be distorted by budgetary demagoguery. Let us not forget that revenue is not an abstract notion. Revenue reflects the sum total payments to Washington by hard-working men and women. It is not abstract when paid and should not be treated as an entitlement by those of us fortunate enough to be sent here to make policy decisions to represent the folks back home.

We have a very good tax bill. Our challenge is to make sure that those in Congress who want to spend more money and do not like giving the people back their money—we are intent upon keeping this reduction of revenue coming into the Federal Treasury, not because we are concerned about the taxpayers, but because if those taxpayers spend that money, it is going to do more economic good and turn over the economy, create more jobs and more wealth than if I spend it as a Member of the Senate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak for approximately 20 minutes in morning business.

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

CONTROLLING THE PROLIFERATION OF SMALL ARMS AND LIGHT WEAPONS

Mrs. FEINSTEIN. Mr. President, I rise today to speak about the proliferation of small arms around the world and, specifically, the remarks made by John Bolton, the Under Secretary of State for Arms Control and International Security Affairs before the United Nations this past July 9 at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All its Aspects.

I begin by saying what I sincerely believe: I think it is right and necessary to limit the illicit sale of small arms and light weapons on a worldwide basis. In order to do that, however, one also has to address transparency and legal transfers of small arms and light weapons because so much of the illicit proliferation problem has its roots in legal sales. I was therefore very surprised that Under Secretary Bolton said the United States may well be opposed to measures being considered by the conference that are aimed at curbing the international proliferation of small arms and light weapons.

Before I address Mr. Bolton's speech, and the question it raises about the direction of the administration's policy in this area, I would like to briefly sketch out the scope and scale of this problem:

The worldwide proliferation of small arms—this includes shoulder-mounted missiles, assault weapons, grenade launchers, and high-powered sniper rifles—is a staggering problem today. Right now there are an estimated 500 million illicit small arms and light weapons in circulation around the globe.

In the past decade alone, an estimated 4 million people have been killed in civil war and bloody fighting, many of them with these same small arms.

As a matter of fact, 9 out of 10 of these deaths are attributed to small arms and light weapons. According to the International Committee of the Red Cross, more than 50 percent of the 4 million people killed—that is 2 million people—are believed to be civilians. The sheer volume of available weaponry has been a major factor in the devastation witnessed in recent conflicts in Angola, Cambodia, Liberia, Mozambique, Rwanda, Sierra Leone, Somalia, Sri Lanka, and Afghanistan, as well as the sort of violence endemic to narcotrafficking in Colombia and Mexico. These conflicts undermine the regional stability, and they endanger the spread of democracy and free markets around the world.

The United Nations and the Red Cross estimate that more than 10 million small arms and light weapons, ranging from pistols to AK–47's to hand grenades to shoulder-launched missiles, are today in circulation in Afghanistan where the terrorist organization of Osama bin Laden is based.

The United Nations estimates that over 650,000 weapons disappeared from government depots in Albania in the 3 years leading up to the outbreak of violence in the Balkans, including 20,000 tons of explosives.

NATO peacekeepers and U.S. soldiers in the region are under threat and in danger from these weapons. In fact, the increased access by terrorists, guerrilla groups, criminals, and others to small arms and light weapons poses a real threat to all U.S. participants in peacekeeping operations and U.S. forces based overseas.

Clearly, this is a substantial problem, and it has profound implications for U.S. security interests. It is because of the scope and scale of the problem that the United Nations conference on the illicit trade in small arms and light weapons, I believe, is so important.

Unfortunately, as the Washington Post editorial on July 10 put it, Mr. Bolton's opening address ''appeared designed to cater to the most extreme domestic opponents of gun control''. Although I do not disagree with all that Mr. Bolton said, I want to ask that we examine more closely the implications of some of his statements, and how they conflict with both settled Supreme Court precedent and the goals of stemming the tide of illicit arms into the hands of terrorists, drug cartels, and violent rebellions.

First, Mr. Bolton stated that ''The United States will not join consensus on a final document that contains measures contrary to our constitutional right to keep and bear arms.''

As the Post's editorial points out, ''No such measures appear in the draft documents before the conference.'' Why, exactly, did he do that?

I believe not only is Mr. Bolton wrong in his assertion about the connection between the Second Amendment and the work of conference, but in any case Mr. Bolton's position on the Second Amendment is in direct contradiction to decades of Supreme Court precedent.

Not one single gun control law has ever been overturned by the Court on Second Amendment grounds.

Contrary to the constant claims of the NRA, the meaning of the Second Amendment has been well-settled for more than 60 years—ever since the 1939 U.S. Supreme Court ruling in United States v. Miller. In that case, the defendant was charged with transporting an unregistered sawed-off shotgun across state lines.

In rejecting a motion to dismiss the case on Second Amendment grounds, the Court held that the ''obvious purpose'' of the Second Amendment was ''to assure the continuation and render possible the effectiveness'' of the ''state Militia.'' Because a sawed-off shotgun was not a weapon that would be used by a ''state Militia'', like the National Guard, the Second Amendment was in no way applicable to that case, said the Court.

If a sawed-off shotgun is not protected by the Second Amendment, why

does the Administration seem to be taking the position that the Second Amendment protects the international trafficking of shoulder-launched missiles?

If an American citizen cannot freely transport a sawed-off shotgun across state lines, why can't we work to stop the international transportation of grenade launchers and high powered, military sniper rifles?

This second amendment argument simply makes no sense, and has no place in this debate.

Second, Mr. Bolton's opening statement attacked language that calls on governments to ''seriously consider'' curtailing ''unrestricted sales and ownership'' of arms specifically designed for military purposes.

So Mr. Bolton essentially objected to even considering merely curtailing the ''unrestricted sales and ownership'' of military weapons.

In point of fact the United States already curtails the sale and ownership of many of these guns.

The National Firearms Act, for instance, places severe restrictions on the manufacture and possession of machine guns, sawed-off shotguns, grenades, bombs, rockets, missiles, and mines.

We also passed the 1994 assault weapons ban, which stopped the production of semi-automatic, military-style assault weapons.

These firearms have no sporting purpose, and our laws recognize that fact. Yet these guns contribute enormously to terrorist threats, drug cartel violence, and civil strife throughout the world.

Congress has already recognized that curtailing the use of military-style weapons is reasonable, appropriate, and even life-saving. To now object to a clause that would call upon other governments around the world to do the same is nonsensical at best, and undermines U.S. security interests—and the lives of U.S. military personnel—at worst.

Next, Mr. Bolton stated that the United States would ''not support measures that would constrain legal trade and legal manufacturing of small arms and light weapons.'' That may be legitimate read on its face. People can understand that.

Although it is my belief that the United States is not the biggest contributor to the problem of the global proliferation of small arms and light weapons—the United Nations has found that almost 300 companies in 50 countries now manufacture small arms and related equipment—in 1999 the U.S. licensed for export more than $470 million in light military weapons.

With the average price of $100–$300 per weapon, this represents a huge volume of weapons.

The problem is that in addressing the issue of the international proliferation of small arms and light weapons one cannot simply address the illicit side of the equation without also looking at the interactions between the legal trade and the illegal trade.

In fact, there is good evidence of an increased incidence of U.S. manufactured weapons—legally manufactured and legally traded or transferred—flowing into the international black market.

In April, 1998, for example, The New York Times reported that the United States had to rescind pending licenses for sale of U.S. firearms to the United Kingdom based on the European Union practice allowing retransfer of guns between EU members without review or oversight.

In 1999 the State Department stopped issuing licenses from the U.S. to dealers in Venezuela because of concern that many of the guns—legally exported and sold—were in fact ending up in the hands of narco-traffickers and guerrillas in Colombia.

In 2000 and to date in 2001, the ATF has processed more than 19,000 trace requests from foreign countries for firearms used in crimes: 8,000 of these guns were sold legally in the United States. So they are sold legally and they get into the black market and they become part of a crime.

In 1994, Mexico reported 3,376 illegally acquired U.S.-origin firearms. Many of these weapons were originally sold legally to legitimate buyers but then transferred illegally, to many Mexican drug cartels. Between 1989 and 1993, the State Department approved 108 licenses for the export of $34 million in small arms to Mexico, but it performed only three follow-up inspections to ensure that the weapons were delivered to and stayed in the hands of the intended users.

According to the South African Institute for Security Studies, an estimated 30,000 stolen firearms—again, firearms originally manufactured and traded, sold or transferred in a legal manner—enter the illegal marketplace annually in South Africa.

Given this undeniable connection between legal sales and illicit trade, the approach suggested by Mr. Bolton to the Conference—that it should only address one part of the equation while ignoring the other, appears to me to be untenable.

I would also suggest that certain measures which may be seen by some as constraints on legal manufacture and trade—such as international agreements for the marking and tracing small arms and light weapons, or seeing that there are international regulations governing the activities of arms brokers—are in fact wise policy.

Mr. Bolton also stated:

> Neither will we, at this time, commit to begin negotiations and reach agreements on legally binding instruments, the feasibility and necessity of which may be in question and in need of review over time.

Yet, as Mr. Bolton himself points out in his statement, the United States has some of the best laws and regulations on the books regarding the sale and transfers of light weapons.

In my view it is clearly in the U.S. interest to see that those standards are replicated by the world community.

Mr. Bolton's statement is fulsome in its praise of U.S. brokering regulations. Why do we not want to see others rise to the same standards?

Mr. Bolton's statement cites U.S. regulations governing the transfer of military articles of U.S. origin and U.S. exports of small arms and light weapons.

Instead of going it alone—with limited success even when it comes to some of our closest allies, like the United Kingdom, as the example I cited above indicates—shouldn't we be working to see to it that the rest of the international community adopts similar standards? I think so.

In approaching the United Nations Conference, the U.S. government should negotiate and support making the trafficking of small arms traceable, strengthen international regulations of transfers, bolster rules governing arms brokers, and eliminate the secrecy that permits thousands of weapons to fuel crime and war without anyone's knowledge of their source.

We should be taking the lead on this issue based on our foreign policy and national security interests, not taking the NRA line based on domestic political considerations.

And U.S. leadership should ensure that the Conference is the first step, not the last, in the international community's efforts to control the spread of small arms and light weapons.

The problem is you cannot look at the illicit trade of small arms and light weapons, which is killing millions upon millions of people, 50 percent of them innocent civilians, without increasing the transparency of the legal market because so many of these weapons go from the legal market into the black market—the illicit market.

I yield the floor.

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

Mr. KYL. Mr. President, I ask consent to speak in morning business for 5 minutes, and following my remarks, the Senator from Washington speak.

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

Mr. KYL. Mr. President, I first thank the Senator from Washington State for her kindness letting me speak next. I hope to make an appointment in my office. I will cut my remarks short and give a summary and put the remainder in the RECORD. I appreciate her generosity and that of the Senator from West Virginia.

The PRESIDING OFFICER. The Senator from Arizona.

CONFIRMATION OF NOMINEES

Mr. KYL. We started this session of Congress, I think, on a fairly high note of bipartisanship. While there have been some recent events that may have detracted from that, I think most of us would like to proceed with as much bipartisanship as possible. Part of this,

of course, concerns relationships between the Congress and the President.

Since the majority in the Senate and the President are of different parties, that may be a little more difficult, but I have a suggestion today which I hope will enable us to move in that direction.

The President has a number of nominees, executive branch nominees, there are a few legislative branch nominees that require our actions, and then there are some judicial nominees. I hope in a real spirit of bipartisanship we can get those nominees cleared; that is to say, the Senate can confirm the President's nominations and the personnel that he needs in the executive branch to get his work done, and that we can confirm the judges the courts need. These are people who need to be put into place so our country can move forward for all of the American people.

Up until last week, unfortunately, the Senate had been acting at a relatively slow pace. I might also add the change from the majority to the minority, and vice verse, undoubtedly complicated this, but we were not making very good progress.

Last week, I note that 54 nominees were confirmed by the Senate. In fact, 36 were confirmed just last Thursday. So we are finally beginning to make some progress. I urge my colleagues to continue this progress because, by my count, there are 93 executive branch nominees pending as of today. Only 26 have had hearings. But as we know, it does not take too much for the committee work to follow shortly after a hearing so the nominees can actually come to the Senate for full debate and confirmation by the full Senate.

As of today, according to the administration's figures, approximately 347 nominees have come to the Senate, and only 187 have been confirmed. So we still have a fair amount of work to do.

In terms of judicial nominees, my understanding is that there are 29 nominations pending, 3 of which have had hearings. Of those, 20 are circuit court nominees, 9 are district court nominees. The bottom line with regard to the courts is that as of today, no circuit or district court judges have been confirmed this year. We are, of course, now past the midway point of this year.

We are going to have to get going. Again, I do not want to point any fingers in the spirit of bipartisanship which I am invoking here today. I am hoping Republicans and Democrats in the Senate and the administration can work very closely together.

What I would like to do, and I will do at the end of my remarks, is submit for the RECORD the names of the nominees who are pending. I was going to read the names of the people who are currently pending, but I do not need to do that. I will submit those for the RECORD. But I would note some of these have been pending going back to the month of April. Clearly the Senate can act on those nominees who have been before us for a long period of time, and we should expedite those who have come before us, even fairly recently. It should be our goal that by the time we conclude our work in July and return to our States for the August recess, that all of the nominees who have come to the Senate, except maybe in the last couple of days before that period of time, will have been cleared; that is to say, they will have had their hearings, come out of committee, and been acted upon by the full Senate. Very few of them are controversial, as I go down the list.

I do note in a couple of cases nominees are being held up by Senators—actually in four or five cases. A couple of those are being held up by Republicans, and a few more are being held up by Democrats. I am going to urge my Republican colleagues to cooperate so the concerns they have expressed can be dealt with and the nominees can move forward. I hope my Democratic colleagues will do the same on their side of the aisle. I think it is important that while a Member of the Senate may put a technical hold on a nomination, we all appreciate all that means is that they have requested to be notified if the majority leader is going to call that nominee up for a full Senate consideration so that Senator will then have an opportunity to object. Obviously, we do not want to put Members in that position, but I do think it is important for the full Senate to be able to work its will on these nominees. That is why I am going to ask both Republicans and Democrats, where they have a problem with somebody, to try to work that out with the administration so we can proceed.

Finally, last week I worked with the distinguished majority leader and the assistant majority leader in ensuring we could both bring the appropriations bills that we have to deal with to the Senate floor and to get these nominees done at the same time. There is nothing to prevent us from bringing an appropriations bill to the floor and then toward the end of the day, for those nominees that do not require debate and rollcall vote, having them considered in the wrap-up.

I will continue to do that because it is my expectation that we will not have to use the rules of parliamentary procedure that we all have available to us to hold up business of the Senate in order to get these nominees done since they are the top priority; that we can actually do both at the same time.

That is my request of the majority leader and of the assistant majority leader—to continue to work in that spirit moving forward both with the appropriations bill and with the nominees. I will have more to say about this later.

I ask unanimous consent that the names of the nominees who are currently pending be printed in the RECORD.

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

BUSH ADMINISTRATION NOMINEES PENDING SENATE ACTION

AGRICULTURE

Thomas C. Dorr, Undersecretary for Rural Development.

Hilda Gay Legg, Administrator, Rural Utilities Services.

Mark Edward Rey, Undersecretary for Natural Resources and Environment.

COMMERCE

Samuel W. Bodman, Deputy Secretary of Commerce.

David Sampson, Assistant Secretary for Economic Development.

Michael J. Garcia, Assistant Secretary for Export Enforcement.

William Henry Lash III, Assistant Secretary for Market Access and Compliance.

James Edward Rogan, Undersecretary for Intellectual Property and Director of the United States Patent and Trademark Office.

DEFENSE

Jack Dyer Crouch II, Assistant Secretary for International Security.

Stephen A. Cambone, Principal Deputy Undersecretary for Policy.

Susan Morrisey Linvingstone, Undersecretary of the Navy.

Alberto Jose Mora, General Counsel, Navy.

Michael Parker, Assistant Secretary for Civil Works, Army.

John Stenbit, Assistant Secretary for Command, Control, Communications & Intelligence.

Ronald M. Sega, Director, Defense Research and Engineering.

Joseph E. Schmitz, Inspector General.

Michael L. Dominguez, Assistant Secretary (Air Force) for Manpower, Reserve Affairs.

Nelson F. Gibbs, Assistant Secretary (Air Force) for Installations & Environment.

H.T. Johnson, Assistant Secretary (Navy) for Installations & Environment.

Mario P. Fiori, Assistant Secretary (Army) for Installations & Environment.

EDUCATION

Carol D'Amico, Assistant Secretary for Vocational and Adult Education.

Brian Jones, General Counsel.

Laurie Rich, Assistant Secretary for Intergovernmental and Interagency Affairs.

Robert Pasternack, Assistant Secretary for Special Education and Rehabilitative Services.

Joanne M. Wilson, Commissioner, Rehabilitation Services Administration.

ENERGY

Dan R. Brouillette, Assistant Secretary for Congressional and Intergovernmental Affairs.

Theresa Alvillar-Speake, Director, of Minority Economic Impact.

HEALTH AND HUMAN SERVICES

Wade F. Horn, Assistant Secretary for Family Support.

Kevin Keane, Assistant Secretary for Public Affairs.

Janet Hale, Assistant Secretary for Management and Budget.

Alex Azar, III, General Counsel.

Janet Rehnquist, Inspector General.

Josefina Carbonell,Assistant Secretary for Aging.

Joan E. Ohl, Commissioner, Administration for Children, Youth and Families.

HOUSING AND URBAN DEVELOPMENT

Michael Minoru Fawn Liu, Assistant Secretary for Public and Indian Housing.

Melody H. Fennel, Assistant Secretary for Congressional and Intergovernmental Affairs.

JUSTICE

Ralph F. Boyd, Jr., Assistant Attorney General for Civil Rights.

Deborah J. Daniels, Assistant Attorney General for the Office of Justice.

Thomas L. Sansonetti, Assistant Attorney General for Environment & Natural Resources.

Robert D. McCallum, Jr., Assistant Attorney General for the Civil Division.

Eileen J. O'Connor, Assistant Attorney General for Tax Division.

Sarah V. Hart, Director, National Institute of Justice.

Richard R. Nedelkoff, Director of the Bureau of Justice Assistance.

J. Robert Flores, Administrator, Office of Juvenile Justice and Delinquency Prevention.

James W. Ziglar, Commissioner, Immigration and Naturalization Service.

John W. Gillis, Director, Office for Victims of Crime.

Asa Hutchinson, Administrator, Drug Enforcement Agency.

Sharee M. Freeman, Director, Community Relations Service.

Mauricio J. Tamargo, Chairman, Foreign Claims Settlement Commission.

LABOR

Eugene Scalia, Solicitor of Labor.

John Lester Henshaw, Assistant Secretary, Occupational Safety and Health.

Emily Stover DeRocco, Assistant Secretary for Employment Training Administration.

STATE

John D. Negroponte, Representative to the United Nations.

Otto J. Reich, Assistant Secretary for Western Hemisphere Affairs.

Charlotte L. Beers, Undersecretary for Public Diplomacy.

Clark Kevin Ervin, Inspector General.

Dennis L. Schornack, Commissioner, International Joint Commission.

William A. Eaton, Assistant Secretary for Administration.

TRANSPORTATION

Allan Rutter, Administrator, Federal Railroad Administration.

Kirk Van Tine, General Counsel.

Ellen G. Engleman, Administrator, Research and Special Programs.

Jeffrey William Runge, Administrator, National Highway Traffic Safety Administration.

TREASURY

Michele Davis, Assistant Secretary for Public Affairs.

Kenneth Dam, Deputy Secretary of the Treasury.

Peter R. Fisher, Undersecretary for Domestic Finance.

Jimmy Gurule, Undersecretary for Enforcement.

Rosario Marin, Treasurer of the United States.

Brian Carlton Roseboro, Assistant for Financial Markets.

Henrietta Holsman Fore, Director, U.S. Mint.

Robert C. Bonner, Commissioner of Customs.

Sheila C. Bair, Assistant Secretary for Financial Institutions.

VETERANS AFFAIRS

Gordon H. Mansfield, Assistant Secretary for Congressional Affairs.

Claude Kickligher, Assistant Secretary for Policy and Planning.

EXECUTIVE BRANCH

John D. Graham, Administrator of the Office of Information and Regulatory Affairs.

Jon M. Huntsman, Deputy USTR.

Mark B. McClellan, Member, Council of Economic Advisors.

Allen Frederick Johnson, Chief Agricultural Negotiator, USTR.

John Walters, Director, Office of Drug Control Policy.

AGENCIES

Robert E. Fabricant, General Counsel, EPA.

Hector Baretto, Administrator, Small Business Administration.

Roger Walton Ferguson, Governor, Federal Reserve System.

Jeffrey R. Holmstead, Assistant Administrator for Air and Radiation, EPA.

George Tracey Megan, III, Assistant Administrator for Water, EPA.

Eduardo Aguirre, Jr., First Vice President & Vice Chair, Export-Import Administration.

Cari Dominguez, Chairwoman, Equal Employment Opportunity Commission.

Harvey L. Pitt, Chairman, Securities and Exchange Commission.

Ross J. Connelly, Executive Vice President, OPIC.

Carole L. Brookins, US Executive Director of the International Bank for Reconstruction.

Judith Elizabeth Ayres, Assistant Administrator for International Activities.

Daniel R. Levinson, Inspector General, GSA.

Marion Blakey, Chairman, National Transportation Safety Board.

John Arthur Hammerschmidt, Member, National Transportation Safety Board.

Donald Schregardus, Assistant Administrator for Enforcement.

JUDICIARY

John G. Roberts, Jr., U.S. Circuit Court, District of Columbia.

Miguel A. Estrada, U.S. Circuit Court, District of Columbia.

Edith Brown Clement, U.S. Circuit Court, Fifth Circuit.

Priscilla Richman Owen, U.S. Circuit Court, Fifth Circuit.

Dennis W. Shedd, U.S. Circuit Court, Fourth Circuit.

Roger L. Gregory, U.S. Circuit Court, Fourth Circuit.

Terrence W. Boyle, U.S. Circuit Court, Fourth Circuit.

Barrington D. Parker, U.S. Circuit Court, Second Circuit.

Deborah L. Cook, U.S. Circuit Court, Sixth Circuit.

Jeffrey S. Sutton, U.S. Circuit Court, Sixth Circuit.

Michael E. McConnell, U.S. Circuit Court, Tenth Circuit.

Sharon Prost, U.S. Circuit Court, Federal Circuit.

Lavenski R. Smith, U.S. Circuit Court, Eighth Circuit.

William J. Riley, U.S. Circuit Court, Eighth Circuit.

Charles W. Pickering, Sr., U.S. Circuit Court, Fifth Circuit.

Timothy M. Tymkovich, U.S. Circuit Court, Tenth Circuit.

Harris L. Hartz, U.S. Circuit Court, Tenth Circuit.

Carolyn B. Kuhl, U.S. Circuit Court, Ninth Circuit.

Richard R. Clifton, U.S. Circuit Court, Ninth Circuit.

Michael J. Melloy, U.S. Circuit Court, Eighth Circuit.

Richard F. Cebull, U.S. District Court, District of Montana.

Sam E. Haddon, U.S. District Court, District of Montana.

Terry L. Wooten, U.S. District Court, District of South Carolina.

Laurie Smith Camp, U.S. District Court, District of Nebraska.

Paul G. Cassell, U.S. District Court, District of Utah.

John D. Bates, U.S. District Court, District of the District of Columbia.

Reggie B. Walton, U.S. District Court, District of the District of Columbia.

Michael P. Mills, U.S. District Court, Northern District of Mississippi.

James E. Gritzner, U.S. District Court, Southern District of Iowa.

Mr. KYL. Mr. President, I will continue to work with the majority and minority leaders to ensure that we can consider these nominees.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Thank you, Mr. President.

REGULATION OF ENERGY MARKETS

Ms. CANTWELL. Mr. President, I rise today to address an issue of extraordinary importance to the State of Washington, the Pacific Northwest, and the entire west coast. That is the role of the Federal Energy Regulatory Commission in regulating our Nation's energy markets and righting the wrongs that have been visited upon ratepayers in the West by runaway energy prices over the last year.

We are now 22 days into an expedited review process by the Federal Energy Regulatory Commission, designed to determine refunds for the unjust and unreasonable rates paid by Western consumers.

At the urging of my colleagues from the Northwest, Senators MURRAY, WYDEN, SMITH, and myself, FERC finally recognized the realities of the energy markets in the West when they allowed Pacific Northwest utilities to participate in these proceedings and the expedited review process. But my main concern is that in the haste of putting the California debacle behind it, FERC will again overlook the Northwest and consumers who have been impacted by as much as 50-percent rate increases.

I am afraid my suspicions were borne out last week when the administrative law judge charged with overseeing this refund matter issued his recommendations to FERC, again paying little attention to the Northwest problem. It is now up to FERC to determine what to do with the judge's recommendation.

I believe the Commission should not—and cannot—in the interest of fairness ignore the Northwest in its refund calculation. While many of my colleagues are well aware of the toll this crisis has taken on California, we—and FERC—cannot disregard the impact that it has had on Northwest citizens, businesses, and communities of Washington State.

Equitable treatment in this refund proceeding requires that the Commission recognize a certain fundamental truth: That Northwest consumers have been harmed, and they have been harmed by unjust and unreasonable prices that have prevailed in all energy markets throughout the West—inside

and outside California, and in spot, forward, and long-term power markets.

There are differences between how California and Northwest utilities manage their obligations to serve consumers. Thus, FERC should not come up with a one-size-fits-all solution for a refund methodology. The basic litmus test should be this: Did power rates meet the commonsense test of reasonableness? If the answer is no, then the Commission must order refunds. This determination should not depend on whether the utilities bought energy on the spot market or made their purchases under long-term contracts.

The Northwest has been hurt by California's dysfunctional marketplace, and yet we now also risk being hurt because we in the Pacific Northwest do not operate the same way as the California ISO, when it comes to the issue of refunds. We run the risk of being penalized twice.

Western consumers have been impacted by the havoc unleashed by California's unstable energy markets and the apparent gamesmanship of a few who have taken advantage of this broken power market.

This topic is of particular concern to the Northwest because, as the crisis has evolved, FERC has been slow to respond to the situation in California, and slower to respond in the Northwest. In the refund proceeding, focusing solely on California's spot markets would significantly harm the utilities of my State and ignore the residual damage that California has caused in all of the energy markets throughout the West.

What are some of those impacts? Make no mistake. The pain inflicted by this crisis has been real on the people of Washington State. Over the last year skyrocketing energy prices have caused retail electricity rates to rise in all corners of my State: 20 percent in Clark County, 30 percent in Cowlitz, Skamania, and Okanogan counties, 35 percent in Snohomish County, and 50 percent in the cities of Tacoma and Seattle. Even as these utilities have passed on rate increases to consumers, some have been forced to issue hundreds of millions of dollars' worth of bonds to cover the cost. Seattle, for example, normally spends $100 million per year on purchasing power. This year the city spent over $450 million to keep the lights on—and that is just in the first 6 months of the year.

While the utility in its first 98 years of history issued a total of only about $1 billion in bonds, it is having to issue $700 million in debt this year alone to pay for its purchased power bills. A number of Northwest utilities have even had their bond ratings downgraded as a result of this crisis.

Indeed, the economic impacts on Washington have already begun to take root. Energy-intensive industries such as aluminum smelting and pulp and paper industries have been driven to the brink of collapse, and layoffs already number in the tens of thousands. There are innumerable other businesses that are on the brink as well.

For example, Georgia-Pacific has shut down its pulp and paper mill in Bellingham, WA, laying off 420 workers. Another pulp and paper mill in Steilacom, WA, has had to idle its workforce due to escalating power prices.

Washington's aluminum industry, which provides my State with between 7,000 to 8,000 family-wage jobs, has curtailed a large part of its production anywhere from 6 months to 2 years. And it is unclear whether those companies will ever resume production at their current levels given this agreement to shut down.

These companies, which produce a large portion of the Nation's aluminum, have given up more than 75 percent of their power in order to minimize the rate increase for the entire region.

Due to drought conditions and the cost of purchasing power for irrigation, many farmers in the State of Washington have also been hurt. They have chosen to forego the planting this summer.

Because agriculture is already one of the most stressed industries in Washington, the impacts of the current energy situation are particularly devastating. Many of our irrigators have been paid not to farm based on energy savings compared to the their previous year's usage. When irrigators can't farm, that has ramifications for entire communities and related businesses such as cold storage, food processing, and transportation. So the agricultural impact is being felt broadly in our State.

The effect on small businesses have been equally harrowing. At a Small Business Committee field hearing that was held in Seattle by the chairman, Senator KERRY, I heard from the president of a steel foundry based in Tacoma, which has been in operation since 1899—a company that employs over 350 people. In the face of this crisis, this plant, with a very aggressive approach, reduced its power consumption by over 20 percent. At the same time, the foundry has increased its efficiency and will actually produce more steel this year. But despite this extraordinary effort to reducing energy consumption, the company's power bills are 60 percent over what it was the year before, virtually eliminating any profits and already forcing a handful of layoffs. In the words of the company's president, any further rate increase will mean that the foundry will have to close its doors.

This crisis has a very human face. The LIHEAP caseload in the State of Washington is expected to grow 50 percent this year. I have heard from many senior citizens who can't afford to light their homes at night and will be making hard choices later this fall and winter about heating their homes and buying food. I have visited children who are worried that their parents, in some of those industries I mentioned, will lose their jobs. And those children are concerned they will then lose their homes when their mothers and fathers do not have the work to pay their bills.

Our schools have also had to cut corners. The Central Valley School District near Spokane, for example, has had to divert over $200,000, that would otherwise be used to purchase textbooks, to pay its energy bills.

What is more startling is the gravity of these impacts, and the number of Washington residents suffering from this crisis, is going to continue to grow. I say that because the Bonneville Power Administration, which provides Washington with 70 percent of its power, will be forced to raise its rates another 46 percent this October.

It is clear that FERC has an obligation to help these people I have just mentioned, and to help the State of Washington overcome the economic impacts caused by the California market and by a serious drought. FERC must not only stabilize our market and ensure fair rates in the future, but must also address past wrongs and the harm that has impacted consumers.

FERC took its first serious step in its June 19 price mitigation order. Given the economic casualties in my State, I believe this action was long overdue. But it was a positive first step.

The effectiveness of FERC's price mitigation plan will remain of vital concern to all of us from the West. We need to remain mindful of what the effects of this California-focused mechanism on supply in the Northwest, as our region's peak winter heating season approaches.

But let me address specifically the issue of refunds and where we are today in the process. Of particular concern to me is the fact that, as part of the June 19 order, FERC established a 15-day settlement conference for participants in California energy markets, and others in the West, to reach agreement on potential refunds for overcharges and settlement of California's unpaid accounts.

As has been the case throughout this crisis, the order was initially silent on the issue of relief for the Pacific Northwest. It was only after the intervention of a bipartisan group of Northwest Senators that FERC amended its order clarifying that Northwest parties would also participate in those discussions.

But the 15-day settlement window has now closed and no agreement has been reached—for consumers in either Washington State or California. As I have mentioned, the administrative law judge made his recommendation last week on how to proceed. He was mostly silent on the issue of relief for the Pacific Northwest. It should also be noted that, to the extent the recommendations did comment on our concerns, it was not factually correct.

While the recommendations said Pacific Northwest parties ''did not have data on what they were owed, nor an

amount of refunds due them,'' it is a matter of public record that a group of Northwest utilities—net purchasers in the West's dysfunctional power markets—submitted a claim for $680 million, as well as documentation and a proposed methodology for calculating those refunds.

That notwithstanding, this is a silence the Commission itself cannot, in the interest of fairness, sustain. FERC must seek an equitable solution for the Northwest. In order to do that I believe it is critical that FERC recognize some fundamental differences between the Northwest and California energy markets—and that fundamental fairness requires that refunds go to customers in California and the Northwest.

First, FERC needs to recognize that most Northwest participants in the California markets are load-serving utilities. These load-serving utilities are responsible for a very small percentage of the power sold into the California market—certainly no more than 4 percent—and they are clearly not the parties that broke the market. Further, many in the Northwest, especially the Bonneville Power Administration, have been partners in helping solve the California problem by keeping the lights on during emergencies, at costs to the Northwest that cannot necessarily easily be quantified—particularly when one takes into account the Northwest's endangered species and salmon issues, and the delicate balance we work hard to achieve. Every time we generate power, it is quite a delicate balance.

Unlike power marketers or merchant generators, Northwest utilities operate under a statutory obligation to meet all their customers' electricity needs. Further, our region's power supply is essentially based on hydropower. A full 78 percent of Washington state's generation comes from hydropower. As has been made painfully clear by this year's drought—which has amounted to the second worst year of drought on record in the history of our State—the vagaries of hydroelectric production require that our utilities make other wholesale power purchases to meed load. In keeping with reasonable utility planning practices, these companies buy a portfolio of products of varying duration.

This points to a second, fundamental difference between the Northwest and California markets: Whereas California utilities were forced, under the State's restructuring law, to make all of their purchases in a centralized hour-ahead or day-ahead market, we have no such centralized market in the Northwest. While we do have very short-term bilateral markets, our utilities have traditionally only used these to balance the difference between forecasted and actual loads, streamflows, weather conditions, and other similar factors.

Unlike the California ISO market, the Northwest utilities rely heavily on ''forward'' or long-term contracts that last for periods varying from a month ahead to a quarter or two or even longer.

But these contracts have been closely affected by the skyrocketing spot market prices in California. It is thus absolutely crucial, for the purposes of its refund proceeding, that the FERC recognize that power prices throughout the West—and not just in spot markets, but in these forward contracts as well—are unjust and unreasonable. Washington State's prices have moved in lockstep with the spot market prices.

In its June 19 order, the Commission itself commented on this, stating that there is a ''critical interdependence among prices in the ISO's organized spot markets, the prices in the bilateral spot markets in California and the rest of the West, and the prices in forward markets.''

So the Commission itself has recognized the relationship between these prices. Indeed, when one compares forward contract prices in the Northwest with spot market rates both within the region and in California over the last year, they show a correlation of more than 80 percent on a monthly average basis; that is, forward prices in the Northwest have moved in tandem with California's prices, which the Commission has deemed unjust and unreasonable. It is these forward prices that have largely driven the rate increases in the Northwest.

It is clear, then, that any FERC refund order that seeks to treat all Western participants fairly, as the Power Act says it must, must recognize the relationship between spot markets and forward markets.

Simply put, any refund policy must not disadvantage the utilities in the Northwest because of the contractual mechanism they have used to acquire power.

Let me just touch on the case of BPA because I mentioned it earlier. Throughout this crisis, BPA has responded to the California ISO's urgent calls for power supply when the State was teetering on the edge of rolling blackouts. In fact, on three separate occasions, the Department of Energy issued emergency orders directing Bonneville to sell power into the State of California. It should also be noted, however, that California entities have yet to repay BPA for about $100 million of these transactions.

As one of these entities has entered into bankruptcy, it remains questionable how the Northwest will ever receive this $100 million repayment. Meanwhile, BPA has at times drawn down its reservoirs, arguably compromising the reliability of Northwest power system to aid California. So while BPA has sold into the California spot market, it has actually been a net purchaser during the crisis, when one takes into account its forward contracts. And when faced with the volatile energy prices throughout the West, Bonneville earlier this year made the difficult decision to pay consumers to curtail their loads rather than to venture into the market.

I mentioned various of those efforts earlier in my remarks about the aluminum industry. Bonneville and the Northwest customers it serves have been victims of the power crisis touched off by this experimentation in partial deregulation, which has created this dysfunctional market.

In conclusion, it is important that the Commission act fairly and that my State's utilities not be penalized for sales into California when they have been forced to purchase power at a similar unjust and unreasonable rate.

It is very important that the Commission work toward a solution that gives the Northwest refunds, just as it is promising to do in California. FERC must work towards a comprehensive settlement that addresses the claims of both California and the Northwest. In order to reach an equitable solution, it must acknowledge the fundamental differences in the two markets. I believe a fair outcome requires FERC to take a few simple steps.

First, FERC must recognize an inescapable commonsense conclusion: that all Western power markets have been dysfunctional for quite some time. The Commission's duty under the Federal Power Act is to ensure just and reasonable rates in all markets at all times. I urge the Commission to act in accordance with section 309 of the Power Act in doing this.

Second, power prices have been unjust regardless of the type of market which the Northwest operates in. The fact is, we in the Northwest have a different market than California, and FERC simply cannot use the same formula when calculating refunds for our consumers. It must take into account both forward and long-term contracts. Those utilities that can, using this methodology, demonstrate a legitimate complaint should receive refunds.

Third, FERC must not leave the Northwest behind. Northwest utilities must be allowed to plead their case during the upcoming evidentiary hearing.

Finally, repayments of amounts due to the Northwest for sales into California must be an integral part of any refund calculation.

I call on the FERC Commissioners to incorporate these principles into a refund policy for the Northwest. It is indisputable that the Northwest has been harmed. Now it is up to FERC to take the action to mitigate those damages and to repay the consumers in Washington State.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

THE GREAT COMPROMISE

Mr. BYRD. Mr. President, 214 years ago today, on July 16, 1787, the members of the Constitutional Convention agreed to what is known as the Great Compromise. Edmund Randolph, on May 29, 1787, had introduced the ''Virginia Plan'', drafted by James Madison,

which provided for a Senate and a House of Representatives and would replace the unicameral legislature under the Articles of Confederation. Randolph had described the plan as designed to promote ''peace, harmony, happiness, and liberty.'' Under the Virginia plan, both Houses of Congress would be apportioned by population, an arrangement that would favor larger states like Virginia, the State of Pennsylvania, the State of Massachusetts.

On June 15, William Patterson had countered with the ''New Jersey'' plan, which was really a series of amendments designed to strengthen rather than replace the Articles of Confederation. Its supporters, representing the smaller States, worried that the Virginia Plan went too far in creating a central government and that it would diminish the power of the individual States. However, the Delegates rejected the New Jersey Plan and committed themselves to the creation of a new form of government.

The smaller States had lost the first battle, but they had enough votes to keep the Convention from succeeding, unless it was agreed that the new government would firmly protect their rights, the rights of the smaller States. They demanded the same equality of the States that had existed under the Articles of Confederation. On July 1, the Convention split 5 to 5 on the issue. The Georgia Delegates were split and did not vote. This tie represented a deadlock between the conflicting demands of the larger and smaller States.

When the Convention recessed to celebrate the Fourth of July, the Delegates appointed a special Committee to solve the dispute. Elbridge Gerry of Massachusetts chaired the Committee which devised a compromise that apportioned the House by population and gave the states equality in the Senate. Inasmuch as the idea for the special Committee had been proposed by Roger Sherman, a Connecticut Delegate, the ''Great Compromise'' is also known as the ''Connecticut Compromise.'' In promoting the plan, William Samuel Johnson of Connecticut explained that under this arrangement the two Houses of Congress would be ''halves of a unique whole.''

The Great Compromise is one of the more momentous events in our country's history. Most people are probably unaware of it or have forgotten their high school days during which they should have learned about it. But for the Great Compromise, the course of our country's history might have been forever altered.

Fortunately for us, the men who attended the Philadelphia Convention were some of the ablest and brightest leaders of the time, in fact, of any time. What a gathering that was. Never before, since the Last Supper at which our Lord sat and broke bread with those about the table, was there a gathering like ths one in Philadelphia, 214 years ago today.

What a gathering that was! Never before had there been such an abundance of wisdom and learning, grace and dignity—not since the Roman Senate had gathered and been observed by Cineas, the Ambassador of Pyrrhus, King of Epirus, who visited the Roman Senate at the behest of Pyrrhus.

Cineas, the philosopher, was charged by Pyrrhus to present a peace proposal to the Roman Senate. Cineas had brought with him bribes for Roman Senators. He had brought with him rich robes for the wives of Senators. But he had found no takers—none. Cineas was impressed. The sight of this great city, the city of Rome of the seven hills, its austere manner, and its patriotic zeal, struck Cineas with admiration. When he had heard the deliberations of the Roman Senate and he had observed its men, he reported to Pyrrhus that here was no mere gathering of venal politicians, here was no haphazard council of mediocre minds, but, in dignity and statesmanship, veritably ''an assemblage of kings.''

How fortunate to have been one of the members of the Constitutional Convention. Never before or after, since conclaves on Mount Olympus, attended by the ''gods of Greece'' in Rome, has there been a gathering like it. From Virginia alone, there were George Washington, James Madison, George Mason, Edmund Randolph. From Massachusetts, there were Elbridge Gerry and Rufus King. From Pennsylvania, there were James Wilson, Benjamin Franklin, and the man with the peg leg, Gouverneur Morris. And from New York, there was the great Alexander Hamilton—small in stature but large in wisdom. Here was a constitutional ''dream team'' for the ages. Fifty-five men, in all, presented their credentials at the Convention, representing every State, save one—Rhode Island. And with passion and gusto, they had set about devising a plan that would create a new nation.

In our own time, in these sometimes disgustingly partisan days, many of us are prone to overlook the tremendous physical and mental effort expended in drafting the Constitution. In reading this short document—here it is, the Constitution of the United States. I hold it in my hand. In reading this short document with its precise and careful phrases, it is easy to forget the toil, the sweat, the prayers, the concerns, the frustrations, the shouting, and the argumentation and the thinking and the pleading and the speeches that went into its creation during that hot Philadelphia summer.

Progress was so slow that upon one occasion, we will remember that Benjamin Franklin, the oldest man in the gathering, stood to his feet and addressed the chair in which sat Gen. George Washington. He said:

> Sir, I have lived a long time, and the longer I live the more convincing proof I see that God still governs in the affairs of men. And if a sparrow cannot fall to the ground without our Father's notice, is it possible that we can build an empire without our Father's aid?

The greatest sticking point, and the most threatening that was encountered in framing the Constitution, according to Madison, was the question of whether States should be represented in Congress equally or on the basis of population. The question was far from academic. The small States feared that they would be swallowed up in a more centralized union; The Constitution must be acceptable to the small States, as well as to the large States. The large States of Virginia, Massachusetts, and Pennsylvania were looked upon by the smaller States with fear and distress. The small States feared that a Congress based on population would be dominated by the large States. Virginia would have 16 times as many votes as would Delaware. And this fact led New Jersey's Delegates to declare that they would not be safe to allow Virginia to have such power. They rejected the Virginia Plan, which had been presented by Gov. Edmund Randolph, and they proposed a Congress with a single legislative chamber in which the States had an equal vote, as had been the case with the Congress under the Articles of Confederation.

The Continental Congress had been a single chamber. It was followed by the Congress under the Articles of Confederation in 1781, again a unilateral legislative branch. It was the legislative, it was the executive, and to a degree it was the judicial—all in one. There was no chief executive, no president, no king, in the form of an individual. Congress was the executive under the Confederation.

There had been days and weeks of prolonged and acrimonious debate, but the issue had not been resolved. There were suggestions that the State boundaries should be redrawn so that the States would all be of roughly the same size. Connecticut advanced a proposal, initially made by Roger Sherman, calling for equal representation of States in the Senate. This had failed to win support, with James Madison, surprisingly, labeling it as unjust.

Can you hear the rafters ring? The doors were closed. Sentries were at the door. Nobody outside knew what was going on. Rufus King of Massachusetts had angrily announced that he would not listen to any talk of equal representation in the Senate. James Wilson of Pennsylvania maintained that the small States had nothing to fear from the larger States. Whereupon, Gunning Bedford of Delaware retorted, ''I do not, gentlemen, trust you.'' And he warned his colleagues that the small States might form a confederation among themselves, or even find ''some foreign ally of more honor and good faith who will take them by the hand and do them justice.''

Can't you sense the tense feeling of the moment? Of course, Bedford was roundly rebuked for his words, but the threat of foreign alliances hovered above the Convention in the stale and sticky summer air. There was no air-conditioning, much like it was in this Chamber until 1929. That was the year of the great stock market crash—1929.

That same year, though, air-conditioning came to the Senate Chamber. Ah, how great it is—air-conditioning. Efforts to resolve this question, this nettlesome question ''nearly terminated in a dissolution of the Convention''—it came just that close. Washington, who kept his thoughts mostly to himself, confided to Alexander Hamilton in July that he ''almost despaired'' of success. Roger Sherman of Connecticut lamented that ''it seems we have got to a point that we cannot move one way or another.''

But the Delegates finally did settle the question on Monday, July 16, 1787—there it was—Monday, just as today—on Monday, July 16, some 2 months after the Convention began. The matter was finally resolved.

It may have been a fear of failure that led the delegates to settle the matter, because they knew that the country's future was in their hands. Exhaustion may have played a part, for the members had already spent many long days and nights in heated debate in this vert heated, small Chamber. It may have been because of the heat that had tormented them for so long. Or perhaps the open exchange of opinions in that wrenching but vital process of debating and questioning and argumentation. Franklin had described the Convention as ''groping . . . in the dark to find political truth''; perhaps they had at last stumbled upon it. In any event, on that great day, 214 years ago, the Delegates agreed that Congress would be composed of a Senate with equal representation for each state and a House based on proportional representation. This was the Great Compromise. That is what it was called then, and that is what it has been called ever since—the Great Compromise.

Thank God for the Great Compromise. The Senator from New Mexico, who is now presiding over this Senate, would not be here were it not for the Great Compromise. The people who sit at the bar, the officers of the Senate, the pages of the Senate, the galleries of the Senate, the Democratic whip, Senator REID of Nevada, would not be here were it not for the Great Compromise. I would not be here. None of us would be here. Think of that.

The outcome of the Convention had for so many days held by a single thread. At the very first session of the Convention, when the Delegates presented their credentials, it had been noted that the members from Delaware were prohibited from changing the Article in the Confederation which declared that ''in determining questions in the United States in Congress assembled, each state shall have one vote.'' Delegates from the small states had declared that ''no modification whatever could reconcile the smaller States to the least diminution of their equal sovereignty.'' They would have left Philadelphia without accomplishing their goal.

After weeks of anxious debate, it had been voted that the ''rule of suffrage in the first branch ought not to be according to that established in the Articles of Confederation''. In other words, the Delegates from the large states succeeded in defeating equal representation in the lower branch—Ellsworth moved that ''the rule of suffrage in the second branch be the same with that established by the Articles of Confederation.'' In supporting this motion he declared that he was ''not sorry on the whole that the vote just passed, had determined against this rule in the first branch. He hoped it would become a ground of compromise with regard to the second branch.''

Ellsworth later said: ''We were partly national; partly federal. The proportional representation in the first branch was conformable to the national principle and would secure the large states against the small. An equality of votes was conformable to the federal principle and was necessary to secure the small States against the large.''

This conciliatory proposal formed the basis of the most important compromise in the history of this Republic—the Great Compromise, probably the greatest single compromise ever reached in the history of the human race. The Great Compromise.

Its acceptance was not easily attained. Wilson feared minority rule when one-third of the population in seven States might dominate two-thirds in six States. Ellsworth insisted that this fear of minority rule was groundless—groundless. Madison had considered suggesting that representation in one branch should be computed according to the number of free inhabitants only and in the other branch according to the whole number, counting the slaves as if free.

When Ellsworth's motion for allowing each State an equal vote in the second branch was brought to a vote, it was lost by a tie. This deadlock gave rise to tense debate. Can you imagine the tension in that Chamber? We have seen tensions in this Chamber during the great debate, the great civil rights debate, the Civil Rights Act of 1964—tension—the North and the South pitted against each other, and the great tensions during the Panama Canal debates.

The result was the adoption of a proposal that a special committee consisting of one member from each State should be appointed to devise and report some compromise. Three days later, on July 5, the committee presented two recommendations ''on the condition that both shall be generally adopted.''

The first recommendation, in effect, provided that in the first branch of the legislature each state would have one Representative for every 40,000 inhabitants, counting three-fifths of the slaves; and that all bills for raising or appropriating money should originate in the lower branch and not be altered or amended by the second branch; and that no money should be drawn from the public treasury but in pursuance of appropriations to be originated in the first branch. According to the second recommendation, each State was to have an equal vote in the second branch.

This compromise proposal was under debate for 10 days. And you know what? Madison hoped for its rejection. But on the morning of July 16, today, 214 years ago, God be thanked for the rising of the sun that morning 214 years ago—the whole compromise was adopted.

But the vote was close. Five states—Connecticut, New Jersey, Delaware, Maryland, and North Carolina—had voted ''aye''; four states—Pennsylvania, Virginia, South Carolina, and Georgia—had voted ''no''; while Massachusetts' four votes were equally divided. Thus, this momentous question had been decided by one vote!

Without the Great Compromise, it is hard to see how the Federal Convention could have proceeded; since the beginning it had been cause for battle. The effort to resolve it, Luther Martin had written later, ''nearly terminated in a dissolution of the Convention.'' Swords stacked upon swords and shields upon shields.

The small states were jubilant over the compromise; the large states, alarmed, tried to reorganize, recover their position. The rules of the Convention would have let them reconsider the subject, but it was hopeless. The large states knew that they were beaten, and, after July 17, they let the question die. From then on, matters moved more easily, the little states were more ready to meet the big states and were willing to yield on many questions. They felt safe, and they were no longer threatened by Virginia, Pennsylvania, Massachusetts, to them, the towering bullies. Caleb Strong told his colleagues in Boston that the federal Convention had been ''nigh breaking up,'' but for the compromise. Luther Martin declared in Annapolis that even Dr. Franklin had only conceded to equality in the Senate when he found that no other terms would be accepted.

Catherine Drinker Bowen, in her book, ''Miracle at Philadelphia,'' states that Madison ''in his old age sat down a clear testimony in letters to his friends. The threatened contest in the federal Convention, he said, had not turned, as most men supposed, on the degree of power to be granted to the central government but rather on 'the rule by which the states should be represented and vote in the government'. They questioned 'the most threatening that was encountered in framing the Constitution.'" Those were Madison's words.

Mr. President, we should thank Providence for this miraculous document. Let me hold it again in my hand. There it is, the Constitution of the United States. We should thank Providence because Providence had to smile upon this gathering of illustrious men. Never had such a gathering of men, a

gathering of superior minds, taken place anywhere in the world. We should thank Providence for this document.

One thing is clear: Without the Great Compromise, the Senate of the United States would not exist, for this body was conceived on that day 214 years ago. In Philadelphia, when the Framers agreed to an upper house of Congress in which each State—small, like West Virginia, which did not exist then but very surely exists now—would have an equal number of votes, each State would have equal representation.

The Senate is the forum that was born on that day. But for the Great Compromise, this beloved institution—the Senate—to which so many of us have dedicated our lives and our hopes and our reputations, our strength and our talents and our visions—might never have seen the light of day, let alone played an often pivotal and dramatic role in our national history over the course of more than two centuries.

The Chamber in which we sit today owes its existence to that remarkable instance of compromise and conciliation.

But for that Compromise, no Senator could wear the great title of Senator.

It recalls to my mind Majorian, who, in the year 457 A.D. when he was made emperor of the west, said he was ''A prince who still glories in the name of 'Senator.' '' None of us would be here today—the pages who are here, the Presiding Officer, the officers of the Senate—none of us would be here today. Thank God for the United States Senate. Thank God for the Great Compromise that was reached by the Framers on that day so long ago in Philadelphia.

The Romans spoke of the SPQR—Senatus Populusque Romanus: The Senate and the Roman people. Let us today, looking back on that great victory of our Framers 214 years ago, think in those Roman terms about our own Republic—Senatus Populusque Americanus.

Mr. REID. Before the Senator from West Virginia leaves the floor, I would like to say to him I watched most everything from my office and came to watch the finish.

I remind the Senator, when you were the Democratic leader, you allowed this young freshman Senator to go to the 200th anniversary of the Great Compromise in Philadelphia. We took a train over there. I had just come from the House of Representatives. It was 1987, as I recall. It was a wonderful experience to do the reenactment. You brought back many memories.

I say to my friend, the distinguished Senator from West Virginia, presently many people in America are thinking about the Founding Fathers. The reason they are doing that is because of the great work David McCullough has written about John Adams, the forgotten President. It is on the best seller list. It is a straight history book, very well written. I still have about 70 or 80 pages to go. But as I said, he is a man to whom we have not, until now, paid much attention. He was the first Vice President, the person who became our second President. He was involved from the very beginning with the very difficult decisions made by this country. He spent 7 years of his life in Europe. He had never traveled at all. He traveled to Europe, trying to work out things during the Revolutionary War. It is a wonderful story.

Truth is stranger than fiction. As the Senator from West Virginia has so well portrayed here today, every day we should be thankful, in whatever private time we have. We should think about how fortunate we are to be able to be part of this Government and especially to be part of this Senate, which was the Great Compromise.

I extend my appreciation to my friend for reminding us of how fortunate, how blessed we are to be able to be part of this Senate and to represent the people from the various States we represent. To think, as a result of this Great Compromise, we have developed a country that is certainly imperfect but, based on this tiny little document—which, by the way, is signed by Robert C. Byrd—even though imperfect, is the finest set of standards, the finest country in the history of the world to rule the affairs of men and women.

Again I express my deep appreciation to the Senator from West Virginia for tearing at my heart a little bit, recognizing what a real patriot is. The Senator from West Virginia exemplifies that.

Mr. BYRD. Mr. President, I thank my friend for his observations.

He might well have sat in that gallery of men who debated, who disagreed, who compromised, who agreed, and who wrote that document. He cherishes it. He carries it in his pocket.

Yes, I very well remember that occasion when we went to Philadelphia. Our friend, Senator DOMENICI, the Senator from New Mexico, was there that same day.

Mr. DOMENICI. Yes, sir.

Mr. BYRD. Yes, I remember that day. I am glad we three were blessed, among others, in our being able to attend that celebration in the City of Brotherly Love, on that august occasion.

The Senator's reference to David McCullough reminds me of what a great part women have played in the creation of this country. Senator REID has mentioned John Adams. John Adams' best friend, his most trusted confident—and that is the way it should have been—was his wife, Abigail. Walt Whitman said:

> A man is a great thing upon the earth, and through eternity—but every jot of the greatness of man is unfolded out of woman.

I am reading the book also. I have had three copies given to me, three copies of this new book by David McCullough, the book titled ''John Adams.''

He is, to a very considerable extent, in the shadows. Some years ago I read his ''Thoughts On Government.'' He distributed these writings to the Framers at the convention in those critical days, and the Framers, I think, were wise in reading the words by Adams and I think their work, their work product, reflected the thoughts of John Adams.

One of the great books I have read in my lifetime was ''The Path Between The Seas'' by David McCullough, about the Panama Canal. David McCullough was kind enough to send me a copy of the book. The Senator who delivered it to me also autographed it. That Senator was Ted Kennedy. So I prize that book. But I thank the distinguished Senator from Nevada.

Mr. REID. Will the Senator yield.

I am glad you mentioned Abigail Adams for the wonderful letters the two of them wrote for each other. Here he was going to become President of the United States—he thought. He wasn't quite sure, you will find, as you get through the book. He wound up winning that election by three votes over Thomas Jefferson.

The letters from the very beginning, from Abigail to John, are wonderful. I mean, you could put those letters together—I am sure we have only seen a few of them that David McCullough selected. But they were love letters. These two people were madly in love with each other from the time they started writing, when he went away to do his government stuff, clear across the ocean. They would wait months, sometimes, to get answers to letters they had written. But I was terribly struck by the letter she wrote to John Adams when he learned he was going to be President of the United States. In this letter she expressed her love for this man that she couldn't bear to be away from, and that they would be together soon.

So you are absolutely right. John Adams could not have made it but for Abigail.

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

Mr. DOMENICI. Will the Senator yield?

Mr. BYRD. Yes, I am happy to yield.

Mr. DOMENICI. I was present indeed at your invitation for that wonderful event. The reason I rise is to express to you what a great institution the Senate is, but the reason I say it to you is that over time you have, more than anyone else here, continually reminded people such as me what a great institution the Senate is. And you know, if you are not steeped in history, like I wasn't, or if you really didn't spend a lot of time other than in normal schooling on the constitutional framework, then you don't know about the heroes of the Senate. You may only know that the Senate is over there in Washington. But, essentially, when the Senator from West Virginia and the Senator from New Mexico, about 6 or 7 weeks ago got up on the floor and debated—I think the Senator from West Virginia wanted 3 hours and got 3

hours—on the issue of whether the Budget Act of the United States, a statute, in this instance, changed the basic Jeffersonian rules of the Senate or not, which the Senate voted with this Senator saying it did—50–49 is my recollection—I recall how passionate you were about reminding everyone what the rules of the Senate meant to the rights of the American people, to have their issues debated as long as the Senator, under the rules, could get them debated.

Who would have thought that was an important thing, until you figure out what they really had in mind for the Senate.

We are a very different institution than the House. Sometimes we get into arguments and deride each other—the House does this, the Senate does that, the upper and the lower, whatever the people say. But the truth is we are tied inextricably to the notion of there being sovereign States that make up America.

As a Senator, you find a way to tie that into the Senate and what we do; to the fact that the States have a tremendous amount of authority and autonomy in the United States. That is the way it is and should be. You represent your State and I represent mine. In a very real sense, we are permitted to do that because of what our Founding Fathers sacrificed to put the Senate into this basic governance approach.

Remind us, once again, of our origins and how important the Senate is, how much it was debated, of the great concern there was, and then to bring it current, as you do frequently, reminding us of what we are and who we are. I think it requires that somebody from way off in New Mexico congratulate you for how you do that.

What you had to say about the Senate, not just today but over these years, will be for however long we exist and clearly will never be forgotten as part of our fabric.

I am very pleased to be here as that fabric is woven by the distinguished Senator from West Virginia.

Mr. BYRD. Mr. President, a long time ago, I was a boy in the coal fields of southern West Virginia. My coal miner dad bought a fiddle for me. There was a lad in that coal mining community named Emanuel Manchini. I remember that little boy and his family. In those coal camps were Hungarian families, Czechoslovakians, Germans, Scotch, Italians, and Greeks. This little boy, Emanuel Manchini, also had a fiddle. We took lessons together at the high school.

So I have often listened to and looked at my friend here—this man of Roman stock. My, what a heritage he has. I don't know where his forbears may have originated—whether it was in the Apennines Mountains, or along the shore of the Tyrrhenian Sea, or the Adriatic or the Po Valleys, or on the boot of Italy. But there were stalwart people in that Roman Senate. I often speak to Senator DOMENICI about the Roman Senate; what a great Senate.

Again, I refer to Majorian, the Emperor of the West in 457 A.D. As he was being made Emperor, he said he was ''a prince who still glories in the name of 'Senator'.''

I thank the Senator for his reminiscing time. I also thank the Senator from Nevada. I have been blessed by serving with both of these Senators.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002—Continued

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, what is the matter now pending before the Senate?

The PRESIDING OFFICER. H.R. 2311.

AMENDMENT NO. 980

Mr. REID. Mr. President, I ask unanimous consent that the substitute amendment be agreed to, the bill, as amended, be considered original text for the purpose of further amendment, and that no points of order be waived by this request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] for Mr. BYRD and Mr. STEVENS, proposes an amendment numbered 980.

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

The PRESIDING OFFICER. Under the previous order, the amendment is agreed to.

The amendment (No. 980) was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, this afternoon we begin consideration for the Fiscal Year 2002 Energy and Water Development Appropriations Act. The legislation we take up today was reported unanimously from the full Committee on Appropriations last Thursday.

Before I begin my description of the contents of this bill, I want to share one strongly felt opinion with my colleagues. It is my opinion, I believe—I have a real suspicion that Senator DOMENICI, the ranking member of the subcommittee, will agree—that this subcommittee has always been among the most bipartisan in the Senate.

As I look back over the time that my role was filled by Bennett Johnston, I know he and Senator DOMENICI had an outstanding relationship. They worked very closely together. This bill was always one of the first to come up. This bill is the second to come up this appropriations cycle. I have tried—and I have no doubt, based on my experience with Senator DOMENICI, that he has tried—to be as bipartisan as possible on this bill. Despite the unusual circumstances this year with the shift in power of the Senate, this tradition has continued unabated.

My friend, the senior Senator from New Mexico, and I have, with the tireless efforts of our very professional and good staff, produced a bill that we acknowledge is not perfect. But it addresses the important issues facing our Nation. There are many important issues we are dealing with in this legislation.

We received 300 more requests than last year on this bill. It is certainly fair to say that there have been over 1,000. Most requests were to enhance new funding for water projects within the Corps of Engineers, an organization the administration cut by 14 percent in its budget request this year. We have done in this bill as much as we can on a bipartisan basis to enhance the funding for these water projects.

Mr. President, you are a new member in the Senate. I think a lot of people who are new to the Senate and people outside the Senate would question water projects. Why do we need water projects? Are these things you throw to a House Member in his district to make him or her feel good? These water projects are essential to the country. There is criticism given to the water projects. We have added $400 million to the budget of the Corps of Engineers, $64 million to the Bureau of Reclamation.

I wish we could give three times that much to each organization. But with these additional funds, we have tried to accommodate as many requests and priorities as possible.

Let me give you a few examples of these water projects and why they are important. For the examples that I give, I will be very succinct. There are hundreds and hundreds of projects in this country that are life-and-death projects.

One is in the State of Nevada: Flood control. There are people who write all over the country: REID got pork for Las Vegas; flood control. People think: It never rains in Las Vegas. It rains 4 inches a year in Las Vegas—4 inches a year. You can get that much rain in other parts of the country in an hour, certainly in a day. But we get 4 inches a year in Las Vegas. Yet when it rains, it can be devastating because we have what we call cloudbursts.

Now we have 1.5 million, 1.6 million people in that valley. When that rain comes, it is very difficult. I can remember as a lieutenant governor, we were told by the Park Service that we were going to have to close a little facility on the Colorado River, Nelson's Landing. It has been there well over 100 years. We were going to have to close

it. The Governor assigned me to look at that and the complaints we were getting. We prevailed on the Park Service not to close it. They said we were going to have a 100-year flood. I went and talked to people and they said they had never known that much rain coming down that canyon: The Federal Government, they don't know what they are talking about.

Mr. President, it rained. This isn't something I am proud of, but it is something that is a fact. It rained. It rained in a very small area. It rained very hard. But all of that water dumped down this canyon, and people looked up and they saw a wall of water 100 feet high coming at them. It washed cars away. It killed seven people. We never found the cars and mobile homes that washed away.

In southern Nevada, again Nelson's Landing—but in Las Vegas we have had floods that have been just as devastating. We have not lost at one time seven lives but we have lost lives.

Caesar's Palace, this great resort—I can remember rains that washed away everything in the parking lot. It was just washed away as if they were toothpicks.

The Tropicana-Flamingo Wash in Nevada is the fastest growing community in the Nation. We have been able to save lives and huge amounts of property by virtue of the fact we have flood control projects going on there as we speak. It has cost a lot of money, but we have saved a lot of lives; and that is for what the Federal Government has an obligation, to assist local governments. There has been local money put in it, too.

The Everglades: I have seen the Everglades. I really do not understand them because I understand the desert. I understand aridity. I understand when it does not rain much. I understand out of my little home in Searchlight I have creosote bushes that are not very tall that are 100 years old. They do not grow very much. So I do not really understand the Everglades. I am fascinated by them. But it is water intensive. It is as water intensive as the desert is not water intensive.

We have worked hard with the Senators from Florida on a project-by-project basis to take care of that. It is now a huge priority not only of the Congress, as it has been in the past, but of the administration. I think part of that could be that Jeb Bush is Governor. It does not matter. It is an important project that the Federal Government should be involved in—and we are. There is a lot of money in this bill for the Everglades.

Not far from where we stand is the Chesapeake Bay. Books have been written about the Chesapeake Bay. It is a wonder of nature. But because of the growth that is occurring in this area, the Chesapeake Bay has been threatened. The health of that great body of water has been threatened. It affects Maryland and Virginia very much. The bay is threatened as a natural resource.

Senators MIKULSKI, SARBANES, WARNER, and ALLEN have aggressively sought money to restore that waterway to what it used to be so oysters can be harvested there and not make people sick. The oyster industry in Maryland and Virginia is huge, but it has not been as huge recently because of the condition of that bay. The restoration of the beds at relatively low cost, we believe, will ultimately generate hundreds of millions of dollars in economic benefit and jobs. This is a water project.

The Port of Los Angeles: We move from the Chesapeake Bay 3,000 miles to the Port of Los Angeles. The administration had made a decision to stretch this out. The problem we have found with these promises is that even though it sounds OK, you stretch it out and it winds up costing much more money. You are better off doing less projects and doing them well. Congress has funded this project very aggressively and has saved the Federal Government 25 percent of the total project cost and has accelerated the economic benefits to California.

So these are just four examples of water projects. But there are many more. I am happy we have worked together with our members, our Senators, and, of course, many requests from people in the House, to do what we could with these projects.

Even with the additional funding the committee has added, we are still hundreds of millions of dollars shy of current year levels. We are also shy of the House mark. The other body was able to artificially raise their numbers for the Foreign Bureau by moving defense dollars in these nondefense accounts. We cannot do that. Under Senate rules, we cannot do that. In my opinion, not only the budget resolution but common sense does not allow us and should not allow us to move these funds back and forth.

But I will say to everyone who is listening, in the past, the water numbers have always gotten better for everyone as we have moved along the process; that is, we hope we can do a better job when we get to conference. There is no guarantee of that, but we will work on that.

Our bill provides about $25 billion in budget authority and approximately $24.7 billion in outlays. When you work with Senator DOMENICI, you always have to make sure the outlays are smaller than the budget authority. This bill exceeds the President's total request by $2.6 billion.

Let's talk about a few of the areas. The Army Corps of Engineers: The Senate bill provides $4.3 billion, which is $405 million above the President's request but $236 million below the current year level. Due to the funding constraints, this bill contains no new construction starts and no new environmental infrastructure projects.

The intent in drafting the bill was to continue to focus on ongoing construction and operations and maintenance projects at appropriate levels. The committee is eager to avoid stretching out schedules and costs on projects that are already underway. Any new construction starts will have to be considered in conference. We will do what we can at that time.

A lot of people are very concerned about things they want to do. I have a lot of familiarity with the Bureau of Reclamation because they have had such a big presence in the State of Nevada. The very first project in the history of the Bureau of Reclamation was called the New Lands Project in 1902. It took place in Nevada. It is still there. The Senate's bill provides $884 million, which is $64 million above the President's request and $67 million above the current year level.

This funding for the Bureau is higher than it has been for many years. It is higher because of CALFED. This is a big project in California. It is a reclamation project. The State of California has spent billions of dollars on it already. The House put nothing in the bill for that. Senator DOMENICI and I put $40 million in this bill for the CALFED and CALFED-related projects. The subcommittee has funded CALFED-related projects using existing authorizations under other accounts. Senators FEINSTEIN and BOXER have both been very tireless advocates for the Bay-Delta Program. Senator DOMENICI and I are both delighted to provide substantial funding.

The Department of Energy: We in Nevada have great familiarity with the Department of Energy. Nevada has been the place for 50 years where almost 1,000 nuclear devices have been set off in the desert—most of them underground but not all of them. I know about the Department of Energy. This bill contains over $20 billion for the Department of Energy. This is $2.1 billion over the level of the President's request and $1.9 billion over last year's level. Most of this additional funding is being used to provide adequate funding for the National Nuclear Security Administration, to enhance funding for the Environmental Management Program, and to add funding for the renewable energy program.

Senator DOMENICI and I have received a letter signed by nearly two-thirds of our colleagues calling for more money for renewable energy programs. Our bill takes care of that. Our bill provides $435 million, or $160 million above the President's request and $60 million above the current year level. In a year when our Nation has struggled with energy production and distribution issues, I am pleased to be able to enhance funding levels for these important research and development issues.

Consistent with the budget resolution, this bill provides $6.1 billion to the National Nuclear Security Administration for stockpile stewardship activities. This funding is $705 million over the President's request and $1.05 billion over the current year level. I am only going to speak a little while

about the National Nuclear Security Administration, known as NNSA. I defer to Senator DOMENICI on this subject. Senator DOMENICI was the primary congressional architect of the creation of the National Nuclear Security Administration. He worked tirelessly to get it authorized and has been dogged in his pursuit of funding to make sure that this important organization gets the resources it needs to succeed. To his credit, he convinced his colleagues on the Budget Committee that the safeguarding and rehabilitation of the Nation's nuclear weapons was a critical issue that has been underadressed and underfunded in recent years. Senators BYRD and STEVENS followed up with appropriation resources designed to support the levels in the budget resolution.

This morning I spoke to the interns for Senators LINCOLN and HUTCHINSON of Arkansas. I don't know how many interns there were—maybe 50—a lot of young men and women. One of the young people asked me: What do you think is the most important problem facing the world? I thought for a minute. I said: Nuclear weapons. I really do believe that with the deteriorating condition of the former Soviet Union, Russia's nuclear stockpile, and the responsibilities we have, that is a very important issue. I can't think of anything more important for my grandchildren than to make sure they live in a safe world.

One of these weapons that we control and certainly one that the Soviet Union controls could accidentally go off. It would be devastating. It would make Chernobyl look like nothing. Chernobyl was just a nuclear reactor gone bad. We are talking about a nuclear weapon gone bad. I believe that is the No. 1 problem facing the world. We have a number of different ways of addressing it. We have to spend more money on terrorism. There are efforts being made for a nuclear shield for this country. But what we are talking about in this bill is doing what we can to make our nuclear stockpile safe and reliable. Our bill spends some money, maybe not enough, to work on the Russians to see if we can help them.

I have to admit, I was a skeptic when Senator DOMENICI and others approached me about the creation of this autonomous organization several years ago. I thought it was a partisan ploy to maybe embarrass the administration. But as it turned out, it is working very well. I have come to believe Senator DOMENICI was right.

One of the people who has done a good job of convincing me of that is the person running that agency. We as a country, as a world, are so fortunate that a retired general would take charge of this operation. He believes in it. He is a very competent, dedicated, patriotic American. With him heading this office, we should all go to sleep at night resting well that everything possible is being done to make sure we do have a safe and reliable nuclear stockpile. I am going to do everything I can to give him the resources he needs to do his job. He has a job that is very difficult.

I am also, of course, holding him accountable for getting the job done. I have been a long-time critic of cost overruns and management incompetence within the weapons complex. I know General Gordon will take these enhanced resources and use them to get some fresh blood and fresh thinking going on within the Department of Energy.

I am not going to go into more detail. I know Senator DOMENICI will speak about this, since this is his so-called baby. It has grown up and is about to become a teenager. It is something to which the Senator can speak with more authority than I.

Finally, I am very pleased to report that the committee has made great strides in restoring and enhancing the devastating cuts made in the Environmental Management Program at DOE. This Senate bill provides $7.23 billion, $900 million above the President's request and $450 million above the current level. The biggest beneficiaries of these additional clean-up dollars are the Hanford, Washington site, hundreds of millions of dollars; Savannah River site, almost $200 million, that is in South Carolina; Idaho, over $150 million; Ohio and Kentucky, tens of millions of dollars.

As with water programs, I realize there are never enough resources we can spend to clean up the legacy of the cold war and other activities, but we have done our best.

These are some of the highlights, from my perspective, of this bill. It is a bill I have learned to like. It is a bill I have grown to understand. I have grown to acknowledge the importance it has to our country. I hope my colleagues will realize how hard we have worked on this legislation.

Senator DOMENICI and I would like to have a cutoff time for the filing of amendments. We tried tomorrow at 11 and 12, and we have received objections to that. We are here. If somebody wants to offer amendments, they can certainly do that. They have to have offsets or figure out some way to fund them because we are down to the nubs. We have no more money. If people don't like the way we have worked the bill, it is their privilege to come forward with amendments.

I do think it would be in everyone's interest to have a finite list of amendments filed at an appropriate time. If anyone has any suggestions when that should be, Senator DOMENICI and I are open for discussion.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me first acknowledge the wonderful cooperation that exists between the chairman and this Senator as ranking member. I believe under the circumstances and considering the variety of things this subcommittee has to fund, we have done a pretty good job. I couldn't ask for more understanding than I have received from the distinguished Senator, the chairman of this subcommittee.

I believe our staff has worked together, and I hope I have been equally considerate and concerned about issues of importance to the good Senator from Nevada.

As a result of this effort, we are together in trying to get this bill passed and get it off to conference and getting these issues resolved as soon as possible.

Let me say to my good friend, he was talking about a flood that occurred in the State of Nevada in one of those dry rivers where for most of the year no water runs. But then you have a little cloudburst up in the mountains and these dry rivers turn into flooded, huge water resources plowing down the hills right into housing. In our State we call these dry rivers a Spanish name, ''arroyos.''

In my home city of Albuquerque, I was pleased to serve 4 years as the city councilman, sort of chairman of the commission, which made me the closest thing to a mayor as you could have. I remember one Sunday afternoon in the year 1968. I was very young. I had just been on this council as chairman for awhile. It started raining Sunday afternoon. I called up one of my good friends on the city council who knew more about the details of the streets and everything else than anybody in the city.

I called him up and said, ''Harry, this rain is coming down in the wrong places; something is going to happen.'' He said, ''Where are you?'' He picked me up and we rode around. Rain kept coming down harder and harder, and these dry rivers started to show a little trickle. Four hours later, we were riding the streets of Albuquerque and big manhole covers over the tunnels that carried water underground to avoid floods were standing or dancing on the water. The water raised those man holes up 4 or 5 feet and stood them up while the place got flooded. We saw more and more of them. I told my friend, ''This is a real problem.'' He said, ''No, things will be all right.'' Finally, 2 hours later, we got a call from the police chief. He said that in one whole piece of our city, maybe as many as 10,000 homes were under water. They had water in the kitchens, close to the tops of the stoves. It was a gigantic flow of water that came down these dry arroyos.

I remember coming here with a group of Albuquerqueans. I was city councilman then. We appeared before the Public Works Committee, which had to authorize the project after which it went on to get appropriated. We came up to ask if the Federal Government would expand a program that was about to run out so we could build these rivers so they would be safe. Now if one flies over Albuquerque, as you approach the airport you see two giant cement waterways that are around the edges of

the town—huge. They catch the water in these dry rivers up by the mountain and run them down these no longer dry rivers, but they are cement-lined ditches, big ones. Water comes down, and now you can be riding around and your commissioner friend Harry can say, ''It is raining hard, Mr. Chairman,'' and you can say, ''It might hurt something else, but it won't flood anymore.''

That is the kind of thing we pay for in this bill for hundreds of places across America. We hope we get them before they flood, but sometimes we don't. Sometimes we pay for them after they flood. But to make sure we are not building white elephants, we require a very substantial match. The community has to come up with money. That is the way we finally decide it must be important, because they are not just asking us to have a construction project, they are going to pay for part of it.

My good friend, the chairman, outlined water issues. Clearly, there is no end to the requests in our country for this. But we have the rule: We don't fund them unless they have been authorized. The committee has to work on them and have hearings. That bothers a lot of our Senators because there is such a backlog of existing authorized programs that we don't catch up very often. We have many billions backlogged that we can't pay for. But we will keep working on it.

Overall, the proposed fiscal year 2002 energy and water bill is a very fair and balanced bill that makes important investments in our national security, our energy security, our economic prosperity, and in the health of our environment. This bill is an important step in implementing the President's National Energy Policy.

The Senate bill in total provides $25 billion in budget authority and approximately $24.7 billion in outlays. The bill exceeds the President's request by $2.6 billion, and exceeds the House bill by $1.4 billion. Without going into detail about all of the many great things in this bill, I would like to focus my remarks on two broad areas: (1) What this bill does for our energy security, and (2) What this bill does for our national security.

For our nation's energy security, this bill represents a major step in fulfilling the President's commitment to a balanced and diversified energy policy—particularly in the area of expanding the supply of clean energy from renewable sources and nuclear power.

But before If focus specifically on what this bill does in those two areas, I want to take this opportunity to dispel two persistent myths that have been unfairly associated with the President's National Energy Policy. First, that the policy focuses only on supply and ignores conservation and efficiency. And second, that the policy fails to address the possible threat of global warming.

The policy is so clear on the first point that those who argue simply haven't read it. There are more policy recommendations impacting conservation and efficiency than supply. Over $6 billion in proposed tax reductions are targeted at conservation and efficiency.

Furthermore, the whole policy is based on substantial gains from improvements in conservation and efficiency. If we maintained the current ratio between energy demand and the gross domestic product (GDP), we would need 77 percent more energy in 2020 than we are producing today—77 percent more. The National Energy Policy recommends conservation and efficiency measures that would reduce the required increase by over half—resulting in us only needing to produce 29 percent more energy by 2020. That is a substantial but necessary commitment to conversation and efficiency.

Let me turn to that second myth, that the policy doesn't address the possible threat of global warming. Once again, those who have read the policy shouldn't make that statement. The policy has strong support for clean energy sources.

Renewable sources are encouraged in many ways, including tax credits for wind, biomass, solar, and the purchase of clean fuel vehicles. The policy supports a major research program in clean-coal technologies, advocates increased funding for renewable energy R&D and recognizes nuclear energy for its very positive environmental benefits.

It is in these last two areas, renewable energy and nuclear energy, that the energy and water bill takes a major step in implementing the President's national energy policy.

The renewable energy programs are funded in this bill at $435 million. That's $60 million and 16 percent above the current year level. There's no question that renewable sources can and should play a larger role in our energy supply, and this budget will accelerate progress towards that vision.

Within that renewable budget, several programs are slated for major increases. Just to give a few examples:

Research on hydrogen-based technologies is up almost 30 percent over last year. That research may lead to decreased use of petroleum products in transportation, certainly a critical goal.

Research on high temperature superconductivity is boosted by almost 20 percent. That's a technology that may enable dramatic reduction of losses we now experience in electric transmission lines and motors.

Geothermal research is 20 percent above last year and wind systems are up more than 10 percent.

Nuclear energy received significant increases as well in this bill. I strongly agree with the President's National Energy Policy in its recommendation supporting the expansion of nuclear energy in the United States. Nuclear plants offer emission-free power sources, help maintain diversity of fuel supply, enhance energy security, meet growing electricity demand, and protect consumers against volatility in the electricity and natural gas markets.

This bill pushes nuclear power forward with a number of important initiatives:

The bill includes $19 million for university research reactor support—an increase of $7 million over current year—to make sure our country has the educational resources necessary for an economy that continues to rely substantially on nuclear power.

The bill includes $9 million—an increase of $4 million over current year—to expand a program to improve the reliability and productivity of our 103 existing nuclear power plants.

The bill continues the highly successful Nuclear Energy Research Initiative (NERI) at $38 million—$3 million more than current year.

The bill provides $14 million—an increase of $7 million—to continue work begun last year on advanced reactor development, including research on generation IV reactors—reactors that will be passively safe, produce less waste, and reduce any proliferation concerns.

The bill provides $10 million for the Nuclear Regulatory Commission to prepare to license new nuclear power plants.

The bill continues an R&D program we started two years ago on ways to reduce the quantity and toxicity of spent nuclear fuel—called ''transmutation''. This technology, which was recently highlighted in the President's National Energy Policy, will be continued at $70 million in 2002.

Let me emphasize that I used the phrase ''spent fuel'' rather than ''waste'' to refer to the materials coming out of our reactors. Right now our national policy calls for disposing of those materials as waste in a future repository. But we need to remember that these materials still contain 95 percent of their initial energy content.

I've been concerned for years that it is highly debatable for us to decide that future generations will have no need for this rich energy source. With improved management strategies, possibly involving reprocessing and transmutation, we can recycle that material for possible later use, recover far more of the energy, and dramatically reduce the toxicity and volume of the materials that are finally declared to be waste.

As a final thought on energy security, Mr. President, I want to share with my Senate colleagues a vision, which is encompassed in this bill and which I've shared with President Bush.

We need to reach beyond the debate over Kyoto with a blueprint that provides the tools to combat global warming.

I'm convinced that we can have growth and prosperity in America without global warming.

And I'm equally convinced that we can help provide those same benefits for the world.

I propose that we provide worldwide leadership to eliminate the threat of global warming by a commitment to prosperity and growth through clean energy.

And I further propose that we accomplish this goal through partnerships with our friends and allies, especially those in developing countries.

I've specifically urged the President to lead this new initiative, to accelerate our own research and build international partnerships for joint development of all the clean sources of energy—renewables, clean fossil fuels, nuclear energy, and hydrogen-based fuels. Then as we transition to improved technologies in the future, our partner nations will also be building up their energy infrastructure with the latest and cleanest technologies.

Last year's energy and water development bill called for improvements in the federal government's role in international development, demonstration, and deployment of advanced clean energy technologies.

With this new bill and the President's policy, our nation is developing a suite of energy supplies that will provide us with clean, reliable, economic energy far into the future. But I continue to believe that we should be looking beyond our own borders.

I submit that we should be seizing every opportunity to help the developing nations around the world achieve much higher standards of living. They simply can't do that without reliable electricity supplies.

Each nation will make their own choices for fuel sources, exploiting their own strengths. We have abundant natural gas—and it will make a huge contribution to a cleaner future for our country. But every nation needs diverse energy supplies, not a singular reliance on one source. Other nations may be well positioned to exploit their solar or wind resources—through this program these nations can make the choices best for their needs.

The leadership shown by Senator BYRD on clean coal technologies matches this vision very well. Some other nation's have immense coal resources, through this vision they can benefit by Senator BYRD's efforts to advance clean coal technologies.

We can leave the poorest countries to their own resources to develop whatever energy they can, or we can offer substantial help to partner with these nations to help them develop sources that are not only reliable and reasonably priced, but also clean.

It's strongly in our self interest to do this. After all, we all share the same air. And in addition, countries with strong economies are our best choice for trading partners

Mr. President, let me state again how proud I am to have worked on this bill with Senator REID. With this bill, we'll be making real progress on the technologies to fuel our, and perhaps the world's economies of the future.

For our nation's national security, this bill makes a major investment in solving serious problems in the nuclear weapons complex. With the leadership and resources included in this bill, many of those problems are going to get fixed.

The bill includes $6.05 billion for the nuclear weapons (stockpile stewardship) activities of the NNSA, that is $705 million over the President's request, $925 million over the House level, and $1.05 billion over the current year level.

I want to again commend Senator REID, and our full committee chairman, first Senator STEVENS and Now Senator BYRD, for recognizing the serious problems in the nuclear weapons complex and providing the resources to fix those problems.

This bill makes three major improvements on the President's budget request for nuclear weapons.

First, infrastructure. We know from the subcommittee's hearing on infrastructure earlier this year, that our nuclear weapons facilities have degraded to the point that it will take billions of dollars to modernize for the future.

The average age of the facilities where we do nuclear weapons work is over 40 years.

We will need to spend an additional $300–$500 million a year for the next 17 years over currently planned levels to refurbish the weapons complex to perform its basic mission. These expenditures will be required even if the nuclear stockpile is dramatically smaller.

If we do not take action on these infrastructure problems immediately, we will not be able to meet the Department of Defense schedules for refurbishing three main weapons systems representing over 50 percent of our stockpile. We will not have the scientific facilities required to certify weapons. Our technicians and scientists will continue to work in unsafe facilities-increasing health risks and the number of safety related shutdowns.

Although the work must begin immediately, the budget request included no funds to begin such an initiative. Therefore, the bill before the Senate includes $300 million to begin a major facilities improvement program in fiscal year 2002 at facilities in South Carolina, Tennessee, Missouri, Texas, New Mexico, Nevada, and California.

The second major improvement on the administration's budget request is that the bill provides additional funding to rebuild current weapons.

The average age of weapons in the stockpile is now approaching 18 years—most were designed for a life of no more than 20 years. Many weapons components degrade substantially over time and have to be replaced. The Joint Department of Defense/NNSA Nuclear Weapons Council has recognized the fact that most of our weapons will have to be rebuilt, but funds were not requested to do so.

Therefore, the bill includes an additional $295 million in fiscal year 2002 to get the NNSA on track to rebuild weapons on the schedule required by the Department of Defense.

The third major improvement on the President's request is that this bill fully funds pit production on the required schedule.

We must soon have the capability to produce plutonium pits for weapons, a capability we lost when Rocky Flats was closed down in 1989. Plutonium pits are the ''triggers'' for nuclear weapons, that occasionally must be replaced. Today, we are the only nuclear power without the ability to produce them. The budget request puts off indefinitely our ability to deliver a certified pit to the military, but this bill adds $110 million to get the program back on track.

Finally, there are a series of programs at NNSA that may be just as important to eliminating or controlling the global nuclear danger—these programs are to reduce the threat of nuclear weapon proliferation around the world.

The administration proposed deep cuts in this area for fiscal year 2002, even though a blue-ribbon review led by Senator Howard Baker and Lloyd Cutler recently concluded . . .

> The most urgent unmet national security threat to the United States today is the danger that weapons of mass destruction or weapon-usable material in Russia could be stolen and sold to terrorists or hostile nation states and used against American troops abroad or citizens at home.

The report also concluded that . . .

> Current nonproliferation programs of the DOE . . . have achieved impressive results thus far, but their limited mandate and funding fall short of what is required to address adequately the threat.

I am pleased that this bill adds over $100 million to the important nonproliferation work the NNSA carries out in Russia and other countries of the former Soviet Union. These programs to control the material and expertise necessary to make weapons of mass destruction address problems identified as ''the most urgent unmet national security threat to the United States today.''

Once again, Senator REID, I want to commend you for a balanced bill. I do not agree with every aspect of the bill, but I cannot urgue with the fair manner in which you have put it together.

I strongly support the bill, and urge all Members of the Senate to do likewise.

Let me proceed as quickly as I can to summarize this bill. First, I am very pleased to join with Chairman REID in considering this fiscal year 2002 Energy and Water bill. I note that in the chair is a new Senator. I would think that he might wonder what in the world is an appropriation bill called Energy and Water. Well, my good friend, the new Senator from New Jersey, will never sit down and rationally decide what is in this bill. What is in it has been decided between the House and Senate as one of the 13 subcommittees of appropriation, and there is no rationale to

it. In it we fund water development projects, flood protection projects, the harbors and rivers that need the Federal Government to help. But on the other end, believe it or not, the entire nuclear weapons development, preservation, and research for nuclear weapons is also funded in this bill. It doesn't come under the rubric of energy. Why is it here? It is here because that kind of activity was brought to the Energy Department when the Energy Department was created. This subcommittee pays for that.

So, overall, this is a very balanced bill. It covers what I have alluded to. I have great detail with me about what has concerned us and why we have had to fund the part of this that is for nuclear weaponry at a higher level than the President. I am very hopeful that the staff at the White House and the staff at OMB, who have looked at this since putting their budget out, will understand that some of this new money we had to put into the part of this bill that concerns itself with a safe and reliable nuclear stockpile. And remember, Mr. President, every time you say that, you can put a parenthesis in and you can say, without underground testing, because we have voted not to test underground. If you test, it makes it much easier to determine safety, to determine reliability. But we have determined we are not going to do that, and still we are going to spend money and put the finest resources in America to work on the science and physics and computerization part of maintaining this very, very serious and almost unbelievable thing called the American nuclear weapons stockpile.

My good friend, Senator REID, has been a marvelous student of this. We have all had to learn together. I have more of a genuine parochial reason, because two of the three laboratories frequently called the nuclear laboratories—not exactly the right name—are in my State. There is Los Alamos. Everybody knows that is where we did our first nuclear weaponry work—atomic weapon work. It was a mountain, but there is a city there now. In Albuquerque is Sandia Labs, an engineering laboratory, which is part of this. The third one is in the State of California. The three of them do much in addition to the work on nuclear. There are great researchers who are on the cutting edge of much of the science of the future in terms of energy needs and the like. So that is in this bill.

And then, obviously, since it is an energy bill, it has an awful lot in it about the energy research and development that is occurring in the Department of Energy. First, let me quickly say that part of this is the implementation of energy policy.

While we are still waiting around to debate and pass judgment on whether we are going to have some tax incentives that the President asked for in terms of developing new and different kinds of energy called ''renewables,'' or whether or not we are going to decide to open up more of the public domain to the development of gas and oil; in this bill, we get along with getting some of these things paid for and done, which everybody knows we should be doing. But it is most interesting—and this is an opportunity to speak for a moment about the President's energy policy in one regard. There is a lot said about: what about conservation, and what about saving our energy? I am reminded that in preparation for this activity, in marking up this bill, I chose to read the President's policy in its entirety. I want to cite one piece, because there is a lot said about there not being enough conservation in this policy, not enough things that push us to conserve and save. Well, I have come to the following conclusion, and if I am wrong, anybody that would like to read the policy and discuss it, I would be glad to do so.

As this energy policy tells us what we need in the future, up to the year 2020, it says that we could have to produce 77 percent more to meet our needs over this next 20 years—just for reasonable needs. But would you believe that a huge portion of that possible need is projected to come from conservation and saving energy, such that, of the 77 percent, only 29 percent is from new production? So if you do the arithmetic and subtract them, it is pretty obvious that there is a very large amount that is expected by way of either legislation or conduct in our country to save and conserve energy, along with increasing production of various types of energy.

Let me talk about one. I am very pleased that both Senator REID and I and our staffs worked very hard on what's called renewable energy programs. Because of the Senator's dedication and us working together on this, we are funding the renewable energy programs at $435 million in this bill. That is 16 percent higher than this year. There is no question that renewable resources can and should play a larger role in our energy supply, and we push that or accelerate that in this bill. Within this renewable budget, several programs are slated for major increases, and I am going to tick some of them off.

Hydrogen-based technology is up 30 percent over last year. Some people think this whole area of hydrogen-originated energy sources is one of our real solutions to clean and healthy production of energy without having any adverse impact on global warming. The research may lead to a decrease in the use of petroleum products in transportation.

We also have superconductivity and geothermal, both have 20-percent increases. All of these can have an incremental positive impact on helping us meet our energy needs without having a major impact on global warming in the future.

Incidentally, the President has suggested we should move ahead with nuclear and not abandon it. Nuclear energy has received a significant increase in this bill. I strongly agree with the President's national energy policy and his recommendations supporting the expansion of nuclear energy in the United States.

I will state once—and if I have a chance I will do it a number of times—nuclear power in its current form and future generations, new generations, of nuclear powerplants do not contribute to global warming. In other words, the future is protected from the global warming pollution that comes from many of our traditional energy sources so that the evolution, development, and research in the areas of nuclear power can move us ahead in such a way as to provide energy for growth, development, and prosperity for America and for our industrial friends in the world and, yes, indeed, for those countries which do not yet have much of an economic base.

We can produce clean energy for the future. With renewables, nuclear, and other forms of energy joining together, we can say to the world: You can grow and prosper. The poor countries will have an equal opportunity to do that, and we will not have to reduce growth, we will not have to put on caps, we will just have to use our ingenuity and science better.

There are a number of things we did to let America take a good, solid look at what the next generation of nuclear powerplants or even the next one after that might look like and how it will help.

I want to share with my friend, Senator REID, and those who are paying attention to what we are doing today, a portion of my comments today which I choose to call ''Reaching Beyond Kyoto.'' I, frankly, believe the President of the United States has a rare opportunity to lead the world beyond Kyoto.

I say to my fellow Senators, I have talked to the President about this very issue. I have suggested it is a rare opportunity for him to lead the world in reaching beyond Kyoto, and I will talk about that for a minute.

This is a vision, and part of it is in this bill because this is what we do in this bill. It says that we need to reach beyond the debate over Kyoto with a blueprint that provides tools to combat global warming. Further, we should ask the world to join as our partners and move ahead,

I am convinced we can have growth and prosperity in America without global warming. I am equally convinced we can help provide these same benefits for the world. I propose we provide worldwide leadership to eliminate the threat of global warming by a commitment to prosperity and growth through clean energy, and I further propose we accomplish this goal through partnerships with our friends and allies, especially those in developing countries.

I have specifically urged the President to lead this new initiative to accelerate our research and build international partnerships for joint development of all clean sources of energy—renewables, clean fossil fuels which our distinguished chairman of the Appropriations Committee, Senator BYRD, alludes to frequently as it relates to coal—nuclear energy, and hydrogen-based fuels.

As we transition to improved technologies in the future, our partner nations will also be building up their energy infrastructure with the latest and cleanest technologies. And, yes, there is no question, then, that we can send a message that the poor countries in the world can grow and prosper. As a matter of fact, they, too, can participate in this abundance of growth and prosperity for their people without adversely affecting global warming.

Last year's energy and water development bill called for improvements in the Federal Government's role in international development, demonstration, and advanced clean energy technologies.

With this new bill which is before the Senate, and the President's policy, our Nation is developing a suite of energy supplies that will provide us with clean, reliable, economic energy for the future.

I continue to believe we should be looking beyond our own borders. I submit that we should be seizing every opportunity to help the developing nations around the world achieve much higher standards of living. They simply cannot do that without reliable electrical supplies. I believe we can help them with this global approach of partnerships around the world to develop this technology and produce the next generation of nuclear powerplants. But we should not start on that path unless we set the goals for achievement of what they will look like, what they will do, and what they will not do.

It is the same with clean coal technology: Set the goals and then let's achieve them in this world so we can all grow and prosper. We all know we have an abundance of energy supplies in our country. We have natural gas. And it will make a huge contribution for our country. But every nation needs diverse energy supplies, not a singular reliance on a single source.

Leadership has been shown by Senator BYRD with clean coal technologies that match this vision very well. Some other nations have immense coal resources. Through this vision, they can benefit by Senator BYRD's efforts to advance clean coal technologies. Through this bill, we can fund renewables and ask our President to join worldwide with efforts to push renewables even more and to greater ends. And it is the same with all of those energies that have no effect, no impact on global warming.

I can say, it may very well be, within a very short period of time, a nuclear powerplant will be developed. It will be a small little plant instead of a thousand megawatts. It might be 50 or 100 megawatts. It will be a module. It will be self-contained. It will have no chance of having a meltdown. Just by the physical facts about its evolution and development it cannot, it will not. We might not have to touch it for 25 or 30 years.

Those are things we can work on as a criteria for development and growth and then set our great scientists in the private and public sector, with others in the world, to achieve this goal. What a great opportunity in the midst of a world that is frightened about whether we can grow, whether poor people can get rich, where the poor countries have to remain undeveloped because they cannot contribute to global warming. We will say we can all grow and prosper. America hasn't stopped growing and prospering, but we can do it without affecting global warming if we just say let's take a lead, let's do this, let's ask our greatest companies, our best laboratories, our greatest scientists, led by America, let's put some money in each year in a consortium-type arrangement to get this done.

If I sound like I am excited about something, obviously for some of you I have not even yet reached anything like an excited pitch, but in any event, I am because I believe it is a rare opportunity to take the genius of science—and I might say, I have a bias and prejudice but I think it will work. I think we have nuclear power for a reason. I don't think we have developed nuclear power to throw it away. I believe we can develop another generation of nuclear power plants that can help this entire world prosper and put global warming behind us.

Then we can ask, what is next? What have to be next are growth and opportunities, and not just for us. We say to the world, let's be free. But, we don't want people to think we are for them being free and poor. We are for them being free and affluent, to grow and have what we have. It cannot be done without better sources of clean energy.

I believe this bill has things in it which, if put together by the President in a partnership arrangement, I think we could see real daylight and perhaps might be able to set some goals.

My last comments will be very brief and have to do with national security. As I said when I started, what a peculiar bill, energy and water. Who would guess that sandwiched between those two words, energy and water, are the U.S. national security interests in nuclear weapons.

We have a national policy, voted on this Senate floor on an amendment by the distinguished Senator Hatfield from Oregon. We don't test our nuclear weapons underground nor do we test them at all. We don't do that anymore. That used to be the easy way. I say that because today it looks easy. That is the way we used to determine reliability and safety. We don't do that anymore. We don't test underground. We have something to take its place. We have a whole body of science and computerization that we put together. It is now in the Department of Energy, and it has reached major nuclear laboratories. We fund a program called science-based stockpile stewardship. Stockpile is the nuclear weapons stockpile. We fund a part of the Department of Energy that is called the NNSA. My good friend, Senator REID, alluded to it when he spoke of creating this new institution within the Department. The current leader is four-star General Gordon. He's doing a great job of pulling together and making sure there is one spokesman worried about the nuclear weapons aspects of the Department of Energy, reporting only to the Secretary. In a very real way he's making sure we do a better job with what we spend on this stockpile. Nonetheless, we have to spend money on it. The biggest difference between our budget and the President's budget is what to do with replenishing some of the physical facilities that are now old and broken down that are part of this NNSA.

This bill says, let's get started in multiyear repair and replenishing of some of the facilities that are nearly 50 years old in which we ask the world's greatest scientists to work to help keep this program and do this very difficult job. It will take many years to replenish these physical facilities, these laboratories.

In addition, there are specific items such as major improvements in the funding of pit production. You simply must soon have the capability to produce plutonium pits for weapons, a capability we lost when Rocky Flats was closed in 1989. We had to put extra money in this bill, in order to keep that program on the calendar on which it is expected to be. We have put these funds in because we know they are needed. Add it all up and we have a very well rounded bill covering mundane things as well as the complex and difficult.

In closing, let me say, that as part of this Department of Energy, we have developed some great research laboratories and not just those created and involved in nuclear work. There are many others that work on various aspects of research in America, most in the fields of energy, but not all, where some of the very best scientists in the world and some of the very best basic science research activities take place.

In summary, we think we have a bill that takes care of, as well as possible, water resource needs of our country. It takes care of the basic energy needs we can promote through the Energy Department in moving ahead with another generation of nuclear reactors. And it encourages more progress on renewables. Through this bill and another dealing with cleaning up our coal so we can use it cleanly, we can have a prosperous future without having a negative impact on global warming and the future of our country and the

world's people. We think we have done that fairly well.

We have spent more than the President asked. We hope we will be able to explain to the White House and OMB why and how that was done. We will have time after the bill is debated to do that. In the meantime, as the amendments come forward, perhaps the White House will have some suggestions. I hope they don't ask us to change our vision. I think the vision in this bill is to move ahead with new sources of energy beyond Kyoto so we can say we are going to do it in a way that everyone will grow and prosper, so the poor can get rich in the world.

I yield the floor.

Mr. REID. We are on the energy and water bill. I know the Senator from Arizona wishes to speak.

Mr. KYL. I want to take 30 seconds to compliment the Senator from New Mexico, and then I will ask unanimous consent to speak no more than 5 minutes in morning business.

Mr. REID. My friend from Oregon also wishes to speak for 20 minutes in morning business. I ask that the Senator from Arizona be recognized to speak for up to 10 minutes in morning business and the Senator from Oregon be recognized for up to 20 minutes.

Mr. DOMENICI. Reserving the right to object, Mr. President, what are you thinking in terms of the bill?

Mr. REID. I will visit with you now.

Mr. DOMENICI. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I will not take the full 10 minutes.

I take 30 seconds to simply say, Senator DOMENICI each year has a significant responsibility, as well as the other Members of the subcommittee on which he sits, to put together a bill for energy and water. As he pointed out, a great deal of the jurisdiction of that subcommittee deals with our nuclear weapons program. Senator DOMENICI does not simply put together what he has been told is a good idea. He has taken a career to learn from these laboratories—a couple of which he represents, and the people in those laboratories—what is best in our national interests and what needs to done. It is not glorious work and there is no big political payoff. Very few people have the knowledge he does. He relies on people such as his staff, Clay Sell and Dr. Peter Lyons, a nuclear physicist from Los Alamos Laboratory, to assist him in developing the kind of plans that the Senate then needs to act upon, particularly with the comments about the development of nuclear energy that will be safe and that we need to promote for this country.

I think he is absolutely right on the mark. I plan to join him in his efforts to promote that in the coming months.

Mr. DOMENICI. Will the Senator yield?

Mr. KYL. I am happy to yield.

Mr. DOMENICI. I should have mentioned in my remarks, one of the Senators who has helped me in the many months that we engaged in trying to make the Department of Energy more focused with reference to our nuclear weapons problems was the distinguished Senator from Arizona. I thank him for that help. We are not over that hurdle yet. Indeed, General Gordon and that semiautonomous agency have not been totally formulated. They are not grown up yet and are still walking along, maybe comparing it to high school and the eighth grade. They still have to get the diploma. This bill should enhance it or give them some of the tools they claim they need.

In the meantime, I thank the Senator for observations and comments regarding a world beyond Kyoto. Clearly, if we do this right, we can have an abundance of energy and there need be no atmospheric pollution; we can do it another way. Clearly, we can get it done.

I thank the Senator for his observation.

Mr. REID. Will the Senator yield?

Mr. KYL. I yield.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from Nevada.

Mr. REID. The Senator from Arizona missed my brief statement today about how I had become a late believer in the work that he and Senator DOMENICI had done on the National Nuclear Security Administration. As you may recall, last year I fought that initially. As I said to Senator DOMENICI, I thought it was being done, initially, for reasons other than what it turned out to be. I commend the Senator from Arizona—I have already done that to Senator DOMENICI—for the great work being done by General Gordon and the people working with him. It certainly has been a step in the right direction.

With the deep concern I have with the nuclear arsenal, I think there is not anything we could be more devoted to than making sure General Gordon has enough money and general resources to do what he has to do which is so important.

ECONOMIC GROWTH

Mr. LOTT. Madam President, we have seen for the past year a reduction in the growth rate of our economy. The world is experiencing a global economic slowdown. The tax cut signed into law in June contained compromises to make the tax cuts in the lowest bracket retroactive to January 1. We are also going to begin to see the tax reduction checks in the American people's hands by the end of this month. Perhaps there has never been a better-timed tax cut. The dollars we are returning to the taxpayers and the rate cuts that will allow them to keep a little more of their own hard earned salaries will provide some stimulus to keep the economy from falling further behind.

I reject the advice of those who say that now is the time for the government to retreat and try and take more money out of the American workers' pay envelopes. Nothing could be worse for a weakening economy. In fact, I believe that now is the time to find more ways to encourage economic growth. The tax cut provides some immediate stimulus and in the long-term some ways to keep the economy growing. But we need to look at ways to kick-start the supply side of the economy. One possibility is to cut the capital gains tax rates. I will be pursuing this effort in the coming weeks and months. Nothing is more important than to get our economy moving again at full speed.

My friend Jack Kemp authored a most interesting and compelling article a couple of weeks ago in the Wall Street Journal. Thirty years ago when I came to Congress I first met Jack. He was then and continues to be a person who is not afraid to challenge the common norms of economic thought. In the 70's Jack led the charge for tax rate cuts to get the economy moving. We have too easily forgotten the hopelessness that many Americans felt in the late 1970's facing stagflation with no idea of how to turn the flagging U.S. economy around. Now we face a problem of a global slowdown. Jack suggests an answer. Many will try and dismiss his proposal. This is a debate that needs to continue.

We need to get the American economy running at full speed. The tax bill was the first step. Getting the economy back to full growth will be my primary focus.

I ask unanimous consent that the article by Mr. Kemp be printed in the RECORD.

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

[From the Wall Street Journal, June 28, 2001]

OUR ECONOMY NEEDS A GOLDEN ANCHOR

(By Jack Kemp)

How many more dashed hopes and false recoveries must we experience before politicians and monetary authorities accept the fact that our inability to manage fiat currencies is causing the global economic slowdown? They keep waiting for interest-rate reductions to kick in, yet more than six months after the Fed began lowering rates the economy continues to weaken. Waiting for the recently enacted tax cuts to provide ''stimulus'' will prove futile as well. The economy does not suffer a lack of consumer demand, and more money in people's pockets will not revive the supply side of the economy.

UNPRECEDENTED EXPERIMENT

Ronald Reagan once said he knew of no great nation in history that went off the gold standard and remained great. Since Aug. 15, 1971, when the U.S. ceased to redeem dollars held by foreign governments for gold, we have put that thesis to the test. For the first time in human history, not a single major currency in the world was linked to a commodity. Economist Milton Friedman called the situation ''unprecedented'' and said it is ''not a long-term viable alternative.'' ''The world,'' he said, ''needs a long-term anchor of some kind.''

In the short term, at least, he was vindicated. In creating a world monetary system

of floating fiat currencies with the stroke of a pen, President Nixon touched off a worldwide inflation that lasted through the '70s and early '80s.

Yet America recovered to preside over the demise of world communism, and overcame the rising inflation and unemployment of ''stagflation'' to enjoy an unparalleled 18-year economic expansion. Today, the U.S. is at the pinnacle of its power and enjoying its greatest prosperity ever.

Were Messrs. Reagan and Friedman wrong? I don't think so. If the U.S. has so far come out on top in this experiment, it is only because other countries' economies have suffered even more from floating currencies.

Once the U.S. government ceased redeeming gold at $35 an ounce, its price quadrupled on world markets to $140 to reflect the dollar's diminished value. By breaking the gold link, the Nixon economic team forced the unwanted liquidity pouring out of the Fed—which had thus far built up in the Eurodollar market and the portfolios of foreign central banks—to remain inside the U.S. economy where it would manifest itself in price inflation. Robert Mundell was the first to predict, in January 1972, there would soon be a dramatic rise in the price of oil, with general inflation to follow.

Where the rest of the economics profession blamed the Arab oil-producing states for quadrupling the oil price in 1973, Mr. Mundell and those supply-siders who followed his intellectual lead knew that gold's quadrupling had led the way. Tax rates rose through ''bracket creep,'' capital formation stopped in its tracks, and it soon took two workers to produce the same income that one had brought home before the experiment. The stagflation that had its roots in leaving the gold standard was compounded when Congress and three different presidents tried to fight it with wage and price controls and high marginal tax rates.

But discretionary monetary policy is Janus-faced, and instead of too much liquidity in the world economy we now have too little. Deflation began in 1996 when the Fed tightened monetary policy to combat some inflation it had created attempting to offset the economic drag of the Clinton tax hikes. A rising dollar then caused the dollar pegs of emerging economies to snap, set off the Asian, Brazilian and Russian economic meltdowns, and caused the price of oil and other commodities to collapse. Oil producers took a two-year holiday from drilling, which in turn created an oil shortage and drove energy prices sky high.

Now, the energy-price hikes are working their way through the economy and are misconstrued by the Fed as inflation. Once again, central bank errors in the discretionary management of floating fiat currencies have put the entire world economy at risk.

The Fed has cut interest rates 275 basis points since the start of the year, but the price of gold is still down to about $272 from $385 in 1996, having fallen $5 yesterday alone on the Fed's announcement that it was lowering the fed funds rate another 25 basis points. Commodity prices are near their lowest levels in 15 years, and the foreign-exchange value of the dollar has risen against all major currencies since the Fed began its interest rate-easing cycle.

Without a gold standard, the Fed has no means of determining how much liquidity markets demand, and all it does by targeting interest rates is guess how much liquidity to inject or withdraw to counteract mistakes it made earlier. The Fed may be on its way to mimicking the mistakes the Bank of Japan made when it lowered interest rates to zero, all the while prolonging and deepening Japan's monetary deflation.

This is no way to manage a currency. It's obvious that we have accumulated a long series of small deflationary errors by the Fed that are dragging down the U.S. economy and helping depress world commerce. It's time to restore a golden anchor to the dollar before our luck runs out and we suffer a real economic calamity.

The Fed may yet get lucky with its rate cuts, although the Bank of Japan never did. The only certain way to end this deflation is to have the Fed stop targeting interest rates and begin targeting gold directly—not by ''fixing'' the price of gold by administrative fiat as some people mistakenly characterize it, but rather by calibrating the level of liquidity in the economy, over which the Fed has exclusive and precise control, to keep the market price of gold stable within a narrow band closer to $325 than $275.

There is nothing mysterious about how gold could be used as a reference point or how a new monetary standard for a new millennium would work. It would simply mean the Fed would stop guessing how much liquidity is good for the economy and allow the market to make that decision for it. With the dollar defined in terms of gold and with American citizens free to buy and sell gold at will, the Fed would forget about raising or lowering interest rates and simply add liquidity (buy bonds) when the price of gold tries to fall and subtract liquidity (sell bonds) when it tries to rise. Markets would determine interest rates.

The paper dollar would once again be as good as gold—no more, no less. There would be no need for the U.S. government to maintain a large stock of gold or to redeem gold and dollars on demand since people would be free to do so on their own in the marketplace. As long as the Fed calibrated its infusions and withdrawals of liquidity by the market price of gold, the world would be free of monetary inflations and deflations caused by the whims and errors of central bank governors, as was the case for more than 200 years when the private Bank of England managed the pound sterling in exactly that way.

NOTHING SIMPLER

The good news is that this could all be done easily, if President Bush and Treasury Secretary Paul O'Neill could work out an accord with Alan Greenspan. That accomplished, I believe Britain would soon follow to make the pound as good as gold and avoid having to adopt a sinking euro.

There is nothing simpler than a gold standard, as Alexander Hamilton pointed out when he persuaded the first Congress to adopt one. Just as President Nixon took us off with an executive order, President Bush can put us back on with the stroke of a pen. It would be politically popular, as ordinary people benefit most. At Camp David in 1971, as President Nixon signed the papers, he is reported to have said: ''I don't know why I'm doing this. William Jennings Bryan ran against gold three times and he lost three times.''

NAZI WAR CRIMINALS RESOLUTION

Mr. CORZINE. Madam President, last week I introduced a resolution that addresses the United States' use of Nazi war criminals after World War II. The resolution acknowledges the role of the United States in harboring Nazi fugitives, commends the Nazi War Criminal Interagency Working Group for serving the public interest by disclosing information about the Nazis, and calls on other governments to release information pertaining to the assistance these governments provided to Nazis in the postwar period.

On July 14, 1934, the Reichstag declared the Nazi Party the only legitimate political party in Germany. In one fell swoop, political dissent in Germany was quashed and a tragic series of events was set into motion—a series of events that led to the genocide of six million Jews and five million Gypsies, Poles, Jehovah's Witnesses, political dissidents, physically and mentally disabled people, and homosexuals. After World War II, the international community attempted to come to terms with what, by any measure, was a horrific episode in world history.

In October 1945, a tribunal was convened in Nuremberg, Germany, to exact justice against the most nefarious Nazi War Criminals, people who knowingly and methodically orchestrated the murder of countless innocent people. Some infamous Nazi war criminals were tried and convicted elsewhere, including the infamous Adolph Eichmann, who was found guilty by an Israeli court. Still, many of the perpetrators—war criminals who heeded the call of the Nazi juggernaut—escaped justice. Some of those who evaded capture did so with the help of various world governments, including the United States.

It is natural to ask why the United States would help known Nazi war criminals avoid punishment. The United States had just spent four years fighting the Nazis at the cost of thousands of young, courageous American soldiers. We had just liberated the Nazi death camps, witnessing firsthand the carnage and degradation exacted by the Nazis on Jews and others. Despite it all, the United States felt compelled to hide the very Nazis they had defeated and grant them refuge in the United States and abroad.

The sad fact is that although we had just finished fighting a war of enormous proportions, we were entering another war—a cold war that would last for some 50 years. In fighting this war, the United States enlisted Nazi fugitives to spy on the Soviet Union.

The extent to which the United States used Nazi war criminals for intelligence purposes in the postwar years is still being studied. In January 1999, the President charged the Nazi War Criminal Records Interagency Working Group with the difficult task of locating, identifying, cataloguing, and recommending for declassification thousands of formerly classified documents pertaining to the United States' association with Nazi war criminals. In addition to an interim report completed October 1999, in late April 2001, the IWG announced the release of CIA name files referring to specific Nazi War Criminals. While there is still work to be done, one thing is clear from these documents: the United States knowingly utilized Nazi war criminals for intelligence purposes and,

in some cases, helped them escape justice.

The American people deserve a full accounting of the decisions that led to the acceptance of Nazi war criminals as employees of the United States government. It also is important that the United States work with other countries to expedite the release of information regarding the use of Nazi war criminals as intelligence operatives. We need to learn more about the Holocaust and its aftermath. The international community must learn the lessons of history, so that never again will we face this type of evil.

SMITHSONIAN BOARD OF REGENTS

Mr. COCHRAN. Madam President, last week I introduced two resolutions appointing citizen regents of the Board of Regents of the Smithsonian Institution. It is an honor to serve on the Board of Regents as one of the three United States Senators privileged to do so. My fellow Regents, Senators FRIST and LEAHY join me as cosponsors of both resolutions.

At its May 7, 2001 meeting, the Board of Regents voted to nominate Ms. Anne d'Harnoncourt for a second term and Mr. Roger W. Sant to fill the vacancy caused by the resignation of the Honorable Howard H. Baker, Jr.

For the information of the Senate, I ask unanimous consent that the curriculum vitae of Ms. d'Harnoncourt and the biographical sketch of Mr. Sant be printed in the RECORD, following my remarks.

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

CURRICULUM VITAE OF ANNE D'HARNONCOURT
(MRS. JOSEPH J. RISHEL)

Born September 7, 1943, Washington, DC.

Present Position: The George D. Widener Director and Chief Executive Officer Philadelphia Museum of Art.

Education: The Brearley School, New York City, 1949–1961.

Radcliffe College, Cambridge, MA, 1960–1965: Majored in History and Literature of Europe and England since 1740, with additional course work in the history of architecture. B.A. thesis on comparative aspects of the poetry of Shelley and Holderlin. B.A. magna cum laude, June 1965.

Courtauld Institute of Art, London University, 1965–1967: First year course: Seminar in European art since 1830. Second year: specialized research on the period 1900–1915 in Italy, France and Germany, M.A. thesis on moral subject matter in mid-19th century British painting, with emphasis on the Pre-Raphaelites. M.A. with distinction, June 1967.

Honors: Elected to Phi Beta Kappa in 1964; Captain Jonathan Fay Prize, Radcliffe College, 1965; Chevalier dans l'Ordre des Arts et des Lettres, Republic of France, 1995; Philadelphia Award, 1997.

Museum Experience:

1966–1967—Tate Gallery, London. Six months of work as part of Courtauld M.A. thesis, preparing full catalogue entries on 30 Pre-Raphaelite paintings and drawings in the Tate collection.

1967–1969—Philadelphia Museum of Art, Curatorial Assistant, Department of Painting and Sculpture.

1969–1971—The Art Institute of Chicago, Assistant Curator of Twentieth-Century Art.

1972–1982—Philadelphia Museum of Art, Curator of Twentieth-Century Art.

1982–1996—Philadelphia Museum of Art, The George D. Widener Director.

1997—Philadelphia Museum of Art, The George D. Widener Director and Chief Executive Officer.

BIOGRAPHICAL SUMMARY

Curator of Twentieth-Century Art. For a decade between 1972 and 1982, Miss d'Harnoncourt served as Curator of 20th Century Art at the Philadelphia Museum of Art. A specialist in the art of Marcel Duchamp, she co-organized a major retrospective exhibition in 1973–74, which originated in Philadelphia and traveled to The Museum of Modern Art, New York and The Art Institute of Chicago. Other exhibitions organized or co-organized by Miss d'Harnoncourt include Futurism and the International Avant-Garde (1980), Violet Oaklev (1979), Eight Artists (1978) and John Cage: Score & Prints (1982). During her tenure as curator, she reinstalled the permanent galleries in the wing of the Museum devoted to 20th-century art, creating rooms specifically dedicated to the work of Duchamp and the sculpture of Brancusi. During her curatorship the Museum made the commitment to building a substantial contemporary collection, acquiring works by Ellsworth Kelly, Dan Flavin, Brice Marden, Agnes Martin, Claes Oldenburg, Katherine Anne Porter, Dorothea Rockburne, James Rosenquist, and Frank Stella, among others.

Director: Projects undertaken by the Museum during Miss d'Harnoncourt's directorship to date include a sequence of major exhibitions originated by Museum curators, such as: Sir Edwin Landseer (1982), The Pennsylvania Germans: A Celebration of Their Arts (1983), Masters of 17th-Century Dutch Genre Painting (1984), Federal Philadelphia (1987), Anselm Kiefer (1988), Workers: The Photographs of Sebastiano Salgado (1993), Japanese Design (1994) major retrospectives of Brancusi (1995) and Cézanne (1996), The Splendor of 18th-Century Rome (2000), Hon'ami Kōōetsu (2000) and Van Gogh: Face to Face (2000). She encouraged a series of scholarly publications devoted to the permanent collections: British Paintings (1986), Oriental Carpets (1988), Northern European Paintings (1990), Paintings from Europe and the Americas: A Concise Catalogue (1994), a new Handbook (1995), and a Handbook to the Museum's textile collections (1998).

Between 1992 and 1995, in a massive building project undertaken to reinstall all of the Museum's European collections, over 90 galleries were renovated and relit, while thousands of works of art were examined, conserved and placed in fresh contexts. During her tenure as director, appointments to the professional staff include senior curators of Prints, Drawings and Photographs and European Decorative Arts, curators of Indian Art, Prints and Twentieth-Century Art, as well as a Senior Curator of Education, a new Librarian and conservators in the fields of decorative arts, furniture, painting and works on paper. Most recently, following her assumption of additional responsibilities in 1997 upon the retirement of Robert Montgomery Scott as President of the Museum, Miss d'Harnoncourt and the newly appointed Chief Operating Officer led the institution through a long-range planning process with a view to celebrating the Museum's 125th anniversary in the year 2001 with a number of new initiatives.

In the year 2000, the Museum acquired a landmark building across the street and embarked upon a comprehensive masterplan for its use and the additional steps necessary to meet the Museum's 25-year requirements for new or renovated space. Twenty galleries for modern and contemporary art were renovated and reopened in the fall of 2000. A capital campaign with a goal of $200 million was formally launched in December 2000, and $100 million was raised by March of 2001.

Institutional Boards (Current): Regent of the Smithsonian Institution, Washington, D.C.; Visiting Committee, J. Paul Getty Museum, Malibu, CA; Academic Trustee for the School of Historical Studies, Institute for Advanced Study, Princeton, NJ; Board of Directors, The Henry Luce Foundation, Inc., New York, NY; Board of Trustees, Fairmount Park Art Association of Philadelphia, Philadelphia, PA; Board of Overseers, Graduate School of Fine Arts, University of Pennsylvania, Philadelphia, PA; Board of Trustees, Fairmount Park Art Association of Philadelphia, Philadelphia, PA; Board of Overseers, Graduate School of Fine Arts, University of Pennsylvania, Philadelphia, PA; Board of Directors, The Georgia O'Keeffe Foundation, Abiquiu, NM.

Memberships (Current): Trustee, Association of Art Museum Directors: Advisory Committee, The Fabric Workshop, Philadelphia, PA; Member, American Philosophical Society, Philadelphia, PA; Advisory Board, Foundation for French Museums Inc.; Fellow of the American Academy of Arts and Sciences, Cambridge, MA.

Institutional Memberships (Past): Museum Panel, National Endowment for the Arts, 1976–78; Visual Arts Panel, National Endowment for the Arts, 1978–80; Board of Trustees, Hirshhorn Museum and Sculpture Garden, Washington, D.C., 1974–86; Museum Program Overview Panel, National Endowment for the Arts, 1986–87; Indo/U.S. Subcommission on Education and Culture, 1983–87; National Endowment for the Arts, Indemnity Panel, 1985–88; Harvard University Art Museums Visiting Committee, 1983–88; Board of Advisors, Center for Advanced Study in the Visual Arts (CASVA), National Gallery of Art, 1987–89; Pennsylvania Council on the Arts, 1992–99.

Exhibitions Organized:

Marcel Duchamp. The Philadelphia Museum of Art, The Museum of Modern Art, The Art Institute of Chicago, 1973–74. (Collaboration with Kynaston McShine, The Museum of Modern Art).

Philadelphia: Three Centuries of American Art. Philadelphia Museum of Art, 1976. (One of several collaborators under the direction of Darrel Sewell. Curator of American Art, Philadelphia Museum of Art).

Eight Artists. Philadelphia Museum of Art, 1978.

Violet Oakley. Philadelphia Museum of Art, 1979. (Collaboration with Ann Percy, Philadelphia Museum of Art).

Futurism and the International Avant-Garde. Philadelphia Museum of Art, 1980.

John Cage: Scores and Prints. Whitney Museum of American Art, Albright-Knox Museum, Philadelphia Museum of Art, 1982. (Collaboration with Patterson Sims, Whitney Museum).

Publications:

''Etant Donnés . . . Reflections on a New Work by Marcel Duchamp.'' Philadelphia Museum of Art Bulletin (double issue April/June and July/September 1969). Co-author with Walter Hopps.

Introduction to exhibition catalogue for Marcel Duchamp, 1973. Chronology and catalogue entries prepared jointly with Kynaston McShine of The Museum of Modern Art.

''A. E. Gallatin and the Arensbergs: Pioneer Collectors of 20th-Century Art,'' Apollo, July 1974 (special issue devoted to Philadelphia Museum of Art collections).

132 biographies and catalogue entries in ''Philadelphia: Three Centuries of American Art'', 1976.

''The Cubist Cockatoo: Preliminary Exploration of Joseph Cornell's Hommages to Juan Gris,'' Philadelphia Museum of Art Bulletin, June 1978.

''The Fist of Boccioni meets Miss FlicFlic ChiapChiap,'' Art News, November 1980.

Introductory essay to exhibition catalogue for Futurism and the International Avant-Garde (Philadelphia Museum of Art, 1980).

''We have eyes as well as ears,'' essay for publication accompanying exhibition ''John Cage: Scores and Prints'', 1982.

''Duchamp, 1911–1915,'' in the exhibition catalogue Marcel Duchamp (Tokyo, The Seibu Museum of Art). Reprinted as ''Before the Glass: Reflections on Marcel Duchamp before 1915'' in the exhibition catalogue Duchamp (Barcelona: Fundacio Joan Miro, 1984).

Preface to ''Marcel Duchamp, Notes'', arranged and translated by Paul Matisse (Boston: G. K. Hall & Company, 1983).

Preface to ''Marcel Duchamp, Manual of Instructions for Etant Donnés . . .'' (Philadelphia Museum of Art, 1987).

''Paying Attention,'' in the exhibition catalogue Rolywholyover/A Circus/John Cage (Los Angeles: Museum of Contemporary Art, 1983).

BIOGRAPHICAL SKETCH OF ROGER W. SANT

Mr. Sant is Chairman of the Board of the AES Corporation, which he co-founded in 1981. AES is a leading global power company comprised of competitive generation, distribution and retail supply businesses in 27 countries. The company's generating assets include interests in one hundred and sixty-six facilities totaling over 58 gigawatts of capacity. AES's electricity distribution network has over 920,000 km of conductor and associated rights of way and sells over 126,000 gigawatt hours per year to over 17 million end-use customers. In addition, through its various retail electricity supply businesses, the company sells electricity to over 154,000 end-use customers. AES is dedicated to providing electricity worldwide in a socially responsible way.

Mr. Sant chairs the Board of The Summit Foundation, and is a Board Member of Marriott International, WWF-International, Resources for the Future, The Energy Foundation, and The National Symphony. He recently stepped down as Chairman of the World Wildlife Fund-US after six years in that capacity and now serves on the National Council.

Prior to funding AES, Mr. Sant was Director of the Mellon Institute's Energy Productivity Center. During this period he became widely known as the author of ''The Least Cost Energy Strategy''—where it was shown that the cost of conserving energy is usually much less than producing more fuel.

Mr. Sant earlier served as a political appointee in the Ford administration and was a key participant in developing early initiatives to fashion an energy policy in the US. Before entering government service, he was active in the management or founding of several businesses, and taught corporate finance at the Stanford University Graduate School of Business. He received a B.S. from Brigham Young University and an MBA with Distinction from the Harvard Graduate School of Business Administration.

He is a co-author ''Creating Abundance—America's Least-Cost Energy Strategy'' by McGraw Hill and numerous articles and publications on energy conservation.

BIRTHDAY TRIBUTE TO PRESIDENT GERALD R. FORD

Mr. LUGAR. Madam President, former Congressman, Vice President and President Gerald R. Ford turned 88 on July 14. A birthday tribute to our 38th President was written by White House correspondent Trude B. Feldman for the New York Times Syndicate; and it includes reflections by former Presidents Richard Nixon and Ronald Reagan, given to Ms. Feldman for Gerald Ford's 80th birthday. I ask unanimous consent that the article be printed in the RECORD.

President Ford was a healing force at a time of much greater political upheaval than we have today. The lessons to us today are that: disagreements should not become divisive; and political revenge is a vicious cycle without winners.

Most important, as President Ford reiterates in this interview, is that ''truth is the glue that holds government together—not only our government, but civilization itself.''

He tells Ms. Feldman, who has also written numerous articles on Mr. Ford and his family for McCall's Magazine, that his main ambition was to become Speaker of the House of Representatives ''because the legislative process interested me and was the kind of challenge I enjoyed . . .''

Gerald Ford concluded this interview—which I recommend to my colleagues and our staff—with his beliefs that during his 29 months as President, he had steered the U.S. out of a period of turmoil, making it possible to move from despair to a renewed national unity of purpose and progress. ''I also reestablished a working relationship between the White House and Congress, one that had been ruptured,'' he notes. ''All that made an important difference. I consider that to be my greatest accomplishment as President.''

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

[From the New York Times]

GERALD R. FORD AT 88: A BIRTHDAY TRIBUTE

(By Trude B. Feldman)

On July 14, Gerald R. Ford will celebrate his 88th birthday. Having fully recovered from a stroke last August, the former president says he is now in excellent health—alert, active and keeping up with world affairs.

Asked—in a birthday interview—how he feels about turning 88, he says: ''Age doesn't bother me. I'm not as mobile as I was 25 years ago, but I feel fortunate to still have my zest for life. I have more enthusiasm now because of the care I take of myself. I follow a good diet, I don't smoke or drink, and I keep busy.''

In association with the American Enterprise Institute, one of Washington, D.C.'s leading think tanks, Mr. Ford established—in 1982—the AEI World Forum which he hosts annually in Beaver Creek, Colorado.

The forum is a gathering of former and current international world leaders, business and financial executives and government officials who discuss political and economic issues.

This year—in late June—the participants included Valery Giscard d'Estaing, former President of France; former Vice President and Premier of the Republic of China, Chan Lien; and Richard Cheney, Vice President of the United States, who was a former Chief of Staff to President Ford and Secretary of Defense in the first Bush administration.

On May 21st, at the John F. Kennedy Library and Museum in Boston, Mass., Mr. Ford was the recipient of the John F. Kennedy Profile In Courage Award. Presented by the former President's daughter, Caroline, and his brother, Senator Edward M. Kennedy (D-Mass.), the award cites President Ford's courage in making the controversial decision of conscience to pardon former President Richard M. Nixon.

Twenty seven years ago on August 9, 1974, Richard Nixon resigned the presidency of the U.S. and Vice President Ford became the 38th president. A month later (September 8), President Ford granted a ''full, free and absolute pardon'' to Nixon ''for all offenses against the U.S. which he . . . has committed or may have committed or taken part in'' while he was president.

Today, Mr. Ford concedes that he did not expect such a ''hostile'' reaction. ''That was one of the greatest disappointments of my presidency,'' he told me. ''Everyone focused on the individual instead of on the problems the nation faced. I thought people would consider Richard Nixon's resignation sufficient punishment, even shame. I expected more forgiveness.''

In accepting the Profile In Courage Award, Mr. Ford told members of the Kennedy family and some 250 guests: ''No doubt, arguments over the Nixon pardon will continue for as long as historians relive those tumultuous days. But I'd be less than human if I didn't tell you how profoundly grateful I am for this recognition. The Award Committee has displayed its own brand of courage . . . But here, courage is contagious.

''To know John Kennedy, as I did, was to understand the true meaning of the word. He understood that courage is not something to be gauged in a poll or located in a focus group. No adviser can spin it. No historian can back date it. For, in the age old contest between popularity and principle, only those willing to lose for their convictions are deserving of posterity's approval.''

Caroline Kennedy Schlossberg said the award was inspired by her father's Pulitzer Prize winning book, Profiles In Courage (first published in 1955 by Harper & Row) and was ''instituted to celebrate his life and belief that political courage must be valued and honored. And that Gerald Ford had proved that politics can be a noble profession. . . .''

Sen. Kennedy said President Ford had ''withstood the heat of controversy and persevered in his beliefs about what was in our country's best interest. History has proved him right.

''At a time of national turmoil, our nation was fortunate that he was prepared to take over the helm of the storm-tossed ship of state. He recognized that the nation had to get on with its business and could not, if there was a continuing effort to prosecute former President Nixon. So President Ford made a tough decision and pardoned him.

''I was one of those who spoke out against his action. But time has a way of clarifying things, and now we see that President Ford was right.''

General Alexander M. Haig Jr., Mr. Nixon's White House Chief of Staff, concurs. ''The passage of time has once again favored the truth and Gerald Ford has rightfully emerged as one of our nation's most courageous leaders,'' he told me in an interview, adding:

''Despite the risks, President Ford performed a singular and selfless act of courage. Almost 30 years have passed since ''Watergate'' and the scurrilous accusation that then Vice President Ford had made or considered a secret deal with President Nixon—

through me—which traded the presidency of the U.S. for the pardon of Richard Nixon.

Gen. Haig, also one of Ronald Reagan's Secretaries of State, went on to say that the source of this accusation came from individuals who claimed to be acting in the best interests of President Ford, but, that, actually, it was well recognized at the time that the politics surrounding ''Watergate'' would lead to either the impeachment or the resignation of President Nixon.

''Those who fed the rumors of a deal were actually damaging the reputation, if not the judgment, of our nation's first non-elected president,'' General Haig recalls. ''Having personally informed Vice President Ford of President Nixon's intention to resign, I knew then, and now, that rumors of a deal were wrong-headed or worse. If believed, they would have the consequence of belittling what I have since referred to as a Cincinnatian act of moral courage by President Ford.

''Years later, the Nixon pardon must rank with the most courageous acts of a sitting president. President Ford, almost alone, notwithstanding the advice of some of his most intimate advisors, recognized that the nation could not risk further prolongation of the 'Watergate' controversy and that the very effectiveness of his presidency was at stake.''

Jack Anderson, long-time columnist for United Features and Washington Editor of Parade Magazine, remembers Gerald Ford from his days in Congress. ''He was never pumped up with self importance,'' Mr. Anderson says. ''Even after he became President, I was able to telephone him, leave a message, and he would return my calls, without a secretary.''

Jack Anderson adds: ''Even though I was number one on Richard Nixon's 'enemies list,' I agreed with President Ford's pardon of Mr. Nixon because I had learned that he was then in poor psychological condition. . . . It took great political courage to grant the pardon—against public will. So President Ford did what was best for Mr. Nixon and our country rather than what was best for himself. . . .''

Cong. Henry A. Waxman, (D. Calif—29th district), ranking Democrat on the Governmental Reform and Oversight Committee and on the Energy and Commerce Committee, remembers that when he first came to Congress in Jan., 1975, Gerald Ford was President of the U.S.

''At the time, I was critical of his pardon of Richard Nixon,'' Rep. Waxman told me. ''But, looking back now, President Ford took the right action for our country, and I believe history will show him as a president who helped bring the country together.''

As a freshman Congressman, Gerald Ford was presented with the American Political Science Association's Distinguished Public Service Award by Ambassador Max M. Kampelman, who today recalls Mr. Ford's rise to the top—''where he well served America at a time of crisis . . . and the 'Profile In Courage' Award is a late, but well-deserved recognition.''

Ambassador Kampelman, currently at the Georgetown University Institute for Study of Diplomacy, was the head of the American delegation to the Conference on Security and Cooperation in Europe (1980–3).

During our interview at Washington, D.C.'s Willard Inter-Continental Hotel, Mr. Ford was in an expansive mood while reviewing his life's journey. He evaluated his achievements and assessed the setbacks of his time in the Oval Office, and he reflected on the highs and lows of his 53 years in political life.

What does Gerald Ford most regret as he looks back over a long and distinguished career?

''Well, I wish I were a better public speaker,'' he allows. ''I would have liked to be able to communicate more effectively. That is so very important.''

He also regrets not having fulfilled his ambition of becoming Speaker of the House of Representatives. ''I lost five times,'' he laments. ''There were not, then, enough Republicans in the House. I wanted to be Speaker because the legislative process interested me, and was the kind of challenge I enjoyed. I was never as enthusiastic about being in the executive branch. I even turned down the chance to run for governor of Michigan.''

In fact, he had made plans to retire from Congress in January, 1977. But in 1973, Vice President Spiro T. Agnew's legal and campaign finance problems surfaced; and when he was forced to resign, Rep. Ford was selected as vice president.

Two years ago at the White House, President William Jefferson Clinton presented Gerald Ford with the Presidential Medal of Freedom (America's highest civilian award) for his legacy of healing and restored hope. ''From his days as a student and athlete, Gerald Ford was destined for leadership,'' Mr. Clinton noted. ''He was an outstanding player on the Michigan football team in a segregated era, and his horror at the discrimination to which one of his teammates was subjected, spawned in him a life-long commitment to equal rights for all people. He represents what is best in public service and what is best about America.

''. . .When steady, trustworthy Gerald Ford left the White House after 895 days, America was stronger, calmer, and more confident . . . more like President Ford himself.''

Two months later, (October 1999) in a U.S. Capitol Rotunda ceremony, both Gerald Ford and his wife, Betty, were presented with the Congressional Gold Medal, Congress's highest civilian honor. (He became the first former president to be so honored during his lifetime, and the event marked the first time a president and first lady were honored together.)

Cong. Vernon J. Ehlers (R. Mich), who introduced the legislation to award the medals, said they are a token of appreciation from Congress for the former First Couple's years of sacrifice and contributions . . . ''They are living examples of truly great Americans. . . .''

Another speaker was President Clinton, who, after lauding Gerald Ford for his achievements, turned to him and revealed: ''When you made your healing decision, you made the Democrats and Liberals angry one day, and you made the Conservatives angry the next day. . . . I was then a young politician trying to get elected to Congress. It was easy for us to criticize you because we were caught up in the moment. You didn't get caught up in the moment . . . and you were right . . . You were right about the controversial decisions you made to keep the country together and I thank you for that.''

Donald H. Rumsfeld, U.S. Ambassador to NATO (1973) and one of Mr. Ford's White House Chiefs of Staff and Defense Secretary (1975–1977), who is now again Secretary of Defense, told me that Gerald Ford's basic human decency ''helped to replenish the reservoir of trust for our country and I'm delighted that the enormous contributions he made are being recognized.''

After a taste of the presidency, Mr. Ford still does not hide his disappointment at losing the 1976 election to Jimmy Carter. ''As you well know,'' Mr. Ford notes, ''I tried very hard to win that election. That would have given me a chance to expand individual freedom from mass government, mass industry, mass labor, and mass education.''

Despite that election, former Presidents Ford and Carter are close friends and cosponsors of various conferences on world affairs at the Carter Center in Atlanta. And, on the occasion of Gerald Ford's 88th birthday, Jimmy Carter today reflects:

''The recent Profile In Courage Award and the Presidential Medal of Freedom are long overdue recognition of Gerald Ford's importance to our nation. He was a strong leader during a time of great challenge, and his just and noble decisions may well have cost him the election. In the years since then, he and I have worked together on a number of issues. Each time we do so, I am reminded anew of our country's good fortune to have been led by a man of such principled convictions. Not only do we share the special bonds of the presidency, but I am also proud to claim Gerald Ford as my friend.''

Eight years ago, for my feature on Gerald Ford's 80th birthday, another former president, Ronald Reagan, who narrowly lost the 1976 presidential nomination to him, told me: ''First, I can tell Jerry that turning 80 doesn't hurt at all. Kidding aside, Jerry is an independent thinker and down to earth. He is not impressed with his own importance. That humility has stood him in good stead.

''He climbed to the top of his profession without wavering from his principles. When respect for government officials had begun to wane, he was, and still is, held in high regard.''

For that same birthday tribute, former President Nixon told me that he had met Representative Ford in 1949 when he was sworn in to Congress. ''I was then a representative from California, and for all these years, we remained good friends,'' Mr. Nixon said. ''In an illustrious career, he became an eminent statesman, and as my vice president, he was an asset.

''Because he understood members of Congress, he was able to encourage them, to appeal to their best qualities and to unite them for the common good. He was admired for his decency and his respect for each individual's rights. And so this milestone gives me the chance to express my gratitude to Jerry Ford for all the good he has done for our nation . . .''

When Gerald Ford became president, he was faced with an overwhelmingly Democratic Congress. He recalls that he ''struggled repeatedly'' over such issues as government spending, presidential war powers and oversight of the intelligence community. He also advocated reducing the size and role of the federal government through cuts in taxes and spending, paperwork reduction and government deregulation.

In foreign affairs, he recalls, his administration emphasized stronger relationships with American allies, encouraged detente with the Soviet Union, and made progress in negotiating with the Soviets on nuclear weapons. With French President Valery Giscard d'Estaing, he initiated annual international economic summits of the major developed economic nations. In the face of bitter opposition, President Ford signed the Helsinki Final Act, for the first time giving the issue of human rights a real ''bite'' inside the Soviet bloc, which eventually led directly to Eastern Europe throwing off the shackles of communism. His administration initiated the second Sinai disengagement agreement, further separating Israeli and Egyptian forces and reducing tensions in the Middle East. It also directed the final withdrawal of Americans and refugees from Indochina at the end of the Vietnam War.

President Ford recalls that the saddest day of his presidency was April 30, 1975, ''when we had to pull our troops out of Saigon and withdraw from South Vietnam, which soon surrendered to the North Vietnamese.''

Asked whether foreign affairs is more pressing today than during his White House tenure, he says, ''I don't think it is any more important than when we were faced daily with the nuclear challenge from another superpower—the Soviet Union. Those were tense days.

''Yes, we have problems today in Europe, the Mideast and elsewhere. But they are no more serious than the Cold War days—with all the challenges that then existed.''

Mr. Ford points out that President Nixon's skillful maneuvering in the Mideast will go down in the annals of great diplomacy. ''In foreign policy,'' he says, ''Richard Nixon is unequaled by any other American president in this century.''

How was the presidency evolved since Gerald Ford left the White House 24½ years ago? ''The office changes with each president,'' he says. ''Each occupant defines the role and his responsibilities. In my case, I tried to make a difference in my leadership.''

He went on to say that he learned about leadership and making decisions while serving as an officer in the US Navy during World War II. ''I think,'' he adds, ''I was a better vice president and president because of that military service.''

He notes that there is ''a majesty'' to the presidency that inhibits even close friends and heads of state from telling the chief executive what is actually on their minds—especially in the Oval Office.

''You can ask for blunt truth, but the guarded response never varies,'' he says. ''To keep perspective, any president needs to hear straight talk. And he should, at times, come down from the pedestal the office provides.

''I'm still convinced that truth is the glue that holds government together—not only our government, but civilization itself.''

From his experiences, he cautions future presidents about general abuse of power and the dangers of over-reliance on staff.

At the outset of President Bill Clinton's first term, there was criticism of his staff and operation of his White House. Mr. Ford then expressed sympathy for a president undergoing periods of anxiety and disarray, even turmoil.

He noted that he, too, had problems with staff mismanagement. Today, he is still concerned about the image of the presidency, and still concerned that a solution has not been found about overzealous White House employees who are not instructed, from the outset, that they work for the president and for the people—and not the other way around.

He maintains that staff assistants are not elected by the people, and that the president himself needs to determine how much trust to invest in his aides. ''Otherwise,'' he emphasizes, ''the ramifications and the consequences of their arrogance and abuse of power—particularly by secondary and lower staff—can be dangerous.''

Mr. Ford concurs with one of President Lyndon B. Johnson's press secretaries, George E. Reedy, who wrote in his book, ''The Twilight of the Presidency'': ''Presidents should not hire any assistants under 40 years old who had not suffered any major disappointments in life. When young amateurs find themselves in the West Wing or East Wing of the White House, they begin to think they are little tin gods . . .''

In his autobiography, ''A Time to Heal,'' Mr. Ford wrote: ''Reedy had left the White House staff several years before, but he was predicting the climate that had led to 'Watergate.' And that is disturbing.''

Born in 1913 in Omaha, Nebraska, to Dorothy Gardner and Leslie Lynch King Jr., Gerald Ford was christened Leslie L. King Jr. His parents divorced when he was two years old. He moved with his mother to Grand Rapids, Mich., where she married Gerald Rudolph Ford, who later adopted the child and gave him his name, Gerald Rudolph Ford Jr.

If he were able to relive his 88 years, what would he do differently?

''I would make no significant changes,'' he says. ''I've been lucky, both in my personal life and professionally. Along the way I tried to improve myself by learning something new in each of the jobs I held. I've witnessed more than my share of miracles . . . I've witnessed the defeat of Nazi tyranny and the destruction of hateful walls that once divided free men from those enslaved.

''. . . It has been a grand adventure and I have been blessed every step by a loving wife and supportive family.''

He says he will never forget one of the family's worst days in the White House . . . six weeks after they moved in, ''Betty received a diagnosis of breast cancer,'' he recalls. ''But her courage in going public with her condition . . . and her candor about her mastectomy increased awareness of the need of examination for early detection, saving countless women's lives.''

Six years later (1980), former President and Mrs. Ford dedicated The Betty Ford Diagnostic and Comprehensive Breast Center, in Washington, D.C. (part of Columbia Hospital for Women). The Center's former director, Dr. Katherine Alley, a renowned breast cancer surgeon, says today: ''As one of the first women of note to go public with her cancer diagnosis and treatment, Betty Ford helped women to face the disease more openly and with less fear.''

Turning to his philosophy of life, Mr. Ford says: ''I've always been an optimist and still am. Yes, I suffered a few disappointments and defeats, but I tried to forget about those, and keep a positive attitude. When I was in sports and lost a game by error, or in the political arena, when I lost by a narrow margin, no amount of groaning would do any good. So I don't dwell on the past. I learned to move on and look ahead.''

Much as he had yearned to be elected president in his own right in 1976, Gerald Ford is confident that history will record that he ''healed America at a very difficult time.''

He believes that his presidential leadership for 29 months had steered the U.S. out of that period of turmoil, making it possible to move from despair to a renewed national unity of purpose and progress.

''I also re-established a working relationship between the White House and Congress, one that had been ruptured,'' he concludes. ''All that made an important difference. I consider that to be my greatest accomplishment as president, and I hope historians will record that as my legacy.''

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred November 3, 1991 in Houston, TX. Phillip W. Smith was shot to death outside a gay bar in Montrose. Johnny Bryant Darrington III, 20, was charged with murder and aggravated robbery. He told police he hated homosexuals.

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business Friday, July 13, 2001, the Federal debt stood at $5,705,050,480,267.56, five trillion, seven hundred five billion, fifty million, four hundred eighty thousand, two hundred sixty-seven dollars and fifty-six cents.

One year ago, July 13, 2000, the Federal debt stood at $5,666,740,000,000, five trillion, six hundred sixty-six billion, seven hundred forty million.

Twenty-five years ago, July 13, 1976, the Federal debt stood at $617,642,000,000, six hundred seventeen billion, six hundred forty-two million, which reflects a debt increase of more than $5 trillion, $5,087,408,480,267.56, five trillion, eighty-seven billion, four hundred eight million, four hundred eighty thousand, two hundred sixty-seven dollars and fifty-six cents during the past 25 years.

ADDITIONAL STATEMENTS

TRIBUTE TO JAMES A. TURNER

• Mr. SHELBY. Mr. President, I rise today to pay tribute to a dear friend, James A. Turner of Tuscaloosa, Alabama. Jim Turner was a man of great courage, intelligence and character. We were friends for more than 40 years. I believe America has lost a great patriot with the recent death of James A. Turner.

Born in 1925, Jim grew up on a farm just outside of Tuscaloosa, Alabama. As World War II began, Jim left high school to serve his country. He enlisted in the Marine Corps and served with honor. Indeed, he earned and received the Purple Heart in 1945 on Iwo Jima when a machine gun blinded him during battle.

Jim returned to Alabama and in spite of his blindness earned his undergraduate degree in 1949. He received his juris doctorate from the University of Alabama in 1952. Jim always credited his wife and classmate, Louise, for his success in school. Louise read Jim's textbooks to him so he could keep up with his studies.

Following graduation, Louise joined Jim at their law firm, Turner and Turner. Today, their son, Don, and their grandson, Brian, also work at Turner and Turner. The family law firm has spanned five decades and continues to thrive in Tuscaloosa.

Together, Jim and Louise raised three wonderful sons, Don, Rick and Glenn, who have brought them great joy in life. Their grandchildren, Brian, Lindsay and Brittany; and great-granddaughter Farris, are sources of considerable pride.

Jim was active in his community. He was an active member of the Tuscaloosa Bar Association and also served

as President of the Tuscaloosa Bar Association. His family worshiped at United Methodist Church in Alberta.

We have in recent years heard reference to ''the Greatest Generation.'' Many of us have friends and relatives who have served our country and earned the right to wear that mantle. However, I know of few men who lived every day of their lives with the valor, courage, and love of country with which Jim Turner lived his entire life.

Our country has lost a good man and great lawyer, a devoted husband and father, a proud Marine and a loyal American. Words cannot express the respect I have for Jim Turner, nor can they express the sorrow my family and our community feels since this loss.●

TRIBUTE TO MORTIMER CAPLIN

● Mr. WARNER. Mr. President, I rise today to honor a man whose lifetime record of achievement and service is the embodiment of the best of America. My friend, Mortimer Caplin, has for 6½ decades honorably served his Nation, his community, and our beloved University of Virginia, amassing an exemplary record of accomplishment of the highest order. I ask unanimous consent that the following remarks made by Robert E. Scott, Dean of the University of Virginia Law School, be printed in the RECORD. These remarks are part of a speech Dean Scott made during the presentation to Mr. Caplin of The Thomas Jefferson Foundation Medal in Law, the University of Virginia's highest honor.

REMARKS OF DEAN ROBERT E. SCOTT UPON THE PRESENTATION OF THE THOMAS JEFFERSON FOUNDATION MEDAL IN LAW TO MORTIMER M. CAPLIN, APRIL 12, 2001

MR. PRESIDENT, MR. RECTOR, AND DISTINGUISHED GUESTS: Today is the 10th, and last time I will stand in this glorious space and introduce a recipient of the Jefferson Medal in Law. None of the prior occasions have given me as much joy and pleasure as the duty I discharge today. It is my great honor to present Mortimer M. Caplin, the 2001 recipient of the Thomas Jefferson Foundation Medal in Law. Mortimer Caplin represents the very best of the University's aspirations for its own. Some people gain distinction by happenstance, by being in the right place and the right time and then rising to the occasion. Mortimer Caplin's reputation rests on a lifetime of achievement. Throughout the nearly seven decades that he has been associated with the University, he has exemplified a singular constancy of excellence. At every step of the way he has shown how talent, courage, persistence and a commitment to service can combine to inspire and transform us. These are exactly the qualities that Mr. Jefferson exemplified in his own life and wanted his University to embody.

Mortimer Caplin was born in New York in 1916. He came to Charlottesville in 1933, graduating from the college in 1937 and the Law School in 1940. As an undergraduate, he not only earned the highest academic honors but excelled at what the University then regarded as the most estimable athletic endeavor its students could undertake, intercollegiate boxing. At the Law School, he displayed the same pattern of remarkable success. He was elected editor-in-chief of the Law Review and went on to serve as law clerk for Judge Armistead Dobie, a former Dean of the Law School who by tradition chose the most outstanding graduate of each class as his assistant.

Mort had barely begun his career as a New York lawyer when World War II broke out. In anticipation of the conflict, he already had enlisted in the Navy and took up his commission shortly after Pearl Harbor. Eager for active duty, he requested a transfer out of the stateside intelligence work that was his first assignment. The Navy responded by making him a beachmaster on Omaha Beach during the Normandy invasion. Facing enemy fire, Mort had to make hard choices quickly to ensure that supplies and reinforcements kept coming. When the occasion required it, he used creativity and imagination to cut through bureaucratic impediments to achieving his essential mission. Thus, when a ship's captain refused to beach his vessel at a time when the ammunition it carried was in short supply along the front and no other method of delivering its cargo presented itself, Mort invented a two-star general whose imaginary order got the job done.

Mort Caplin returned from the war to New York, but not many years later heard the University's call and answered, joining the Law faculty in 1950. For over a decade he taught federal taxation and constitutional law. During this time he produced important scholarship and excelled in the classroom. Perhaps equally important was the leadership role Mortimer Caplin played at the University and in the Charlottesville community. In 1950 Mort led the Law faculty in its unanimous decision to admit Gregory Swanson to the Law School, the first African-American to enroll at the University. Subsequently, Mort was a central figure in organizing the efforts of the Charlottesville community to circumvent the ''massive resistance'' campaign that Virginia's political leaders had launched at the Supreme Court's desegregation mandate. Mort, along with other law faculty and their spouses worked unceasingly to ensure that neither children nor civil rights suffered during this dark time in Virginia's history.

A brilliant and popular professor, Mort Caplin dazzled his students. One who was especially impressed was Robert F. Kennedy, the younger brother of a rising star in the Democratic Party. Several years later, after that rising star had become the President of the United States, John F. Kennedy appointed his brother's former tax professor as United States Commissioner of Internal Revenue. Mort accepted this challenge with his characteristic energy and good judgment. He led that critically important if sometimes unpopular agency for three years, at a time of significant changes in the United States economy and the tax system. At the end of his term, the Treasury Department granted him the Alexander Hamilton award, the highest possible honor that institution can bestow.

Having traveled to Washington, Mort chose to stay. He recognized the need for a first-rate law firm specializing in tax practice and, with Douglas Drysdale, another Virginia alumnus, founded Caplin & Drysdale.

Shortly after establishing his law firm, Mort resumed his teaching at the Law School. For more than twenty years he taught advanced courses emphasizing the interplay of tax law and practice. For many students at Virginia, tax law with Mortimer Caplin became a springboard for a career both as public servants and as practitioners in the nation's elite law firms. Mort consistently emphasized the importance of a lawyer's independence and judgment, and preached the central obligation of advancing the public interest while serving one's clients. He sought to lead his students to a life in law that would ennoble and dignify the person living it.

During this time of building a prestigious law firm and extending a teaching career, Mort Caplin still found time for significant service to the bar and the general public. He served as President of the Indigent Civil Litigation Fund and on the executive committee of the Washington Lawyers Committee for Civil Rights under Law, on numerous significant committees of the American Bar Association, and various charitable organizations. His service as a trustee of the Law School foundation in particular provided great vision and support during a period of change and growth. In recognition of this service, Mort collected a remarkable number of awards and distinctions, honorary degrees and other testimonials to his generosity and accomplishments.

In 1988, at the age of 72, Mort Caplin became a Professor Emeritus of the University. This simply opened a new phase in his astonishing career of service and dedication to this University and to the profession. Still to come was a five-year term on the University's Board of Visitors and exemplary service to the Law School as chair of the executive committee of our recently concluded capital campaign. When we began the Law School campaign in July 1992, the first person I went to see was Mortimer Caplin. When I asked whether he would lead what would become an eight-year fundraising effort. Mort replied simply, ''I'll do it.'' True to his word, he did. By dint of his example and leadership, the Law School recently concluded the most successful campaign in the history of American legal education.

Mort Caplin remains to this day a central figure in the governance of the Law School and its guidance into the twenty-first century. He has been a driving force behind the Law School's commitment to a broad public vision, as reflected in our decision to dedicate our Public Service Center in his honor. He, in turn, has honored, elevated, and enriched us along every possible dimension.

Mr. President, Mortimer Caplin comes to us today as the embodiment of what Mr. Jefferson envisioned as the best that we Americans have within us. He has lived a life in law as a high calling, one dedicated to advancement of knowledge, service to the nation, husbanding the great resources with which we have been endowed and ensuring that all Americans can take part in our great national banquet and enjoy the opportunities that life in America presents. On behalf of the School of Law and the selection committee, it is my privilege to introduce Mortimer M. Caplin as the 2001 recipient of the Thomas Jefferson Foundation Medal in Law.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2802. A communication from the Director of the Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Disclosure and Amendment of Records Pertaining to Individuals Under the Privacy Act'' received on June 26, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2803. A communication from the Director of the Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the

report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' received on June 26, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2804. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Congressional and Intergovernmental Affairs, received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2805. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Policy, received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2806. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a nomination and a nomination confirmed for the position of Assistant Secretary for Administration and Management, received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2807. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Chief Financial Officer, EX–IV, received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2808. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy in the position of Wage Hour Administrator, EX–V, received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2809. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for PWBA, received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2810. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Assistant Secretary for Congressional and Intergovernmental Affairs, EX–IV, received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2811. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Assistant Secretary for Policy, EX–IV, received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2812. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for VETS, EX–IV, received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2813. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy in the position of Director of the Women's Bureau, SL–8, received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2814. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, Employment and Training Administration, received on June 27 , 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2815. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Solicitor of Labor, received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2816. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Secretary of Labor, received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2817. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Assistant Secretary, Occupational Safety and Health Administration, received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2818. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Assistant Secretary, Employment Standards Administration, received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2819. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a nomination for the position of Deputy Secretary of Labor, received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2820. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a nomination for the position of Solicitor of Labor, received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2821. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a nomination and a nomination confirmed for the position of Director of the Women's Bureau, received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2822. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a nomination and a nomination confirmed for the position of Assistant Secretary for Mine Safety and Health, received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2823. A communication from the Acting Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a nomination and a nomination confirmed for the position of Assistant Secretary for Pension and Welfare Benefits Administration, received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2824. A communication from the Secretary of Health and Human Services, transmitting, a report entitled ''Protections for Children in Research''; to the Committee on Health, Education, Labor, and Pensions.

EC–2825. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Secondary Direct Food Additives Permitted in Food for Human Consumption'' (Doc. No. 00F–1488) received on June 27, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2826. A communication from the Associate Solicitor for Legislation and Legal Counsel, Department of Labor, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of the Occupational Safety and Health Administration, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2827. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a nomination confirmed for the position of Deputy Secretary of Labor, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2828. A communication from the Associate Solicitor for Legislation and Legal Counsel, Department of Labor, transmitting, pursuant to law, the report of the designation of acting officer for the position of Assistant Secretary for Public Affairs, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2829. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of the designation of acting officer for the position of Solicitor of Labor, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2830. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Solicitor of Labor, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2831. A communication from the Acting Assistant General Counsel for Regulations, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''Federal Family Education Loan Program and William D. Ford Federal Direct Loan Program'' received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2832. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Requirements for Testing Human Blood Donors for Evidence of Infection Due to Communicable Disease Agents'' (Doc. No. 98N–0581) received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2833. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''General Requirements for Blood, Blood Components, and Blood Derivatives; Donor Notification'' (Doc. No. 98N–0607) received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2834. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Tobacco Control Activities in the United States, 1994–1999''; to the Committee on Health, Education, Labor, and Pensions.

EC–2835. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Secretary of Education, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2836. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Secretary of Education, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2837. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2838. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Chief Financial Officer, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2839. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, Office of Intergovernmental and Interagency Affairs, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2840. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, Office for Civil Rights, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2841. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, Office of Elementary and Secondary Education, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2842. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, Office of Legislation and Congressional Affairs, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2843. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of General Counsel, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2844. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, Office of Special Education and Rehabilitative Services, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2845. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Commissioner of Rehabilitative Services Administration, Office of Special Education and Rehabilitative Services, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2846. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, Office of Postsecondary Education, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2847. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary of the Office of Educational Research and Improvement, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2848. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Commissioner of Education Statistics, Office of Educational Research and Improvement, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2849. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, Office of Vocational and Adult Education, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2850. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, Office of Management, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2851. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Secretary of Education, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2852. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Deputy Secretary of Education, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2853. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2854. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, Office of Intergovernmental and Interagency Affairs, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2855. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, Office of Elementary and Secondary Education, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2856. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, Office of Legislation and Congressional Affairs, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2857. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of General Counsel, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2858. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, Office of Educational Research and Improvement, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2859. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination confirmed for the position of Secretary of Education, received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2860. A communication from the White House Liaison, Department of Education, transmitting, pursuant to law, the report of a nomination confirmed for the position of Deputy Secretary of Education , received on June 28, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2861. A communication from the Acting Director of the United States Office of Personnel Management, transmitting, pursuant to law, the report of a vacancy in the position of Deputy Director, received on June 28, 2001; to the Committee on Governmental Affairs.

EC–2862. A communication from the Acting Director of the United States Office of Personnel Management, transmitting, pursuant to law, the report of a nomination for the position of Director, received on June 28, 2001; to the Committee on Governmental Affairs.

EC–2863. A communication from the Chairman of the Board of Directors of the Corporation for Public Broadcasting, transmitting, pursuant to law, the report of the Office of the Inspector General for the period beginning October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2864. A communication from the Executive Director of the Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list, received on June 28, 2001; to the Committee on Governmental Affairs.

EC–2865. A communication from the Acting Commissioner of Social Security, transmitting, pursuant to law, the report of the Office of the Inspector General for the period beginning October 1, 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2866. A communication from the Inspector General of the Federal Housing Finance Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period beginning October 1 , 2000 through March 31, 2001; to the Committee on Governmental Affairs.

EC–2867. A communication from the Chairman of the United States Merit Systems Protection Board, transmitting, pursuant to law, the Annual Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–2868. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities and National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities'' (FRL6997–9) received on June 21, 2001; to the Committee on Environment and Public Works.

EC–2869. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''NESHAP: Standards for Hazardous

Air Pollutants for Hazardous Waste'' (FRL7001–8) received on June 21, 2001; to the Committee on Environment and Public Works.

EC–2870. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; New Source Review Revision'' (FRL6999–6) received on June 27, 2001; to the Committee on Environment and Public Works.

EC–2871. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval of Section 112(1) Authority for Hazardous Air Pollutants; Chemical Accident Prevention; Risk Management Plans; New Jersey Department of Environmental Protection'' (FRL6996–7) received on June 27, 2001; to the Committee on Environment and Public Works.

EC–2872. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''OMB Approvals Under the Paperwork Reduction Act; Technical Amendment'' (FRL6771–7) received on June 27, 2001; to the Committee on Environment and Public Works.

EC–2873. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for Colorado; Long-Term Strategy of State Implementation Plan for Class I Visibility Protection: Craig Station Requirements'' (FRL7005–8) received on June 28, 2001; to the Committee on Environment and Public Works.

EC–2874. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a report relative to the Commonwealth of Massachusetts; to the Committee on Environment and Public Works.

EC–2875. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–2876. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Attorney General, Antitrust Division, received on July 9, 2001; to the Committee on the Judiciary.

EC–2877. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Director, Federal Bureau of Investigations, received on July 9, 2001; to the Committee on the Judiciary.

EC–2878. A communication from the Director of the Office of Regulations Management, Board of Veterans' Appeals, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled ''Board of Veterans' Appeals: Rules of Practice—Effect of Procedural Defects in Motions for Revision of Decisions on the Grounds of Clear and Unmistakable Error'' (RIN2900–AK74) received on June 11, 2001; to the Committee on Veterans' Affairs.

EC–2879. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice 2001–43'' (OGI–124010–01) received on July 2, 2001; to the Committee on Finance.

EC–2880. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Secondary Direct Food Additives Permitted in Food for Human Consumption'' (Doc. No. 00F–1482) received on July 5, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–2881. A communication from the Congressional Review Coordinator , Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Gypsy Moth Generally Infested Areas'' (Doc. No. 01–049–1) received on July 5, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2882. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Extension of Tolerances for Emergency Exemptions (Multiple Chemicals)'' (FRL6793–8) received on July 11, 2001; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2883. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''National Flood Insurance Program; Clarification of Letter of Map Amendment Determinations'' (RIN3067–AD19) received on July 5, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2884. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' (Doc. No. FEMA–B–7415) received on July 5, 2001; to the Committee on Banking , Housing, and Urban Affairs.

EC–2885. A communication from the Assistant Secretary for Export Administration, Bureau of Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Exports of Agricultural Commodities, Medicines and Medical Devices'' (RIN0694–AC37) received on July 10, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–2886. A communication from the Chairman of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the District of Columbia Budget for Fiscal Year 2002 and the Financial Plans for Fiscal Years 2002–2005; to the Committee on Governmental Affairs.

EC–2887. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Comparative Analysis of Actual Cash Collections to Revenue Estimates for the 2nd Quarter of Fiscal Year 2001''; to the Committee on Governmental Affairs.

EC–2888. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Disaster Assistance Debris Removal'' (RIN3067–AD08) received on July 5, 2001; to the Committee on Environment and Public Works.

EC–2889. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Joaquin Valley Unified Air Pollution District'' (FRL6995–7) received on July 5, 2001; to the Committee on Environment and Public Works.

EC–2890. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revision to the California State Implementation Plan, Bay Area Air Quality Management District, El Dorado County Air Pollution Control District'' (FRL7005–1) received on July 5, 2001; to the Committee on Environment and Public Works.

EC–2891. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plan for Texas: Transportation Control Measures Rule'' (FRL7010–9) received on July 10, 2001; to the Committee on Environment and Public Works.

EC–2892. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans: Alabama: Nitrogen Oxides Budget and Allowance Trading Program'' (FRL7012–1) received on July 10, 2001; to the Committee on Environment and Public Works.

EC–2893. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Texas; Houston/Galveston Volatile Organic Compound Reasonably Available Control Technology Revision'' (FRL7001–6) received on July 10, 2001; to the Committee on Environment and Public Works.

EC–2894. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills'' (FRL6997–8) received on July 10, 2001; to the Committee on Environment and Public Works.

EC–2895. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Regulation of Fuel and Fuel Additives: Reformulated Gasoline Adjustment'' (FRL7011–2) received on July 10, 2001; to the Committee on Environment and Public Works.

EC–2896. A communication from the Principal Deputy Associate Administrator or the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Indiana'' (FRL7004–1) received on July 13, 2001; to the Committee on Environment and Public Works.

EC–2897. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Request for Reproposals: For the Operation of the Intergrated Atmospheric Deposition Network (IADN)'' received on July 13, 2001; to the Committee on Environment and Public Works.

EC–2898. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''SOLICITATION: To Promote the Use of Market Based Mechanisms to Address Environmental Issues—Financial Component'' received on July 13, 2001; to the Committee on Environment and Public Works.

EC–2899. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Process for Exempting Quarantine and Preshipment Applications of Methyl Bromide'' (FRL7014–5) received on July 13, 2001; to the Committee on Environment and Public Works.

EC–2900. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary of Indian Affairs, received on July 11, 2001; to the Committee on Indian Affairs.

EC–2901. A communication from the Deputy Assistant Secretary of Indian Affairs (Management), Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''25 CFR Part 11, Law and Order on Indian Reservations'' (RIN1076–AE19) received on July 13, 2001; to the Committee on Indian Affairs.

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of January 3, 2001, the following reports of committees were submitted on July 13, 2001:

By Mrs. MURRAY, from the Committee on Appropriations, without amendment:

S. 1178: An original bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2002, and for other purposes (Rept. No. 107–38).

By Mr. REID, from the Committee on Appropriations:

Report to accompany S. 1171, An original bill making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes (Rept. No. 107–39).

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2002.'' (Rept. No. 107–40).

REPORTS OF COMMITTEES RECEIVED DURING RECESS

The following reports of committees were submitted on July 16, 2001:

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 180: A bill to facilitate famine relief efforts and a comprehensive solution to the war in Sudan.

S. 494: A bill to provide for a transition to democracy and to promote economic recovery in Zimbabwe.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. JOHNSON (for himself and Mr. CRAIG):

S. 1179. A bill to amend the Richard B. Russell National School Lunch Act to ensure an adequate level of commodity purchases under the school lunch program; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. EDWARDS:

S. 1180. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating the International Civil Rights Center and Museum in the State of North Carolina as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LUGAR (for himself and Mr. BAYH):

S. 1181. A bill to designate the facility of the United States Postal Service located at 2719 South Webster Street in Kokomo, Indiana, as the ''Elwood Haynes ''Bud'' Hillis Post Office Building''; to the Committee on Governmental Affairs.

By Mr. HOLLINGS:

S. 1182. A bill to direct the Secretary of the Army to lease land at the Richard B. Russell Dam and Lake Project, South Carolina, to the South Carolina Department of Commerce, and for other purposes; to the Committee on Environment and Public Works.

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 1183. A bill to authorize the modification of a pump station intake structure and discharge line of the Fort Fairfield, Maine, flood control project at full Federal expense; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. ROCKEFELLER (for himself and Mr. BYRD):

S. Res. 134. A resolution authorizing that the Senate office of Senator John D. Rockefeller IV be used to collect donations of clothing from July 13, 2001, until July 20, 2001, from concerned Members of Congress and staff to assist the West Virginia families suffering from the recent disaster of flooding and storms; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS, THURSDAY, JULY 12, 2001

By Mr. VOINOVICH (for himself and Mr. CARPER):

S. 1176. A bill to strengthen research conducted by the Environmental Protection Agency, and for other purposes; to the Committee on Environment and Public Works.

Mr. VOINOVICH. Mr. President, I rise today to introduce legislation with my friend and colleague, Senator CARPER, which will strengthen the use of science at the Environmental Protection Agency. By improving science at the Agency, we will be improving the framework of our regulatory decisions. It is important that these regulations be effective, not onerous and inefficient. To make government regulations efficient, they must be based on a solid foundation of scientific understanding and data.

Last year, the National Research Council released a report, ''Strengthening Science at the U.S. Environmental Protection Agency: Research Management and Peer Review Practices'' which outlined current practices at the EPA and made recommendations for improving science within the agency. The bill we are introducing today, the ''Environmental Research Enhancement Act,'' builds on the NRC report.

When the Environmental Protection Agency was created in 1970 by President Nixon, its mission was set to protect human health and safeguard the environment. In the 1960s, it had become increasingly clear that ''we needed to know more about the total environment—land, water, and air.'' The EPA was part of President Nixon's reorganizational efforts to effectively ensure the protection, development and enhancement of the total environment.

For the EPA to reach this mission, establishing rules and priorities for clean land, air and water require a fundamental understanding of the science behind the real and potential threats to public health and the environment. Unfortunately, many institutions, citizens and groups believe that science has not always played a significant role in the decision-making process at the EPA.

In NRC's report last year, it was concluded that, while the use of sound science is one of the Environmental Protection Agency's goals, the EPA needs to change its current structure to allow science to play a more significant role in decisions made by the Administrator.

The legislation we are introducing today looks to address those shortcomings at the EPA by implementing portions of the report that require congressional authorization.

Under our bill, a new position, Deputy Administrator for Science and Technology will be established at the EPA. This individual will oversee the Office of Research and Development; the Environmental Information Agency; the Science Advisory board; the Science Policy Council; and the scientific and technical activities in the regulatory program at the EPA. This new position is equal in rank to the current Deputy Administrator and would report directly to the Administrator. The new Deputy would be responsible for coordinating scientific research and application between the scientific and regulatory arms of the Agency. This will ensure that sound science is the basis for regulatory decisions. The new Deputy's focus on science could also change how environmental decisions are made.

Additionally, the Assistant Administrator for Research and Development, currently the top science job at the EPA, will be appointed for 6 years versus the current 4 years political appointment. Historically, this position is recognized to be one of the EPA's weakest and most transient administrative positions according to NRC's report, even though in my view, the position addresses some of the Agency's more important topics. By lengthening the term of this Assistant Administrator position and removing it from the realm of politics, I believe there will be more continuity in the scientific work of the Agency across administrations and allow the Assistant

Administrator to focus on science conducted at the Agency.

In 1997, we learned the problems that can arise when sound science is not used in making regulatory decisions. Following EPA's ozone and particulate matter regulations there was great uncertainty on the scientific side.

When initially releasing the Ozone/PM regulations, the EPA greatly over estimated the impacts for both ozone and PM, and they had to publicly change their figures later on. Additionally, they selectively applied some study results while ignoring others in their calculations. For example, the majority of the health benefits for ozone are based on one PM study by a Dr. Moogarkar, even though the Agency ignored the PM results of that study because it contradicted their position on PM.

The legislation that Senator CARPER and I are introducing will ensure that science no longer takes a ''back seat'' at the Environmental Protection Agency in terms of policy making. I call on my colleagues to join us in cosponsoring this bill, and I urge speedy consideration of this bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1176

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 ''Environmental Research Enhancement Act of 2001''.

SEC. 2. ENVIRONMENTAL PROTECTION AGENCY RESEARCH ACTIVITIES.

(a) IN GENERAL.—Section 6 of the Environmental Research, Development, and Demonstration Authorization Act of 1979 (42 U.S.C. 4361c) is amended by adding at the end the following:

''(e) DEPUTY ADMINISTRATOR FOR SCIENCE AND TECHNOLOGY.—

''(1) ESTABLISHMENT.—There is established in the Environmental Protection Agency (referred to in this section as the 'Agency') the position of Deputy Administrator for Science and Technology.

''(2) APPOINTMENT.—

''(A) IN GENERAL.—The Deputy Administrator for Science and Technology shall be appointed by the President, by and with the advice and consent of the Senate.

''(B) CONSIDERATION OF RECOMMENDATIONS.—In making an appointment under subparagraph (A), the President shall consider recommendations submitted by—

''(i) the National Academy of Sciences;

''(ii) the National Academy of Engineering; and

''(iii) the Science Advisory Board established by section 8 of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4365).

''(3) RESPONSIBILITIES.—

''(A) OVERSIGHT.—The Deputy Administrator for Science and Technology shall coordinate and oversee—

''(i) the Office of Research and Development of the Agency (referred to in this section as the 'Office');

''(ii) the Office of Environmental Information of the Agency;

''(iii) the Science Advisory Board;

''(iv) the Science Policy Council of the Agency; and

''(v) scientific and technical activities in the regulatory program and regional offices of the Agency.

''(B) OTHER RESPONSIBILITIES.—The Deputy Administrator for Science and Technology shall—

''(i) ensure that the most important scientific issues facing the Agency are identified and defined, including those issues embedded in major policy or regulatory proposals;

''(ii) develop and oversee an Agency-wide strategy to acquire and disseminate necessary scientific information through intramural efforts or through extramural programs involving academia, other government agencies, and the private sector in the United States and in foreign countries;

''(iii) ensure that the complex scientific outreach and communication needs of the Agency are met, including the needs—

''(I) to reach throughout the Agency for credible science in support of regulatory office, regional office, and Agency-wide policy deliberations; and

''(II) to reach out to the broader United States and international scientific community for scientific knowledge that is relevant to Agency policy or regulatory issues;

''(iv) coordinate and oversee scientific quality-assurance and peer-review activities throughout the Agency, including activities in support of the regulatory and regional offices;

''(v) develop processes to ensure that appropriate scientific information is used in decisionmaking at all levels in the Agency; and

''(vi) ensure, and certify to the Administrator of the Agency, that the scientific and technical information used in each Agency regulatory decision and policy is—

''(I) valid;

''(II) appropriately characterized in terms of scientific uncertainty and cross-media issues; and

''(III) appropriately applied.

''(f) ASSISTANT ADMINISTRATOR FOR RESEARCH AND DEVELOPMENT.—

''(1) TERM OF APPOINTMENT.—Notwithstanding any other provision of law, the Assistant Administrator for Research and Development of the Agency shall be appointed for a term of 6 years.

''(2) APPLICABILITY.—Paragraph (1) applies to each appointment that is made on or after the date of enactment of this subsection.

''(g) SENIOR RESEARCH APPOINTMENTS IN OFFICE OF RESEARCH AND DEVELOPMENT LABORATORIES.—

''(1) ESTABLISHMENT.—The head of the Office, in consultation with the Science Advisory Board and the Board of Scientific Counselors of the Office, shall establish a program to recruit and appoint to the laboratories of the Office senior researchers who have made distinguished achievements in environmental research.

''(2) AWARDS.—

''(A) IN GENERAL.—The head of the Office shall make awards to the senior researchers appointed under paragraph (1)—

''(i) to support research in areas that are rapidly advancing and are related to the mission of the Agency; and

''(ii) to train junior researchers who demonstrate exceptional promise to conduct research in such areas.

''(B) SELECTION PROCEDURES.—The head of the Office shall establish procedures for the selection of the recipients of awards under this paragraph, including procedures for consultation with the Science Advisory Board and the Board of Scientific Counselors of the Office.

''(C) DURATION OF AWARDS.—Awards under this paragraph shall be made for a 5-year period and may be renewed.

''(3) PLACEMENT OF RESEARCHERS.—Each laboratory of the Office shall have not fewer than 1 senior researcher appointed under the program established under paragraph (1).

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

''(h) OTHER ACTIVITIES OF OFFICE OF RESEARCH AND DEVELOPMENT.—

''(1) ACTIVITIES OF THE OFFICE.—The Office shall—

''(A) make a concerted effort to give research managers of the Office a high degree of flexibility and accountability, including empowering the research managers to make decisions at the lowest appropriate management level consistent with the policy of the Agency and the strategic goals and budget priorities of the Office;

''(B) maintain approximately an even balance between core research and problem-driven research;

''(C) develop and implement a structured strategy for encouraging, and acquiring and applying the results of, research conducted or sponsored by other Federal and State agencies, universities, and industry, both in the United States and in foreign countries; and

''(D) substantially improve the documentation and transparency of the decisionmaking processes of the Office for—

''(i) establishing research and technical-assistance priorities;

''(ii) making intramural and extramural assignments; and

''(iii) allocating funds.

''(2) ACTIVITIES OF THE ADMINISTRATOR.—The Administrator of the Agency shall—

''(A) substantially increase the efforts of the Agency—

''(i) to disseminate actively the research products and ongoing projects of the Office;

''(ii) to explain the significance of the research products and projects; and

''(iii) to assist other persons and entities inside and outside the Agency in applying the results of the research products and projects;

''(B)(i) direct the Deputy Administrator for Science and Technology to expand on the science inventory of the Agency by conducting, documenting, and publishing a more comprehensive and detailed inventory of all scientific activities conducted by Agency units outside the Office, which inventory should include information such as—

''(I) project goals, milestones, and schedules;

''(II) principal investigators and project managers; and

''(III) allocations of staff and financial resources; and

''(ii) use the results of the inventory to ensure that activities described in clause (i) are properly coordinated through the Agency-wide science planning and budgeting process and are appropriately peer reviewed; and

''(C) change the peer-review policy of the Agency to more strictly separate the management of the development of a work product from the management of the peer review of that work product, thereby ensuring greater independence of peer reviews from the control of program managers, or the potential appearance of control by program managers, throughout the Agency.''.

(b) DEPUTY ADMINISTRATOR FOR POLICY AND MANAGEMENT.—

(1) IN GENERAL.—The position of Deputy Administrator of the Environmental Protection Agency is redesignated as the position of ''Deputy Administrator for Policy and

Management of the Environmental Protection Agency''.

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Deputy Administrator of the Environmental Protection Agency shall be deemed to be a reference to the Deputy Administrator for Policy and Management of the Environmental Protection Agency.

(c) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Administrator of the Environmental Protection Agency and inserting the following:

''Deputy Administrator for Policy and Management of the Environmental Protection Agency.

''Deputy Administrator for Science and Technology of the Environmental Protection Agency.''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR (for himself and Mr. BAYH):

S. 1181. A bill to designate the facility of the United States Postal Service located at 2719 South Webster Street in Kokomo, Indiana, as the ''Elwood Haynes ''Bud'' Hillis Post Office Building''; to the Committee on Governmental Affairs.

Mr. LUGAR. Madam President, I would like to take this opportunity to pay tribute to a distinguished Hoosier and tireless public servant, former Congressman Bud Hillis.

My colleague, Mr. BAYH, and I are introducing legislation to honor Congressman Hillis by naming the Post Office in Kokomo, Indiana the Elwood Haynes ''Bud'' Hillis Post Office.

Congressman Hillis honorably served the people of Indiana's 5th District in the House of Representatives from 1971 to 1986. Congressman Hillis was a fair and reasonable voice on national security, trade, and veterans' issues. A graduate of Indiana's Culver Military Academy, he enlisted in the Army at the age of 18 and fought in the World War II European Theater as an infantryman for 27 months. After leaving active duty as a first lieutenant, Bud Hillis attended Indiana University and the Indiana University School of Law. He went on to practice law in Howard County, Indiana, and served as Chairman of the county bar association.

Before being elected to Congress in 1970, Congressman Hillis served two terms in the Indiana House of Representatives.

The 1970s and early 1980's were difficult times for many in Indiana's 5th District. A downturn in the auto industry during the recession brought unemployment in some of the district's more highly industrialized communities to over 15 percent. He founded the Congressional Auto Task Force and he helped to round up votes in 1979 to pass legislation that I had sponsored here in the Senate to guarantee loans to the struggling Chrysler Corporation, an employer of more than 60,000 Hoosiers at the time. In 1983, he worked to protect the auto industry from Japanese imports by extending a voluntary restraint agreement. He was a strong force on the Congressional Steel Caucus and served as Vice President of the executive committee.

As a member of the Armed Services Committee, Congressman Hillis was a dependable ally of the Reagan military build-up that helped to bring an end to the Cold War. He supported American service men by backing enlistment bonuses for military personnel and was a proponent of reinstating draft registration, which had ended with the Vietnam War. Further, he was instrumental in development and deployment of the M–1 tank and the preservation of Grissom Air Force Reserve Base in Peru, Indiana.

Congressman Hillis also took a personal interest with the veterans of our Nation. As a member of the Veterans' Affairs Committee, he was a leader in improving health care for veterans and was instrumental in the construction of the community-based outpatient clinic in Crown Point, IN.

Congressman Bud Hillis has a distinguished record of service to his country and to the people of Indiana. The dedication of the post office in Kokomo, Indiana, a city that continues to be involved deeply with the American auto industry that Congressman Hillis supported so strongly, would be a fitting tribute for such an honorable statesman.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1181

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

SECTION 1. DESIGNATION OF ELWOOD HAYNES "BUD" HILLIS POST OFFICE BUILDING.

(a) IN GENERAL.—The facility of the United States Postal Service located at 2719 South Webster Street in Kokomo, Indiana, shall be known and designated as the ''Elwood Haynes 'Bud' Hillis Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Elwood Haynes ''Bud'' Hillis Post Office Building.

By Mr. HOLLINGS:

S. 1182. A bill to direct the Secretary of the Army to lease land at the Richard B. Russell Dam and Lake Project, South Carolina, to the South Carolina Department of Commerce, and for other purposes; to the Committee on Environment and Public Works.

Mr. HOLLINGS. Madam President, I rise today to introduce legislation that will provide economic stimulation to one of the poorest counties in South Carolina. This legislation will allow the South Carolina Department of Commerce, SCDOC, to proceed with a project that began almost a decade ago. Well, actually the project began long before that, way back when the Army Corps of Engineers built Lake Richard B. Russell in 1984.

Lake Russell is a 26,000-acre freshwater lake on the South Carolina-Georgia border and was very controversial when originally proposed by the Army Corps of Engineers. Enhancement of economic development in the region was a main selling point of the Corps to overcome State, local and environmental objections to the lake. Yet, to date, virtually no development has occurred despite efforts from South Carolina's Department of Commerce. Today, there is not a single room for rent by the public within sight of, or within reasonable walking distance of, the lake. There is only one gas pump on the entire lake and that is at a State park.

Following the completion of Lake Russell in 1984, the Department of Commerce and Abbeville County began a plan for the development of a lakefront golf and vacation resort. The Department contracted with a development company in 1997 to develop the project, but in 1998, due to financial difficulties, construction was suspended and the developer defaulted on its Development Agreement with SCDOC. As a result of this default, the Commerce Department terminated the agreement and the property was returned to the State.

In January 1999, in an attempt to complete this project, SCDOC solicited proposals from various qualified developers. After consideration of several proposals, a developer was selected that had a history of successful developments throughout the State of South Carolina. However, in order for the project to be successful, changes to the current lease have to be made. These changes are reflected by the proposed legislation.

When drafting this legislation, I wanted to address several points that may cause concern. First, I wanted to make sure the public had an opportunity to be involved throughout the process. Second, I wanted to make sure any additional land that was included in the project would be mitigated by providing lands with similar ecological values and habitat. And third, I wanted to ensure that this project would be economically viable. I believe the legislation does this.

Like I said, the legislation is simple and will bring economic development to a county that has longed for it. By completing this project, Abbeville County will be able to take advantage of the economic stimulation created by vacationers and tourism from the surrounding major cities, which include Atlanta, Macon, Columbia, Greenville, and Augusta. This economic development was promised when the lake was built in 1984 and I believe we should honor our commitment.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 134—AUTHORIZING THAT THE SENATE OFFICE OF SENATOR JOHN D. ROCKEFELLER IV BE USED TO COLLECT DONATIONS OF CLOTHING FROM JULY 13, 2001, UNTIL JULY 20, 2001, FROM CONCERNED MEMBERS OF CONGRESS AND STAFF TO ASSIST THE WEST VIRGINIA FAMILIES SUFFERING FROM THE RECENT DISASTER OF FLOODING AND STORMS

Mr. ROCKEFELLER (for himself and Mr. BYRD) submitted the following resolution; which was considered and agreed to:

S. RES. 134

Whereas southern West Virginia has been devastated by recent flash flooding;

Whereas 2 West Virginians tragically lost their lives in the recent flooding;

Whereas thousands of West Virginians have been left homeless, and many more have severe damage to their homes and personal property, and many do not have safe drinking water or electric power because of the flooding; and

Whereas on July 5, 2001, President Bush amended the Federal Disaster Declaration to cover 18 West Virginia counties, including Boone, Cabell, Calhoun, Clay, Kanawha, Lincoln, Logan, Mason, McDowell, Mercer, Mingo, Preston, Putnam, Raleigh, Roane, Summers, Wayne, and Wyoming: Now, therefore, be it

Resolved, That the Senate office of Senator John D. Rockefeller IV is authorized to collect donations of clothing from July 13, 2001, until July 20, 2001, from concerned Members and staff to assist the West Virginia families suffering from the recent disaster of flooding and storms.

AMENDMENTS SUBMITTED AND PROPOSED

SA 977. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 974 submitted by Mr. LEAHY and intended to be proposed to the bill (H.R. 333) to amend title 11, United States Code, and for other purposes; which was ordered to lie on the table.

SA 978. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 333, supra; which was ordered to lie on the table.

SA 979. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 974 submitted by Mr. LEAHY and intended to be proposed to the bill (H.R. 333) supra; which was ordered to lie on the table.

SA 980. Mr. REID (for Mr. BYRD (for himself and Mr. STEVENS)) proposed an amendment to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes.

TEXT OF AMENDMENTS

SA 977. Mr. WELLSTONE submitted an amendment intended to be proposed to amendment SA 974 submitted by Mr. LEAHY and intended to be proposed to the bill (H.R. 333) to amend title 11, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STUDY OF THE EFFECT OF THE BANKRUPTCY REFORM ACT OF 2001.

(a) STUDY.—The General Accounting Office (in this section referred to as the ''GAO'') shall conduct a study to determine—

(1) the impact of this Act and the amendments made by this Act on—

(A) the number of filings under chapter 7 and chapter 13 of title 11, United States Code;

(B) the number of plan confirmations under chapter 13 of title 11, United States Code, and the number of such plans that are successfully completed; and

(C) the cost of filing for bankruptcy under chapter 7 and chapter 13 of title 11, United States Code, in each State;

(2) the effect of the enactment of this Act on—

(A) the availability and marketing of credit; and

(B) the price and terms of credit for consumers; and

(3) the extent to which this Act and the amendments made by this Act impact the ability of debtors below median income to obtain bankruptcy relief.

(b) REPORT TO CONGRESS.—Not later than 2 years after the effective date of this Act, the GAO shall submit a report to the Congress on the results of the study conducted under subsection (a).

(c) DATA COLLECTION BY UNITED STATES TRUSTEES.—

(1) IN GENERAL.—The Director of the Executive Office for United States Trustees shall collect data on the number of reaffirmations by debtors under title 11, United States Code, the identity of the creditors in such reaffirmations, and the type of debt that is reaffirmed.

(2) AVAILABILITY.—Periodically, but not less than annually, the Director shall make available to the public the data described in paragraph (1) in such manner as the Director may determine.

SA 978. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 333, to amend title 11, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 313, relating to the definition of household goods and antiques.

SA 979. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 974 submitted by Mr. LEAHY and intended to be proposed to the bill (H.R. 333) to amend title 11, United States Code, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 313, relating to the definition of household goods and antiques.

SA 980. Mr. REID (for Mr. BYRD (for himself and Mr. STEVENS)) proposed an amendment to the bill H.R. 2311, making appropriations for energy and water development for the fiscal year ending September 30, 2002, and for other purposes; as follows:

Strike all after the enacting clause and insert 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, for energy and water development, and for other purposes, namely:

TITLE I

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by laws, surveys and detailed studies and plans and specifications of projects prior to construction, $152,402,000, to remain available until expended.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by laws; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction), $1,570,798,000, to remain available until expended, of which such sums as are necessary for the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund, as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, for one-half of the costs of construction and rehabilitation of inland waterways projects, including rehabilitation costs for the Lock and Dam 12, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; Lock and Dam 3, Mississippi River, Minnesota; and London Locks and Dam, and Kanawha River, West Virginia, projects; and of which funds are provided for the following projects in the amounts specified:

Red River Emergency Bank Protection, AR, $4,500,000;

Indianapolis Central Waterfront, Indiana, $5,000,000;

Southern and Eastern Kentucky, Kentucky, $2,500,000:

Provided, That using $200,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to conduct, at full Federal expense, technical studies of individual ditch systems identified by the State of Hawaii, and to assist the State in diversification by helping to define the cost of repairing and maintaining selected ditch systems: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $1,300,000 of the funds appropriated herein to continue construction of the navigation project at Kaumalapau Harbor, Hawaii: *Provided further*, That with $800,000 of the funds provided herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to continue construction of the Brunswick County Beaches, North Carolina-Ocean Isle Beach portion in accordance with the General Reevaluation Report approved by the Chief of Engineers on May 15, 1998: *Provided further*, That $2,500,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to use $500,000 to undertake the

Bowie County Levee Project, which is defined as Alternative B Local Sponsor Option, in the Corps of Engineers document entitled Bowie County Local Flood Protection, Red River, Texas, Project Design Memorandum No. 1, Bowie County Levee, dated April 1997: *Provided further*, That the Secretary of the Army is directed to use $4,000,000 of the funds provided herein for Dam safety and Seepage/Stability Correction Program to continue construction of seepage control features at Waterbury Dam, Vermont: *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use $41,100,000 of the funds appropriated herein to proceed with planning, engineering, design or construction of the following elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project:

$4,500,000 for the Clover Fork, Kentucky, element of the project;

$1,000,000 for the City of Cumberland, Kentucky, element of the project;

$1,650,000 for the town of Martin, Kentucky, element of the project;

$2,100,000 for the Pike County, Kentucky, element of the project, including $1,100,000 for additional studies along the tributaries of the Tug Fork and continuation of a Detailed Project Report for the Levisa Fork;

$3,850,000 for the Martin County, Kentucky, element of the project;

$950,000 for the Floyd County, Kentucky, element of the project;

$600,000 for the Harlan County element of the project;

$800,000 for additional studies along tributaries of the Cumberland River in Bell County, Kentucky;

$18,600,000 to continue work on the Grundy, Virginia, element of the project;

$450,000 to complete the Buchanan County, Virginia, Detailed Project Report;

$700,000 to continue the Dickenson County, Detailed Project Report;

$1,500,000 for the Lower Mingo County, West Virginia, element of the project;

$600,000 for the Upper Mingo County, West Virginia, element of the project;

$600,000 for the Wayne County, West Virginia, element of the project;

$3,200,000 for the McDowell County element of the project:

Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to continue the Dickenson County Detailed Project Report as generally defined in Plan 4 of the Huntington District Engineer's Draft Supplement to the Section 202 General Plan for Flood Damage Reduction dated April 1997, including all Russell Fork tributary streams within the County and special considerations as may be appropriate to address the unique relocations and resettlement needs for the flood prone communities within the County.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a and 702g–1), $328,011,000, to remain available until expended.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation, $1,833,263,000, to remain available until expended, of which such sums as become available in the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662, may be derived from that Fund, and of which such sums as become available from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l), may be derived from that account for construction, operation, and maintenance of outdoor recreation facilities: *Provided*, That of funds appropriated herein, for the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, the Secretary of the Army, acting through the Chief of Engineers, is directed to reimburse the State of Delaware for normal operation and maintenance costs incurred by the State of Delaware for the SR1 Bridge from station 58+00 to station 293+00 between May 12, 1997 and September 30, 2002. Reimbursement costs shall not exceed $1,277,000: *Provided*, That the Secretary of the Army is directed to use $2,000,000 of funds appropriated herein to remove and reinstall the docks and causeway, in kind, at Astoria East Boat Basin, Oregon: *Provided further*, That $2,000,000 of the funds appropriated herein, the Secretary of the Army, acting through the Chief of Engineers, is directed to dredge a channel from the mouth of Wheeling Creek to Tunnel Green Park in Wheeling, West Virginia.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $128,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites throughout the United States resulting from work performed as part of the Nation's early atomic energy program, $140,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Coastal Engineering Research Board, the Humphreys Engineer Center Support Activity, the Water Resources Support Center, and headquarters support functions at the USACE Finance Center, $153,000,000, to remain available until expended: *Provided*, That no part of any other appropriation provided in title I of this Act shall be available to fund the activities of the Office of the Chief of Engineers or the executive direction and management activities of the division offices.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS

CORPS OF ENGINEERS—CIVIL

SEC. 101. Agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the Rivers and Harbor Act of 1915, Public Law 64–291; section 11 of the River and Harbor Act of 1925, Public Law 68–585; the Civil Functions Appropriations Act, 1936, Public Law 75–208; section 215 of the Flood Control Act of 1968, as amended, Public Law 90–483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended (Public Law 99–662); section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102–580; section 211 of the Water Resources Development Act of 1996, Public Law 104–303, and any other specific project authority, shall be limited to credits and reimbursements per project not to exceed $10,000,000 in each fiscal year, and total credits and reimbursements for all applicable projects not to exceed $50,000,000 in each fiscal year.

SEC. 102. ST. GEORGES BRIDGE, DELAWARE. None of the funds made available in this Act may be used to carry out any activity relating to closure or removal of the St. Georges Bridge across the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, including a hearing or any other activity relating to preparation of an environmental impact statement concerning the closure or removal.

SEC. 103. The Secretary may not expend funds to accelerate the schedule to finalize the Record of Decision for the revision of the Missouri River Master Water Control Manual and any associated changes to the Missouri River Annual Operating Plan.

TITLE II

DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $34,918,000, to remain available until expended, of which $10,749,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account of the Central Utah Project Completion Act and shall be available to carry out activities authorized under that Act.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,310,000, to remain available until expended.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $732,496,000, to remain available until expended, of which $14,649,000 shall be available for transfer to the Upper Colorado River Basin Fund and $31,442,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which $8,000,000 shall be for on-reservation water development, feasibility studies, and related administrative costs under Public Law 106–163; of which not more than 25 percent of the amount provided for drought emergency assistance may be used for financial assistance for the preparation of cooperative drought contingency plans under title II of Public Law 102–250; and of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706:

Provided, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis: *Provided further*, That section 301 of Public Law 102–250, Reclamation States Emergency Drought Relief Act of 1991, as amended, is amended further by inserting ''2001, and 2002'' in lieu of ''and 2001'': *Provided further*, That the amount authorized for Indian municipal, rural, and industrial water features by section 10 of Public Law 89–108, as amended by section 8 of Public Law 99–294, section 1701(b) of Public Law 102–575, Public Law 105–245, and Public Law 106–60 is increased by $2,000,000 (October 1998 prices).

BUREAU OF RECLAMATION LOAN PROGRAM ACCOUNT

For the cost of direct loans and/or grants, $7,215,000, to remain available until expended, as authorized by the Small Reclamation Projects Act of August 6, 1956, as amended (43 U.S.C. 422a–422l): *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, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $26,000,000.

In addition, for administrative expenses necessary to carry out the program for direct loans and/or grants, $280,000, to remain available until expended: *Provided*, That of the total sums appropriated, the amount of program activities that can be financed by the Reclamation Fund shall be derived from that Fund.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $55,039,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $52,968,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed four passenger motor vehicles for replacement only.

GENERAL PROVISIONS

DEPARTMENT OF THE INTERIOR

SEC. 201. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

SEC. 202. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into with an option to purchase: *Provided*, That such purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.

SEC. 203. The Secretary of the Interior is authorized and directed to use not to exceed $1,000,000 of the funds appropriated under title II to refund amounts received by the United States as payments for charges assessed by the Secretary prior to January 1, 1994 for failure to file certain certification or reporting forms prior to the receipt of irrigation water, pursuant to sections 206 and 224(c) of the Reclamation Reform Act of 1982 (96 Stat. 1226, 1272; 43 U.S.C. 390ff, 390ww(c)), including the amount of associated interest assessed by the Secretary and paid to the United States pursuant to section 224(i) of the Reclamation Reform Act of 1982 (101 Stat. 1330–268; 43 U.S.C. 390ww(i)).

TITLE III

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY SUPPLY

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for energy supply, and uranium supply and enrichment activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 17 passenger motor vehicles for replacement only, $736,139,000 to remain available until expended.

NON-DEFENSE ENVIRONMENTAL MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction or expansion, $228,553,000, to remain available until expended.

URANIUM FACILITIES MAINTENANCE AND REMEDIATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to maintain, decontaminate, decommission, and otherwise remediate uranium processing facilities, $408,725,000, of which $287,941,000 shall be derived from the Uranium Enrichment Decontamination and Decommissioning Fund, all of which shall remain available until expended.

SCIENCE

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed 25 passenger motor vehicles for replacement only, $3,268,816,000, to remain available until expended.

NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $25,000,000, to remain available until expended and to be derived from the Nuclear Waste Fund: *Provided*, That $2,500,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities pursuant to the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended: *Provided further*, That $6,000,000 shall be provided to affected units of local governments, as defined in Public Law 97–425, to conduct appropriate activities pursuant to the Act: *Provided further*, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: *Provided further*, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each local entity shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by Public Law 97–425 and this Act. Failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further*, That all proceeds and recoveries by the Secretary in carrying out activities authorized by the Nuclear Waste Policy Act of 1982 in Public Law 97–425, as amended, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended.

DEPARTMENTAL ADMINISTRATION

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses (not to exceed $35,000), $208,948,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until

expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $137,810,000 in fiscal year 2002 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation from the General Fund estimated at not more than $71,138,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $30,000,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of passenger motor vehicles (not to exceed 11 for replacement only), $6,062,891,000, to remain available until expended.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, Defense Nuclear Nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $880,500,000, to remain available until expended: *Provided*, That not to exceed $7,000 may be used for official reception and representation expenses for national security and nonproliferation (including transparency) activities in fiscal year 2002.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $688,045,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator of the National Nuclear Security Administration, including official reception and representation expenses (not to exceed $15,000), $15,000,000, to remain available until expended.

OTHER DEFENSE RELATED ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental restoration and waste management activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of 30 passenger motor vehicles, of which 27 shall be for replacement only, $5,389,868,000, to remain available until expended.

DEFENSE FACILITIES CLOSURE PROJECTS

For expenses of the Department of Energy to accelerate the closure of defense environmental management sites, including the purchase, construction and acquisition of plant and capital equipment and other necessary expenses, $1,080,538,000, to remain available until expended.

DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION

For Department of Energy expenses for privatization projects necessary for atomic energy defense environmental management activities authorized by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), $157,537,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense, other defense activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $564,168,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $250,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $1,500. For the purposes of appropriating funds to assist in financing the construction, acquisition, and replacement of the transmission system of the Bonneville Power Administration up to $2,000,000,000 in borrowing authority is authorized to be appropriated, subject to subsequent annual appropriations, to remain outstanding at any given time: *Provided*, That the obligation of such borrowing authority shall not exceed $0 in fiscal year 2002 and that the Bonneville Power Administration shall not obligate more than $374,500,000 of its permanent borrowing in fiscal year 2002.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, including transmission wheeling and ancillary services, pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $4,891,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, up to $8,000,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, and for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $28,038,000, to remain available until expended; in addition, notwithstanding the provisions of 31 U.S.C. 3302, not to exceed $5,200,000 in reimbursements, to remain available until expended: *Provided*, That up to $1,512,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500, $169,465,000, to remain available until expended, of which $163,951,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That of the amount herein appropriated, $6,091,000 is for deposit into the Utah Reclamation Mitigation and Conservation Account pursuant to title IV of the Reclamation Projects Authorization and Adjustment Act of 1992: *Provided further*, That up to $152,624,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,663,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses (not to exceed $3,000), $181,155,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $181,155,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2002 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as revenues are received during fiscal year 2002 so as to

result in a final fiscal year 2002 appropriation from the General Fund estimated at not more than $0.

GENERAL PROVISIONS
DEPARTMENT OF ENERGY

SEC. 301. (a) None of the funds appropriated by this Act may be used to award a management and operating contract unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver.

(b) At least 60 days before a contract award, amendment, or modification for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Subcommittees on Energy and Water Development of the Committees on Appropriations of the House of Representatives and the Senate a report notifying the subcommittees of the waiver and setting forth the reasons for the waiver.

SEC. 302. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy,

under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h).

SEC. 303. None of the funds appropriated by this Act may be used to augment the $20,000,000 made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2644; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request subject to approval by the appropriate Congressional committees.

SEC. 304. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 305. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 306. Of the funds in this Act or any other Act provided to government-owned, contractor-operated laboratories, not to exceed 6 percent shall be available to be used for Laboratory Directed Research and Development.

SEC. 307. None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of any material category on the date of enactment of this Act, or is generated after such date. For the purposes of this section, the material categories of transuranic waste at the Rocky Flats Environmental Technology Site include: (1) ash residues; (2) salt residues; (3) wet residues; (4) direct repackage residues; and (5) scrub alloy as referenced in the ''Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site''.

SEC. 308. The Administrator of the National Nuclear Security Administration may authorize the plant manager of a covered nuclear weapons production plant to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such plant in order to maintain and enhance such capabilities at such plant: *Provided*, That of the amount allocated to a covered nuclear weapons production plant each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: *Provided further*, That for purposes of this section, the term ''covered nuclear weapons production plant'' means the following:

(1) The Kansas City Plant, Kansas City, Missouri.

(2) The Y–12 Plant, Oak Ridge, Tennessee.

(3) The Pantex Plant, Amarillo, Texas.

(4) The Savannah River Plant, South Carolina.

SEC. 309. Notwithstanding any other law, and without fiscal year limitation, each Federal Power Marketing Administration is authorized to engage in activities and solicit, undertake and review studies and proposals relating to the formation and operation of a regional transmission organization.

SEC. 310. The Administrator of the National Nuclear Security Administration may authorize the manager of the Nevada Operations Office to engage in research, development, and demonstration activities with respect to the development, test, and evaluation capabilities necessary for operations and readiness of the Nevada Test Site: *Provided*, That of the amount allocated to the Nevada Operations Office each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs at the Nevada Test Site, not more than an amount equal to 2 percent of such amount may be used for these activities.

SEC. 311. DEPLETED URANIUM HEXAFLUORIDE. Section 1 of Public Law 105–204 is amended in subsection (b)—

(1) by inserting ''except as provided in subsection (c),'' after ''1321–349),''; and

(2) by striking ''fiscal year 2002'' and inserting ''fiscal year 2005''.

TITLE IV
INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act and for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $66,290,000, to remain available until expended.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD
SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $18,500,000, to remain available until expended.

DELTA REGIONAL AUTHORITY
SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, $20,000,000, to remain available until expended.

DENALI COMMISSION

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, $40,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION
SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), and purchase of promotional items for use in the recruitment of individuals for employment, $516,900,000, to remain available until expended: *Provided*, That of the amount appropriated herein, $23,650,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $468,248,000 in fiscal year 2002 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That, $700,000 of the funds herein appropriated for regulatory reviews and other assistance to Federal agencies and States shall be excluded from license fee revenues, notwithstanding 42 U.S.C. 2214: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation estimated at not more than $43,652,000: *Provided further*, That, notwithstanding any other provision of law, no funds made available under this or any other Act may be expended by the Commission to implement or enforce 10 C.F.R. Part 35, as adopted by the Commission on October 23, 2000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $5,500,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at $5,432,000 in fiscal year 2002 shall be retained and be available until expended, for necessary salaries and expenses in this account notwithstanding 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2002 so as to result in a final fiscal year 2002 appropriation estimated at not more than $68,000.

NUCLEAR WASTE TECHNICAL REVIEW BOARD
SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,500,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V
GENERAL PROVISIONS

SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of title 18, United States Code.

SEC. 502. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice

describing the statement made in subsection (a) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

This Act may be cited as the ''Energy and Water Development Appropriations Act, 2002''.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the Committee has scheduled a hearing to consider the nomination of Dan R. Brouillette to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs).

The hearing will take place on Wednesday, July 18, at 9 a.m. in room 366 of the Dirksen Senate Office Building.

Those wishing to submit written statements on the nominations should address them to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510. For further information, please contact Sam Fowler at 202/224–7571.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY AND SPACE

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space of the Space of the Committee on Commerce, Science, and Transportation be authorized to meet on ''Holes in the Net: Security Risks and the Consumer,'' on Monday, July 16, 2001, at 1 p.m.

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

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Roger Cockrell and James Crum, Appropriations Committee detailees from the U.S. Corps of Engineers, Camille Anderson of the committee staff, and Dr. Pete Lyons from Senator DOMENICI's staff be granted privileges of the floor for the duration of the consideration of the bill now before the Senate.

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2002

On July 12, 2001, the Senate amended and passed H.R. 2217, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2217) entitled ''An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2002, and for other purposes.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

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

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $775,962,000, to remain available until expended, of which $700,000 is for riparian management projects in the Rio Puerco watershed, New Mexico, and of which $1,000,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, defined in section 250(c)(4)(E)(xii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act; of which $4,000,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)); and of which $3,000,000 shall be available in fiscal year 2002 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation, to such Foundation for cost-shared projects supporting conservation of Bureau lands and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $32,298,000 for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $775,962,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors: Provided further, That of the amount provided, $28,000,000 is for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided further, That balances in the Federal Infrastructure Improvement account shall be transferred to and merged with this appropriation, and shall remain available until expended.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $589,421,000, to remain available until expended, of which not to exceed $19,774,000 shall be for the renovation or construction of fire facilities: Provided, That not less than $111,255,000 of the funds available for hazardous fuels reduction under this heading shall be for alleviating immediate emergency threats to urban wildland interface areas as defined by the Secretary of the Interior: Provided further, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That unobligated balances of amounts previously appropriated to the ''Fire Protection'' and ''Emergency Department of the Interior Firefighting Fund'' may be transferred and merged with this appropriation: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships, or small or disadvantaged businesses: Provided further, That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act in connection with wildland fire management activities.

For an additional amount to cover necessary expenses for burned areas rehabilitation and fire suppression by the Department of the Interior, $70,000,000, to remain available until expended, of which $50,000,000 is for wildfire suppression and $20,000,000 is for burned areas rehabilitation: Provided, That the entire amount appropriated in this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That these funds shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CENTRAL HAZARDOUS MATERIALS FUND

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

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $12,976,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $220,000,000, of which not to exceed $400,000 shall be available for administrative expenses and of which $50,000,000 is for the conservation activities defined in section 250(c)(4)(E)(xiii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $45,686,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $106,061,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

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

RANGE IMPROVEMENTS

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

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

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

MISCELLANEOUS TRUST FUNDS

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

ADMINISTRATIVE PROVISIONS

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

(1) In section 28f(a), by striking the first sentence and inserting, ''The holder of each unpatented mining claim, mill, or tunnel site, located pursuant to the mining laws of the United States, whether located before, on or after the enactment of this Act, shall pay to the Secretary of the Interior, on or before September 1 of each year for years 2002 through 2006, a claim maintenance fee of $100 per claim or site''; and

(2) In section 28g, by striking ''and before September 30, 2001'' and inserting in lieu thereof ''and before September 30, 2006''.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, maintenance of the herd of longhorned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $845,814,000 to remain available until September 30, 2003, except as otherwise provided herein, of which $100,000 is for the University of Idaho for developing research mechanisms in support of salmon and trout recovery in the Columbia and Snake River basins and their tributaries, of which $140,000 shall be made available for the preparation of, and not later than July 31, 2002, submission to Congress of a report on, a feasibility study and situational appraisal of the Hackensack Meadowlands, New Jersey, to identify management objectives and address strategies for preservation efforts, and of which $31,000,000 is for conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That balances in the Federal Infrastructure Improvement account shall be transferred to and merged with this appropriation, and shall remain available until expended: Provided further, That not less than $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: Provided further, That not less than $2,000,000 for high priority projects which shall be carried out by the Youth Conservation Corps, defined in section 250(c)(4)(E)(xii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided further, That not to exceed $9,000,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)): Provided further, That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary, be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: Provided further, That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses: Provided further, That $1,100,000 shall be

made available to the National Fish and Wildlife Foundation to carry out a competitively awarded grant program for State, local, or other organizations in Maine to fund on-the-ground projects to further Atlantic salmon conservation and restoration efforts, at least $550,000 of which shall be awarded to projects that will also assist industries in Maine affected by the listing of Atlantic salmon under the Endangered Species Act.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $55,526,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $108,401,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act, of which $500,000 shall be available to acquire land for the Don Edwards National Wildlife Refuge, California, of which not more than $500,000 shall be used for acquisition of 1,750 acres for the Red River National Wildlife Refuge, and of which $3,000,000 shall be for the acquisition of lands in the Cahaba River National Wildlife Refuge, and of which $1,500,000 shall be for emergencies and hardships, and of which $1,500,000 shall be for inholdings.

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $50,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for conservation spending category activities pursuant to section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of discretionary spending limits: Provided, That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, Tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish, or supplement existing, landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, or candidate species, or other at-risk species on private lands.

STEWARDSHIP GRANTS

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

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $91,000,000, to be derived from the Cooperative Endangered Species Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(v) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

NATIONAL WILDLIFE REFUGE FUND

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

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $42,000,000, to remain available until expended and to be for the conservation activities defined in section 250(c)(4)(E)(vi) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

MULTINATIONAL SPECIES CONSERVATION FUND

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

STATE WILDLIFE GRANTS

(INCLUDING RESCISSION)

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, the Northern Mariana Islands, and American Samoa, under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $100,000,000, to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That the Secretary shall, after deducting administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof: and (B) to Guam, American Samoa, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: Provided further, That any amount apportioned in 2002 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2003, shall be reapportioned, together with funds appropriated in 2004, in the manner provided herein.

Of the amounts appropriated in title VIII of Public Law 106–291, $49,890,000 for State Wildlife Grants are rescinded.

ADMINISTRATIVE PROVISIONS

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

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,473,128,000, of which $10,881,000 for research, planning and interagency coordination in support of land acquisition for Everglades restoration shall remain available until expended; and of which $72,640,000, to remain available until September 30, 2003, is for maintenance repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which

$2,000,000 is for the Youth Conservation Corps, defined in section 250(c)(4)(E)(xii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act, for high priority projects: Provided, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $66,106,000.

CONTRIBUTION FOR ANNUITY BENEFITS

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

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $66,287,000, of which $300,000 in heritage partnership funds are for the Erie Canalway National Heritage Corridor, of which $101,000 in statutory or contractual aid is for the Brown Foundation for Educational Equity, and of which $250,000 is for a cultural program grant to the Underground Railroad Coalition of Delaware.

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), $20,000,000, to remain available until expended and to be for the conservation activities defined in section 250(c)(4)(E)(x) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $74,000,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2003, and to be for the conservation activities defined in section 250(c)(4)(E)(xi) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That of the amount provided $30,000,000 shall be for Save America's Treasures for priority preservation projects, including preservation of intellectual and cultural artifacts, preservation of historic structures and sites, and buildings to house cultural and historic resources and to provide educational opportunities: Provided further, That any individual Save America's Treasures grant shall be matched by non-Federal funds: Provided further, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations prior to the commitment of grant funds: Provided further, That Save America's Treasures funds allocated for Federal projects shall be available by transfer to appropriate accounts of individual agencies, after approval of such projects by the Secretary of the Interior: Provided further, That none of the funds provided for Save America's Treasures may be used for administrative expenses, and staffing for the program shall be available from the existing staffing levels in the National Park Service.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $338,585,000, to remain available until expended, of which $60,000,000 is for conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

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

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $287,036,000, to be derived from the Land and Water Conservation Fund, to remain available until expended and to be for the conservation activities defined in section 250(c)(4)(E)(iii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act, of which $164,000,000 is for the State assistance program including $4,000,000 to administer the State assistance program, and of which $11,000,000 shall be for grants, not covering more than 50 percent of the total cost of any acquisition to be made with such funds, to States and local communities for purposes of acquiring lands or interests in lands to preserve and protect Civil War battlefield sites identified in the July 1993 Report on the Nation's Civil War Battlefields prepared by the Civil War Sites Advisory Commission: Provided, That lands or interests in land acquired with Civil War battlefield grants shall be subject to the requirements of paragraph 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8(f)(3)): Provided further, That of the amounts provided under this heading, $15,000,000 may be for Federal grants to the State of Florida for the acquisition of lands or waters, or interests therein, within the Everglades watershed (consisting of lands and waters within the boundaries of the South Florida Water Management District, Florida Bay and the Florida Keys, including the areas known as the Frog Pond, the Rocky Glades and the Eight and One-Half Square Mile Area) under terms and conditions deemed necessary by the Secretary to improve and restore the hydrological function of the Everglades watershed; and $16,000,000 may be for project modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act: Provided further, That funds provided under this heading for assistance to the State of Florida to acquire lands within the Everglades watershed are contingent upon new matching non-Federal funds by the State and shall be subject to an agreement that the lands to be acquired will be managed in perpetuity for the restoration of the Everglades: Provided further, That none of the funds provided for the State Assistance program may be used to establish a contingency fund.

ADMINISTRATIVE PROVISIONS

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

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

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

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $892,474,000, of which $64,318,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $16,400,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $8,000,000 shall remain available until expended for satellite operations; and of which $23,226,000 shall be available until September 30, 2003 for the operation and maintenance of facilities and deferred maintenance; and of which $164,424,000 shall be available until September 30, 2003 for the biological research activity and the operation of the Cooperative Research Units: Provided, That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That of the amount provided herein, $25,000,000 is for the conservation activities defined in section 250(c)(4)(E)(viii) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for

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

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $151,933,000, of which $84,021,000, shall be available for royalty management activities; and an amount not to exceed $102,730,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: Provided, That to the extent $102,730,000 in additions to receipts are not realized from the sources of receipts stated above, the amount needed to reach $102,730,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: Provided further, That $3,000,000 for computer acquisitions shall remain available until September 30, 2003: Provided further, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service (MMS) concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: Provided further, That MMS may under the royalty-in-kind pilot program use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, and to process or otherwise dispose of royalty production taken in kind: Provided further, That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $6,118,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $102,144,000: Provided, That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2002 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $203,171,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: Provided, That grants to minimum program States will be $1,600,000 per State in fiscal year 2002: Provided further, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $11,000,000: Provided further, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That the State of Maryland may set aside the greater of $1,000,000 or 10 percent of the total of the grants made available to the State under title IV of the Surface Mining Control and Reclamation Act of 1977, as amended (30 U.S.C. 1231 et seq.), if the amount set aside is deposited in an acid mine drainage abatement and treatment fund established under a State law, pursuant to which law the amount (together with all interest earned on the amount) is expended by the State to undertake acid mine drainage abatement and treatment projects, except that before any amounts greater than 10 percent of its title IV grants are deposited in an acid mine drainage abatement and treatment fund, the State of Maryland must first complete all Surface Mining Control and Reclamation Act priority one projects.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,804,322,000, to remain available until September 30, 2003 except as otherwise provided herein, of which not to exceed $89,864,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $130,209,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2002, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and up to $3,000,000 shall be for the Indian Self-Determination Fund which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts or cooperative agreements with the Bureau under such Act; and of which not to exceed $436,427,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2002, and shall remain available until September 30, 2003; and of which not to exceed $58,540,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: Provided, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $43,065,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with the operation of Bureau-funded schools: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2003, may be transferred during fiscal year 2004 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2004.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $360,132,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: Provided further, That

for fiscal year 2002, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $60,949,000, to remain available until expended; of which $24,870,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618 and 102–575, and for implementation of other enacted water rights settlements; of which $7,950,000 shall be available for future water supplies facilities under Public Law 106–163; of which $21,875,000 shall be available pursuant to Public Laws 99–264, 100–580, 106–263, 106–425, 106–554, and 106–568; and of which $6,254,000 shall be available for the consent decree entered by the U.S. District Court, Western District of Michigan in United States v. Michigan, Case No. 2:73 CV 26.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

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

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

ADMINISTRATIVE PROVISIONS

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

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

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

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

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

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

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $76,450,000, of which: (1) $71,922,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $4,528,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: Provided further, That of the amounts provided for technical assistance, not to exceed $2,000,000 shall be made available for transfer to the Disaster Assistance Direct Loan Financing Account of the Federal Emergency Management Agency for the purpose of covering the cost of forgiving the repayment obligation of the Government of the Virgin Islands on Community Disaster Loan 841, as required by section 504 of the Congressional Budget Act of 1974, as amended (2 U.S.C. 661c): Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

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

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $67,541,000, of which not to exceed $8,500 may be for official reception and representation expenses, and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $44,074,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

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

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $99,224,000, to remain available until expended: Provided, That funds for trust management improvements may be transferred, as needed, to the Bureau of Indian Affairs ''Operation of Indian Programs''

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

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $10,980,000, to remain available until expended and which may be transferred to the Bureau of Indian Affairs and Departmental Management.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $5,872,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

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

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 112. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made under the same headings, shall be available for expenditure or transfer for Indian trust management activities pursuant to the Trust Management Improvement Project High Level Implementation Plan.

SEC. 113. A grazing permit or lease that expires (or is transferred) during fiscal year 2002 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752) or if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expiring permit or lease shall continue in effect under the new permit or lease until such time as the Secretary of the Interior completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in

part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary's statutory authority.

SEC. 114. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: Provided, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 115. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2002. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 116. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2002 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 117. (a) The Secretary of the Interior shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106–291) are used only in accordance with this section.

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

SEC. 118. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: Provided, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 119. Section 412(b) of the National Parks Omnibus Management Act of 1998, as amended (16 U.S.C. 5961) is amended by striking ''2001'' and inserting ''2002''.

SEC. 120. Notwithstanding other provisions of law, the National Park Service may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 121. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings including those collected in fiscal year 2001, may be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 122. TRIBAL SCHOOL CONSTRUCTION DEMONSTRATION PROGRAM. (a) DEFINITIONS.—In this section:

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

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

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

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

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

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

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

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

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

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

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

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

(A) the costs of construction under the grant;

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

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

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

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

SEC. 123. WHITE RIVER OIL SHALE MINE, UTAH. (a) SALE.—The Administrator of General Services (referred to in this section as the ''Administrator'') shall sell all right, title, and interest of the United States in and to the improvements and equipment described in subsection (b) that are situated on the land described in subsection (c) (referred to in this section as the ''Mine'').

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

(1) Mine Service Building.

(2) Sewage Treatment Building.

(3) Electrical Switchgear Building.

(4) Water Treatment Building/Plant.

(5) Ventilation/Fan Building.

(6) Water Storage Tanks.

(7) Mine Hoist Cage and Headframe.

(8) Miscellaneous Mine-related equipment.

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

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

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

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

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

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

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

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

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

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

(2) other applicable law.

SEC. 124. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (73 Stat. 470; 18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 125. Upon application of the Governor of a State, the Secretary of the Interior shall (1) transfer not to exceed 25 percent of that State's formula allocation under the heading ''National Park Service, Land Acquisition and State Assistance'' to increase the State's allocation under the heading ''United States Fish and Wildlife Service, State Wildlife Grants'' or (2) transfer not to exceed 25 percent of the State's formula allocation under the heading ''United States Fish and Wildlife Service, State Wildlife Grants'' to increase the State's formula allocation under the heading ''National Park Service, Land Acquisition and State Assistance''.

SEC. 126. Section 819 of Public Law 106–568 is hereby repealed.

SEC. 127. Moore's Landing at the Cape Romain National Wildlife Refuge in South Carolina is hereby named for George Garris and shall hereafter be referred to in any law, document, or records of the United States as ''Garris Landing''.

SEC. 128. PRELEASING, LEASING, AND RELATED ACTIVITIES. None of the funds made available by this Act shall be used to conduct any preleasing, leasing, or other related activity under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundary (in effect as of January 20, 2001) of a national monument established under the Act of June 8, 1906 (16 U.S.C. 431 et seq.), except to the extent that such a preleasing, leasing, or other related activity is allowed under the Presidential proclamation establishing the monument.

SEC. 129. (a) The National Park Service shall make further evaluations of national significance, suitability and feasibility for the Glenwood locality and each of the twelve Special Landscape Areas (including combinations of such areas) as identified by the National Park Service in the course of undertaking the Special Resource Study of the Loess Hills Landform Region of Western Iowa.

(b) The National Park Service shall provide the results of these evaluations no later than

January 15, 2002, to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives.

SEC. 130. From within available funds the National Park Service shall conduct an Environmental Impact Statement on vessel entries into such park taking into account possible impacts on whale populations: Provided, That none of the funds available under this Act shall be used to reduce or increase the number of permits and vessel entries into the park below or above the levels established by the National Park Service effective for the 2001 season until the Environmental Impact Statement required by law is completed notwithstanding any other provision of law: Provided further, That nothing in this section shall preclude the Secretary from adjusting the number of permits or vessel entries if the Secretary determines that it is necessary to protect park resources.

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

SEC. 132. (a) FINDINGS.—Congress makes the following findings:

(1) The land described in subsection (b) is—

(A) the site of cultural, ceremonial, spiritual, archaeological, and traditional gathering sites of significance to the Pechanga Band of Luiseno Mission Indians;

(B) the site of what is considered to be the oldest living coastal live oak; and

(C) the site of the historic Erle Stanley Gardner Ranch.

(2) Based on the finding described in paragraph (1), local and county officials have expressed their support for the efforts of the Pechanga Band of Luiseno Mission Indians to have the land described in subsection (b) held in trust by the United States for purposes of preservation.

(b) DECLARATION OF LAND HELD IN TRUST.—Notwithstanding any other provision of law, the land held in fee by the Pechanga Band of Luiseno Mission Indians, as described in Document No. 211130 of the Riverside County, California Office of the Recorder and recorded on May 15, 2001, located within the boundaries of the county of Riverside within the State of California, is hereby declared to be held by the United States in trust for the benefit of the Pechanga Band of Luiseno Mission Indians and shall be part of the Pechanga Indian Reservation.

SEC. 133. SENSE OF CONGRESS CONCERNING COASTAL IMPACT ASSISTANCE. (a) FINDINGS.—Congress finds that—

(1) the United States continues to be reliant on fossil fuels (including crude oil and natural gas) as a source of most of the energy consumed in the country;

(2) this reliance is likely to continue for the foreseeable future;

(3) about 65 percent of the energy needs of the United States are supplied by oil and natural gas;

(4) the United States is becoming increasingly reliant on clean-burning natural gas for electricity generation, home heating and air conditioning, agricultural needs, and essential chemical processes;

(5) a large portion of the remaining crude oil and natural gas resources of the country are on Federal land located in the western United States, in Alaska, and off the coastline of the United States;

(6) the Gulf of Mexico has proven to be a significant source of oil and natural gas and is predicted to remain a significant source in the immediate future;

(7) many States and counties oppose the development of Federal crude oil and natural gas resources within or near the coastline, which opposition results in congressional, Executive, State, or local policies to prevent the development of those resources;

(8) actions that prevent the development of certain Federal crude oil and natural gas resources do not lessen the energy needs of the United States or of those States and counties that object to exploration and development for fossil fuels;

(9) actions to prevent the development of certain Federal crude oil and natural gas resources focus development pressure on the remaining areas of Federal crude oil and natural gas resources, such as onshore and offshore Alaska, certain onshore areas in the western United States, and the central Gulf of Mexico off the coasts of Alabama, Alaska, Louisiana, Mississippi, and Texas;

(10) the development of Federal crude oil and natural gas resources is accompanied by adverse effects on the infrastructure services, public services, and the environment of States, counties, and local communities that host the development of those Federal resources;

(11) States, counties, and local communities do not have the power to tax adequately the development of Federal crude oil and natural gas resources, particularly when those development activities occur off the coastline of States that serve as platforms for that development, such as Alabama, Alaska, Louisiana, Mississippi, and Texas;

(12) the Mineral Leasing Act (30 U.S.C. 181 et seq.), which governs the development of Federal crude oil and natural gas resources located onshore, provides, outside the budget and appropriations processes of the Federal Government, payments to States in which Federal crude oil and natural gas resources are located in the amount of 50 percent of the direct revenues received from the Federal Government for those resources; and

(13) there is no permanent provision in the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), which governs the development of Federal crude oil and natural gas resources located offshore, that authorizes the sharing of a portion of the annual revenues generated from Federal offshore crude oil and natural gas resources with adjacent coastal States that—

(A) serve as the platform for that development; and

(B) suffer adverse effects on the environment and infrastructure of the States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress should provide a significant portion of the Federal offshore mineral revenues to coastal States that permit the development of Federal mineral resources off the coastline, including the States of Alabama, Alaska, Louisiana, Mississippi, and Texas.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $242,822,000, to remain available until expended.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $287,331,000, to remain available until expended, as authorized by law, of which $101,000,000 is for Forest Legacy and Urban and Community Forestry, defined in section 250(c)(4)(E)(ix) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act, of which $1,000,000 shall be available for the Tumbledown/Mount Blue conservation project, Maine, and of which $4,000,000 shall be for the purchase of a conservation easement on the Connecticut Lakes Tract, located in northern New Hampshire and owned by International Paper Co., and of which $500,000 shall be for the purchase of a conservation easement on the Range Creek Headwaters tract in Utah: Provided, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the House Committee on Appropriations and the Senate Committee on Appropriations provide to the Secretary, in writing, a list of specific acquisitions to be undertaken with such funds: Provided further, That notwithstanding any other provision of law, of the funds provided under this heading, $5,000,000 shall be made available to Kake Tribal Corporation as an advanced direct lump sum payment to implement the Kake Tribal Corporation Land Transfer Act (Public Law 106–283).

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,324,491,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided, That unobligated balances available at the start of fiscal year 2002 shall be displayed by extended budget line item in the fiscal year 2003 budget justification: Provided further, That of the amount available for vegetation and watershed management, the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands: Provided further, That of the funds provided under this heading for Forest Products, $5,000,000 shall be allocated to the Alaska Region, in addition to its normal allocation for the purposes of preparing additional timber for sale, to establish a 3-year timber supply and such funds may be transferred to other appropriations accounts as necessary to maximize accomplishment: Provided further, That of the funds provided for Wildlife and Fish Habitat Management, $600,000 shall be provided to the State of Alaska for wildlife monitoring activities.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,115,594,000, to remain available until expended: Provided, That such funds including unobligated balances under this head, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2001 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): Provided further, That notwithstanding any other provision of law, $4,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research: Provided further, That funds provided shall be available for emergency rehabilitation and restoration, hazard reduction activities in the urban-wildland interface, support to federal emergency response, and wildfire

suppression activities of the Forest Service: Provided further, That the Forest Service shall expend not less than $125,000,000 of funds provided under this heading for hazardous fuels reduction activities for alleviating immediate emergency threats to urban wildland interface areas as defined by the Secretary of Agriculture: Provided further, That amounts under this heading may be transferred as specified in the report accompanying this Act to the ''State and Private Forestry'', ''National Forest System'', ''Forest and Rangeland Research'', and ''Capital Improvement and Maintenance'' accounts to fund state fire assistance, volunteer fire assistance, and forest health management, vegetation and watershed management, heritage site rehabilitation, wildlife and fish habitat management, trails and facilities maintenance and restoration: Provided further, That transfers of any amounts in excess of those specified shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in House Report No. 105–163: Provided further, That the costs of implementing any cooperative agreement between the Federal government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this section on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this section to entities that include local non-profit entities, Youth Conservation Corps or related partnerships with State, local or non-profit youth groups, or small or disadvantaged businesses: Provided further, That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriation, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: Provided further, That the Forest Service shall analyze the impact of restrictions on mechanical fuel treatments and forest access in the upcoming Chugach National Forest Land and Resource Management Plan, on the level of prescribed burning on the Chugach National Forest, and on the implementation of the National Fire Plan: Provided further, That this analysis shall be completed before the release of the Chugach Forest Plan and shall be included in the plan: Provided further, That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106–393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: Provided further, That of the amounts provided under this heading $2,838,000 is for the Ecological Restoration Institute, of which $338,000 is for ongoing activities on Mt. Trumbull: Provided further, That:

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

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

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

(C) small or micro-businesses; or

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

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

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

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

For an additional amount to cover necessary expenses for emergency rehabilitation, wildfire suppression and other fire operations of the Forest Service, $165,000,000, to remain available until expended, of which $100,000,000 is for emergency rehabilitation and wildfire suppression, and $65,000,000 is for other fire operations: Provided, That the entire amount appropriated in this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That these funds shall be available only to the extent an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

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

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $541,286,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205, of which, $244,000 is to be provided for the design of historic office renovations of the Bearlodge Ranger District Work Center (Old Stoney) in Sundance, Wyoming, and of which $61,000,000 is for conservation activities defined in section 250(c)(4)(E) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act: Provided, That fiscal year 2001 balances in the Federal Infrastructure Improvement account for the Forest Service shall be transferred to and merged with this appropriation and shall remain available until expended: Provided further, That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: Provided further, That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project: Provided further, That the Forest Service shall transfer $300,000, appropriated in Public Law 106–291 within the Capital Improvement and Maintenance appropriation, to the State and Private Forestry appropriation, and shall provide these funds in an advance direct lump sum payment to Purdue University for planning and construction of a hardwood tree improvement and generation facility.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $128,877,000 to be derived from the Land and Water Conservation Fund, to remain available until expended, and to be for the conservation activities defined in section 250(c)(4)(E)(iv) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, for the purposes of such Act.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

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

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

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

RANGE BETTERMENT FUND

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

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

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

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

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

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 132 passenger motor vehicles of which eight will be used primarily for law enforcement purposes and of which 130 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and

hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed seven for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein, including the Oscoda-Wurtsmith land exchange in Michigan, pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

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

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

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

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

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

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

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

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

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

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

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

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

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

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

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

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

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

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

The Secretary of Agriculture may authorize the sale of excess buildings, facilities, and other properties owned by the Forest Service and located on the Green Mountain National Forest, the revenues of which shall be retained by the Forest Service and available to the Secretary without further appropriation and until expended for maintenance and rehabilitation activities on the Green Mountain National Forest.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities,

under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $604,090,000, to remain available until expended, of which $11,000,000 is to begin construction, renovation, acquisition of furnishings, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia and Pittsburgh, Pennsylvania, and of which $33,700,000 shall be derived by transfer from funds appropriated in prior years under the heading ''Clean Coal Technology'', and of which $150,000,000 is to be made available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded demonstrations of commercial scale technologies to reduce the barriers to continued and expanded coal use: Provided, That the request for proposals shall be issued no later than one hundred and twenty days following enactment of this Act, proposals shall be submitted no later than ninety days after the issuance of the request for proposals, and the Department of Energy shall make project selections no later than one hundred and sixty days after the receipt of proposals: Provided further, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading ''Clean Coal Technology'' in prior appropriations: Provided further, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: Provided further, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: Provided further, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. § 7651n, and Chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: Provided further, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: Provided further, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account.

ALTERNATIVE FUELS PRODUCTION

(RESCISSION)

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

NAVAL PETROLEUM AND OIL SHALE RESERVES

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

ELK HILLS SCHOOL LANDS FUND

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

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $870,805,000, to remain available until expended: Provided, That $251,000,000 shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): Provided further, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: $213,000,000 for weatherization assistance grants and $38,000,000 for State energy conservation grants.

ECONOMIC REGULATION

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

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $169,009,000, to remain available until expended, of which $8,000,000 shall be available for maintenance of a Northeast Home Heating Oil Reserve.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $75,499,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

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

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

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

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

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

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

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $2,388,614,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 238(b) for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That $15,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That $430,776,000 for contract medical care shall remain available for obligation until September 30, 2003: Provided further, That of the funds provided, up to $22,000,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act: Provided further, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 2003: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed $288,234,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with contracts, grants, self-governance compacts or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2002, of which up to $40,000,000 may be used for such costs associated with the Navajo Nation's new and expanded contracts, grants, self-governance compacts or annual funding agreements: Provided further, That funds available for the Indian Health Care Improvement Fund may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of

trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $362,854,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities: Provided further, That from the funds appropriated herein, $5,000,000 shall be designated by the Indian Health Service as a contribution to the Yukon-Kuskokwim Health Corporation (YKHC) to continue a priority project for the acquisition of land, planning, design and construction of 79 staff quarters at Bethel, Alaska, pursuant to the negotiated project agreement between the YKHC and the Indian Health Service: Provided further, That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: Provided further, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: Provided further, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: Provided further, That $5,000,000 shall remain available until expended for the purpose of funding joint venture health care facility projects authorized under the Indian Health Care Improvement Act, as amended: Provided further, That priority, by rank order, shall be given to tribes with outpatient projects on the existing Indian Health Services priority list that have Service-approved planning documents, and can demonstrate by March 1, 2002, the financial capability necessary to provide an appropriate facility: Provided further, That joint venture funds unallocated after March 1, 2002, shall be made available for joint venture projects on a competitive basis giving priority to tribes that currently have no existing Federally-owned health care facility, have planning documents meeting Indian Health Service requirements prepared for approval by the Service and can demonstrate the financial capability needed to provide an appropriate facility: Provided further, That the Indian Health Service shall request additional staffing, operation and maintenance funds for these facilities in future budget requests: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That not to exceed $500,000 shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health Service and the General Services Administration: Provided further, That not to exceed $500,000 shall be placed in a Demolition Fund, available until expended, to be used by the Indian Health Service for demolition of Federal buildings: Provided further, That notwithstanding the provisions of title III, section 306, of the Indian Health Care Improvement Act (Public Law 94–437, as amended), construction contracts authorized under title I of the Indian Self-Determination and Education Assistance Act of 1975, as amended, may be used rather than grants to fund small ambulatory facility construction projects: Provided further, That if a contract is used, the IHS is authorized to improve municipal, private, or tribal lands, and that at no time, during construction or after completion of the project will the Federal Government have any rights or title to any real or personal property acquired as a part of the contract: Provided further, That $2,333,000 shall be made available for the Sisseton Wahpeton Sioux Tribe Indian Health Services clinic in Sisseton, South Dakota, and $9,167,000 shall be made available for the small ambulatory facilities program.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

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

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

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

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

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

Funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act. With respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities, on a reimbursable basis, including payment in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account which provided the funding, said amounts to remain available until expended. Reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead associated with the provision of goods, services, or technical assistance. The appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $15,148,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

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

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed 30 years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to five replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees, $401,192,000, of which not to exceed $43,713,000 for the instrumentation program, collections acquisition, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended, and including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations: Provided further, That the Smithsonian Institution may expend Federal appropriations designated in this Act for lease or rent

payments for long term and swing space, as rent payable to the Smithsonian Institution, and such rent payments may be deposited into the general trust funds of the Institution to the extent that federally supported activities are housed in the 900 H Street, N.W. building in the District of Columbia: Provided further, That this use of Federal appropriations shall not be construed as debt service, a Federal guarantee of, a transfer of risk to, or an obligation of, the Federal Government: Provided further, That no appropriated funds may be used to service debt which is incurred to finance the costs of acquiring the 900 H Street building or of planning, designing, and constructing improvements to such building.

REPAIR, RESTORATION AND ALTERATION OF FACILITIES

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

CONSTRUCTION

For necessary expenses for construction, $25,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, SMITHSONIAN INSTITUTION

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

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

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

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

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

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

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

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

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

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

CONSTRUCTION

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

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

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

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $98,234,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, for program support, and for administering the functions of the Act, to remain available until expended.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $109,882,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $15,622,000, to remain available until expended, of which $11,622,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES

OFFICE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

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

CHALLENGE AMERICA ARTS FUND

CHALLENGE AMERICA GRANTS

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

ADMINISTRATIVE PROVISIONS

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

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $1,174,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

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

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89–665, as amended), $3,310,000: Provided, That none of these funds shall be available for compensation of level V of the Executive Schedule or higher positions.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

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

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

HOLOCAUST MEMORIAL MUSEUM

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

PRESIDIO TRUST

PRESIDIO TRUST FUND

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

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public

record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: Provided, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless advance notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such committees.

SEC. 307. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (Sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 2001.

SEC. 308. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 309. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards.

SEC. 310. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

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

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

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

SEC. 311. Notwithstanding any other provision of law, amounts appropriated to or earmarked in committee reports for the Bureau of Indian Affairs and the Indian Health Service by Public Laws 103–138, 103–332, 104–134, 104–208, 105–83, 105–277, 106–113, and 106–291 for payments to tribes and tribal organizations for contract support costs associated with self-determination or self-governance contracts, grants, compacts, or annual funding agreements with the Bureau of Indian Affairs or the Indian Health Service as funded by such Acts, are the total amounts available for fiscal years 1994 through 2001 for such purposes, except that, for the Bureau of Indian Affairs, tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, self-governance compacts or annual funding agreements.

SEC. 312. Notwithstanding any other provision of law, for fiscal year 2002 the Secretaries of Agriculture and the Interior are authorized to limit competition for watershed restoration project contracts as part of the ''Jobs in the Woods'' Program established in Region 10 of the Forest Service to individuals and entities in historically timber-dependent areas in the States of Washington, Oregon, northern California and Alaska that have been affected by reduced timber harvesting on Federal lands. The Secretaries shall consider the benefits to the local economy in evaluating bids and designing procurements which create economic opportunities for local contractors.

SEC. 313. None of the funds collected under the Recreational Fee Demonstration program may be used to plan, design, or construct a visitor center or any other permanent structure without prior approval of the House and the Senate Committees on Appropriations if the estimated total cost of the facility exceeds $500,000.

SEC. 314. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 315. Of the funds provided to the National Endowment for the Arts—

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

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

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

SEC. 316. The National Endowment for the Arts and the National Endowment for the Humanities are authorized to solicit, accept, receive, and invest in the name of the United States, gifts, bequests, or devises of money and other property or services and to use such in furtherance of the functions of the National Endowment for the Arts and the National Endowment for the Humanities. Any proceeds from such gifts, bequests, or devises, after acceptance by the National Endowment for the Arts or the National Endowment for the Humanities, shall be paid by the donor or the representative of the donor to the Chairman. The Chairman shall enter the proceeds in a special interest-bearing account to the credit of the appropriate endowment for the purposes specified in each case.

SEC. 317. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

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

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

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

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

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

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

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

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

SEC. 318. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 319. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

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

SEC. 321. Amounts deposited during fiscal year 2001 in the roads and trails fund provided for in the fourteenth paragraph under the heading ''FOREST SERVICE'' of the Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall be used by the Secretary of Agriculture, without regard to the State in which the amounts were derived, to repair or reconstruct roads, bridges, and trails on National Forest System lands or to carry out and administer projects to improve

forest health conditions, which may include the repair or reconstruction of roads, bridges, and trails on National Forest System lands in the wildland-community interface where there is an abnormally high risk of fire. The projects shall emphasize reducing risks to human safety and public health and property and enhancing ecological functions, long-term forest productivity, and biological integrity. The projects may be completed in a subsequent fiscal year. Funds shall not be expended under this section to replace funds which would otherwise appropriately be expended from the timber salvage sale fund. Nothing in this section shall be construed to exempt any project from any environmental law.

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

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

SEC. 324. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

SEC. 325. The Forest Service, in consultation with the Department of Labor, shall review Forest Service campground concessions policy to determine if modifications can be made to Forest Service contracts for campgrounds so that such concessions fall within the regulatory exemption of 29 CFR 4.122(b). The Forest Service shall offer in fiscal year 2002 such concession prospectuses under the regulatory exemption, except that, any prospectus that does not meet the requirements of the regulatory exemption shall be offered as a service contract in accordance with the requirements of 41 U.S.C. 351–358.

SEC. 326. A project undertaken by the Forest Service under the Recreation Fee Demonstration Program as authorized by section 315 of the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 1996, as amended, shall not result in—

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

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

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

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

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

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

SEC. 327. The authority to enter into stewardship and end result contracts provided to the Forest Service in accordance with section 347 of title III of section 101(e) of division A of Public Law 105–277 is hereby expanded to authorize the Forest Service to enter into an additional 28 contracts subject to the same terms and conditions as provided in that section: Provided, That of the additional contracts authorized by this section at least 9 shall be allocated to Region 1 and at least 3 to Region 6.

SEC. 328. Any regulations or policies promulgated or adopted by the Departments of Agriculture or the Interior regarding recovery of costs for processing authorizations to occupy and use Federal lands under their control shall adhere to and incorporate the following principle arising from Office of Management and Budget Circular, A–25; no charge should be made for a service when the identification of the specific beneficiary is obscure, and the service can be considered primarily as benefiting broadly the general public.

SEC. 329. Notwithstanding any other provision of law, for fiscal year 2002, the Secretary of Agriculture is authorized to limit competition for fire and fuel treatment and watershed restoration contracts in the Giant Sequoia National Monument and the Sequoia National Forest. Preference for employment shall be given to dislocated and displaced workers in Tulare, Kern and Fresno Counties, California, for work associated with the establishment of the Giant Sequoia National Monument.

SEC. 330. The Secretary of Agriculture, acting through the Chief of the Forest Service shall:

(1) extend the special use permit for the Sioux Charlie Cabin in the Absaroka Beartooth Wilderness Area, Montana, held by Montana State University—Billings for a period of 50 years; and

(2) solicit public comments at the end of the 50 year period to determine whether another extension should be granted.

SEC. 331. Section 323 of the Department of the Interior and Related Agencies Appropriations Act, 1999, as included in Public Law 105–277, Division A, section 101(e), is amended by striking ''and 2001,'' and inserting '', 2001 and 2002,''.

SEC. 332. Section 551(c) of the Land Between the Lakes Protection Act of 1998 (16 U.S.C. 460lll–61(c)) is amended by striking ''2002'' and inserting ''2004''.

SEC. 333. LOCAL EXEMPTIONS FROM FOREST SERVICE DEMONSTRATION PROGRAM FEES. Section 6906 of Title 31, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Necessary''; and

(2) by adding at the end the following:

''(b) LOCAL EXEMPTIONS FROM DEMONSTRATION PROGRAM FEES.—

''(1) IN GENERAL.—Each unit of general local government that lies in whole or in part within the White Mountain National Forest and persons residing within the boundaries of that unit of general local government shall be exempt during that fiscal year from any requirement to pay a Demonstration Program Fee (parking permit or passport) imposed by the Secretary of Agriculture for access to the Forest.

''(2) ADMINISTRATION.—The Secretary of Agriculture shall establish a method of identifying persons who are exempt from paying user fees under paragraph (1). This method may include valid form of identification including a drivers license.''.

SEC. 334. MODIFICATION TO STEEL LOAN GUARANTEE PROGRAM. (a) IN GENERAL.—Section 101 of the Emergency Steel Loan Guarantee Act of 1999 (Public Law 106–51; 15 U.S.C. 1841 note) is amended as follows:

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

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

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

''(4) GUARANTEE LEVEL.—

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

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

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

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

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

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

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

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

(b) APPLICABILITY.—The amendments made by this section shall apply only with respect to any

guarantee issued on or after the date of the enactment of this Act.

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

AUTHORIZING SENATE OFFICE OF SENATOR JOHN D. ROCKEFELLER IV BE USED TO COLLECT DONATIONS OF CLOTHING

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 134, submitted earlier today by Senators ROCKEFELLER and BYRD.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 134) authorizing that the Senate office of Senator John D. Rockefeller IV be used to collect donations of clothing from July 13, 2001, until July 20, 2001, from concerned Members of Congress and staff to assist the West Virginia families suffering from the recent disaster of flooding and storms.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ROCKEFELLER. Madam President, as you may know, my state of West Virginia was ravaged last week by its worst flooding in years. Homes were destroyed, businesses and infrastructure were shut down and, most tragically, lives were lost. The outpouring of support thus far has been truly heartwarming; however, much is still needed in order to rebuild our communities. That is why I am asking my colleagues, our staffs, and our friends to support this resolution and to participate in a clothing drive that will give aid to the victims of this tragedy. I am proud to be joined by our distinguished senior Senator, ROBERT C. BYRD, in our effort to help West Virginians. Our drive can only be successful if the resolution before us is passed, and if we each give what we can.

Immediately following the floods, I visited some of the areas hardest hit. Although I have seen this type of devastation before, I was still taken aback by dissolved roads, collapsed homes, and splintered bridges. Fortunately, the clean-up process is already underway as federal disaster relief pours in. Organizations such as the American Red Cross and the Salvation Army have provided for residents' most immediate needs, while agencies such as the Federal Emergency Management Agency, FEMA, begin processing damage claims. Governor Wise and state agencies are working hard to reach out to communities struggling to cope with the aftermath of the flooding. Working together, federal, state, and local officials can begin the crucial work to rebuild our communities.

Yet, much remains to be done. Today, Sharon and I will visit more of the state. With us, we will take the prayers and well-wishes we have been given. We will also present generous donations from corporations such as the Pepsi Cola Company. While I am in the state, my staff will organize a clothing drive to replace some of the items lost in the floods. Clothing of all kinds is needed as residents rebuild their homes and their lives. Many have lost everything and, as they return to work and school, will need the basic items we all take for granted. Moreover, as the winter months approach and the season brings rugged weather, victims will also find themselves in need of cold-weather clothing and shoes. Once the clothing is collected on Capitol Hill, United Airlines will transport all of the donations to West Virginia and the National Guard will help distribute the clothing to families in need. These are just two examples of the generosity displayed by companies and by individuals who wish to help. Each of them has my deep gratitude.

Of course, in the rush to move on and rebuild, we cannot forget about those lost. I am enormously sorry for the loss of Bonnie Shumate and Bradley Jenkins, and my heart goes out to their families and friends. Though rebuilding will serve as a challenge for the average West Virginian, grieving will, of course, prove far more difficult for the Shumates and the Jenkins.

It has been said that there is light at the end of every tunnel. Considering the awesome amount of support provided to date for the flood victims in West Virginia, I would have to agree. Let us continue this support by committing to and participating in a clothing drive for the people affected by the flood. On behalf of the Mountain State, thank you.

Mr. REID. Madam President, I ask consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid on the table, and any statements and supporting documents be printed in the RECORD.

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

The resolution (S. Res. 134) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is located in today's RECORD under ''Submitted Resolutions.'')

ORDERS FOR TUESDAY, JULY 17, 2001

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 a.m. tomorrow, July 17.

I further ask consent that on Tuesday, immediately following the prayer and the 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 Bankruptcy Reform Act; further, that the Senate recess from 12:30 to 2:15 for the weekly party conferences.

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

PROGRAM

Mr. REID. Madam President, therefore, on Tuesday the Senate will convene at 9 a.m. and resume consideration of the Bankruptcy Reform Act under a previous order. There will be 3 hours of debate on cloture on the Bankruptcy Reform Act, which will cause us to vote around 12 noon. We expect to return to the Energy and Water Appropriations Act on Tuesday, with rollcall votes expected into the evening.

In the morning I am going to renew my request that there be a time certain for filing amendments. The reason this is so important is we are not going to be on this bill tomorrow. That will give staff time to work on the amendments that people think are important. Some certainly are important. So I am going to renew that request tomorrow morning, and I hope Senators on both sides of the aisle will allow us to go forward.

ORDER FOR ADJOURNMENT

Mr. REID. I ask unanimous consent that the Senate stand in adjournment following the remarks of the Senator from Arizona and the Senator from Oregon, as previously outlined in the unanimous-consent agreement.

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

NOMINATIONS

Mr. KYL. Madam President, let me say I appreciate what the Senator from Nevada said about the reforms that Senators DOMENICI, MURKOWSKI, and I effectuated with respect to the Department of Energy. It was a time of some confusion, and reasonable people could differ about what we did there. But I think it is working out well. I appreciate that the Senator from Nevada is now very much in support of that. Earlier I when spoke, I did no use the name of the Senator from Nevada but I did thank the Democratic leadership for moving nominations with such alacrity last week. I think there were 54 nominations and I think I mentioned that I hoped we could continue with that progress during the next couple of weeks. I wanted the Senator from Nevada to know I paid him a compliment today as well.

Mr. REID. I say to my colleague, if he will yield, I watched his statement from my office, and I appreciate that very much. I say to my friend from Arizona, it is important we move these nominations. There are a few that cause problems, but very few. And you will know about those. The rest of them we need to move forward to have better government.

I think it is very unfair that the system has become so complicated, so burdensome, that we are having trouble getting good people to take these jobs. It is amazing to me the quality of the people who served in the Clinton administration and those who are now

willing to serve the Bush administration with all they have to go through.

I look forward to working with my friend from Arizona to move as many of these as quickly as we can. As I told my friend on Friday, we had one person with a little problem and we just went around that, took care of everybody else. Even those we have problems with, they deserve their day in court, so to speak. So I appreciate the comments of the Senator from Arizona. I appreciate his cooperation in allowing us to have this bill on the floor.

Mr. KYL. I thank the Senator from Nevada.

Madam President, will the Chair advise me when I have gone 5 minutes. I do not want to impinge anymore on the time of the Senator from Oregon.

UNITED STATES-CHINA RELATIONS

Mr. KYL. Madam President, I wanted to speak briefly about the decision made last Friday to hold the next Olympics in Beijing, the 2008 games. Our Government was not involved in that. It is not a government-to-government kind of decision. But I am hopeful the fact that the United States did not, as a nation, weigh in on that decision—I am hopeful that did not send a signal to the leaders in Beijing that the U.S. Government either supports what that Chinese Government leadership does or does not object to many of the things which are done by that Government that violate human rights and in other ways suggest the country of China is not yet willing to join the family of nations.

I wanted to note a few of the activities of this recent Chinese Government that suggest to me the United States needs to take a very firm position with respect to China. That is why I say I am hopeful this decision that the Olympics go to China not be mistaken for U.S. support for what China has done.

As illustrated in recent press reports, China's bid for that honor has been the subject of much international attention. For example, the European Union Parliament recently passed a resolution declaring that China's bid is ''inappropriate'' and that it is ''unsuitable'' for the Games due to its ''disastrous record on human rights.''

The American government, however, chose to remain neutral on China's bid—a decision that I hope will not convey to China's leaders a signal that the United States is willing to blindly tolerate that country's continuing failure to abide by internationally-recognized norms of behavior. Consider just a few events of recent months:

The collision of our reconnaissance plane with a Chinese fighter jet—the result of a Chinese pilot's aggressive flying.

China's detention and interrogation of our plane's crew for nearly two weeks, and submission of a $1 million bill to the United States.

China's detention and arrest of American citizens and permanent residents without clear evidence of wrongdoing or illegal activity—including Gao Zhan, Wu Jianmin, Li Shaomin, and Tan Guangguang. Li Shaomin was convicted of espionage on July 14 and reportedly will be expelled from China in the near future.

China's systematic torture and murder of hundreds of members of the Falun Gong—including the recent deaths of approximately fourteen peaceful adherents in a Chinese labor camp.

China's hardening of its crackdown on this group—including a new legal directive issued by Chinese judicial authorities on June 10 authorizing courts to prosecute Falun Gong practitioners for intentional wounding or murder, or for organizing, encouraging or helping other followers commit suicide or injure themselves. Additionally, it states that followers can be prosecuted if they produce or distribute anti-government materials.

China's execution of at least 1,781 persons during the past *three months*—more than the total number of executions worldwide over the past *three years*

A former Chinese doctor's testimony on June 27 to the House International Relations Committee that his job required him ''to remove skin and corneas from the corpses of over one hundred executed prisoners, and, on a couple of occasions, victims of intentionally botched executions.''

The Chinese military's ongoing large-scale military exercises in the South China Sea aimed at preparing that country for an invasion of Taiwan.

China's shipments to Cuba of arms and explosives, the latest of which reportedly occurred in December.

China's continuing assistance and provision of military technology to rogue regimes, including the case involving the Chinese firm that helped Iraq outfit its air defenses with fiber-optic equipment.

China's continuing purchases from Russia of conventional weapons, including plans to purchase two additional Sovremenny destroyers armed with Sunburn anti-ship cruise missiles.

There is no doubt that dealing with China will continue to be a challenge.

Whatever we do, we have to make sure that we don't send signals to China that we approve of these kinds of actions. Not standing in the way of their getting the Olympic games I hope will not send that kind of a signal.

And there is no alternative. It is the world's most populous nation (and biggest potential market); it has the world's largest armed forces; and it is a permanent member of the U.N. Security Council. Its economic and military strength has grown a great deal in recent years, and is projected to continue to grow significantly in the coming decades.

There are many areas of potential disagreement with other nations, such as trade policy and human rights violations. But the one source of potentially catastrophic consequences is China's insistence that, by *negotiation* or force, Taiwan must be reunited with the mainland, and that conflict with the United States is inevitable as long as we stand in the way of that objective. We cannot ignore this very real and potentially dangerous situation. How we deal with it will dictate the course of history.

The United States must develop a more comprehensive and realistic policy toward China, one which promotes good relations while not ignoring unpleasant exigencies.

In March, two days prior to the collision over the South China Sea, I spoke on the Senate floor about the challenge of dealing with China's growing military strength. I discussed in detail China's threatening rhetoric aimed at the United States and Taiwan, and warned of that country's rapid military modernization and buildup. And most importantly, I asked the question: what if China's leaders mean what they say? To assume they do not, particularly in light of the prevalence of highly threatening public statements and military writings could mean leaving ourselves deliberately vulnerable to potential Chinese aggression, (or impotent to deal with Chinese aggression against others).

China, unfortunately, has not been a very cooperative member of the international community. Several years ago, at a New Atlantic Initiative conference in Prague, I discussed America's role in that community and our vision for a world in which the United States could work side-by-side with other democracies, stating,

> If I had to sum up in one sentence the U.S. national interest in the world, I would say that it is promoting the security, well-being, and expansion of the community of nations that respect the democratic rights of their peoples.

China cannot become a member of this trusted family until there is a serious change in the attitude of its leadership. Indeed, China's leaders systematically violate the most fundamental rights of the Chinese people. Moreover, they increasingly lack respect for the democratic rights of individuals visiting China, including U.S. citizens. The Chinese government seeks to maintain absolute control over all domestic political matters. It remains resistant to what it considers interference in its internal affairs, threatening the use of force, if necessary, to achieve its objectives, including reunification with Taiwan. And China actively pursues foreign policies that risk destabilizing the South China Sea.

In the long-term, our goal must be to live in peace and prosperity with the Chinese people; however, to do so requires that we reconcile the different aspirations of our governments. It is clear that many of the Chinese government's goals conflict with American values, and it is important that we do not to compromise these values in dealing with the communist regime.

We should, instead, encourage China to adopt a less aggressive and less threatening attitude through firm and principled interactions with that country's leaders.

Since the formal establishment of the People's Republic of China in 1949, the United States has purposely remained ambiguous about the degree to which we recognize the governments in Beijing and Taipei. Our ''One-China'' policy, dating back to the Shanghai Communique of 1972, has served U.S. strategic and economic interests, allowing the United States to peacefully retain ties with China and Taiwan.

On one subject, however, there should be no ambiguity—U.S. policy in the event China should ever attack democratic Taiwan. That is why I am pleased that President Bush made very clear to China that the United States will actively resist any such aggression. Yet even those measures ostensibly intended to eliminate any doubt of our commitment to Taiwan have not been so concrete. While we presented Taiwan with an arms package that will help that island build its defensive forces, the United States cannot ensure that Taiwan will ever receive the diesel submarines that were included since we do not build them and it remains unclear as to whether another country would be willing to provide a design for them.

Additionally, President Bush chose not to include Aegis destroyers in this arms package, though he reserves the right to sell them in the future should China continue or increase its belligerent behavior toward Taiwan. In light of China's military exercises in the South China Sea, perhaps now is the time to seriously consider this option.

We must be very clear in our own minds about our strategic intentions and just as clear in signaling these intentions to China. The object is to avoid a situation in which China's leaders miscalculate and are tempted to use force against Taiwan in the mistaken belief that they won't meet resistence from the United States.

History is replete with examples of ambiguity fostering aggression. Perceptions of American ambivalence contributed to North Korea's invasion of South Korea and Iraq's invasion of Kuwait, for example.

We have also observed instances where conflict never occurred because of the resoluteness of our stance. Our unambiguous commitment to contain Soviet expansion and defend our Western European allies during the Cold War enabled Western Europe to escape the grip of communism. And it led to one of the greatest accomplishments in history: the West's victory without war over the Soviet Empire.

There is an old saying that, ''There is nothing wrong with making mistakes. Just don't respond with encores.'' Let us not repeat the mistake—failing to signal our commitment to defend our friends and our interests—that has many times led the United States to military conflict. China should be certain that we will help Taiwan resist any aggression against it.

We should make every effort to work with China, trade with China and seek greater understanding of our mutual cultures—while, at the same time, appropriately dealing with all aspects of China's troubling behavior. This offers our greatest hope for maintaining a balanced relationship near-term and helping to bring about change in the communist regime in the longer term. While reconciling our two very different views about the relationship of a nation's people to its government requires patience, and even some short-term compromise, the United States cannot remain true to its fundamental belief in the natural rights of man without promoting respect for human rights, the rule of law, and the embrace of democracy by all governments, including the government of China.

There are five specific aspects of China's behavior that require a straightforward, firm response from United States: China's proliferation of ballistic missiles and weapons of mass destruction; its threats and corresponding military buildup opposite Taiwan; its threatening rhetoric and missile buildup aimed at the United States; its human rights abuses; and its history of refusing to play by economic rules.

China is perhaps the world's worst proliferator of the technology used to develop and produce ballistic missiles and weapons of mass destruction. Beijing has sold ballistic missile technology to Iran, North Korea, Syria, Libya, and Pakistan. It has also sold nuclear technology to Iran and Pakistan. It has aided Iran's chemical weapons program and sold that nation advanced cruise missiles. And it has sold Iraq fiber-optic cables, and assisted with their installation between anti-aircraft batteries, radar stations, and command centers.

Chinese assistance has been vital to the missile and weapons of mass destruction programs in these countries. And because of this assistance, the American people and our forces and friends abroad now face a much greater threat.

The United States needs to impose sanctions on Chinese organizations and government entities for their proliferation activities, as required by U.S. laws. Sanctions need not be the first or only tool used in the fight against proliferation. Nor, however, should this tool grow rusty from disuse. As the Washington Post noted in an editorial on July 14, 2000, ''China's continuing assistance to Pakistan's weapons program in the face of so many U.S. efforts to talk Beijing out of it shows the limits of a nonconfrontational approach.'' We must back our frequent expressions of concern with actions if our words are to be perceived as credible.

Unfortunately, the United States has all too often sent a signal to Beijing that its irresponsible behavior will be tolerated by failing to enforce U.S. laws requiring sanctions, or doing so in ways deliberately calculated to undermine the intent of the sanctions. For example, China transferred M–11 missiles and production technology to Pakistan in violation of the Missile Technology Control Regime, despite promising to adhere to that agreement. U.S. law requires sanctions to be imposed on nations that transfer technology regulated by the MTCR. In 1993, the Clinton Administration imposed sanctions on China's Ministry of Defense and eleven Chinese defense and aerospace entities for violations of Category 2 of the MTCR—despite the fact that the M–11 transfers were Category 1 violations—thereby imposing the mildest form of sanctions possible. Then, in return for a Chinese promise in October 1994 not to export ''ground-to-ground missiles'' covered by the MTCR, the Clinton Administration waived the sanctions.

After the waiver, despite a steady stream of press reports, Congressional testimony, and unclassified reports by the intelligence community that described China's continued missile assistance to Pakistan, the Clinton Administration did not impose sanctions as required by law. Assistant Secretary of State for Nonproliferation Robert Einhorn said in Senate testimony in 1997 that sanctions had not been invoked on China for the sale of M–11s to Pakistan because the Administration's ''. . . level of confidence [was] not sufficient to take a decision that [had] very far-reaching consequences.'' The Clinton Administration appeared to have purposely set a standard of evidence so high that it was unattainable.

Madam President, China has promised six times during the past two decades not to transfer missiles and missile technology—in 1988, 1989, 1991, 1992, 1994, and 2000—and six times has broken its promises without any consequences. It is no wonder that China does not take seriously its obligations.

I recently joined several of my colleagues in sending a letter to President Bush expressing concern about Beijing's continuing proliferation activities. The letter states:

> The PRC's most recent missile nonproliferation promise was made on November 21, 2000. China promised not to assist, in any way, any country in the development of ballistic missiles that can be used to deliver nuclear weapons, and to abide by the MTCR. The PRC further pledged to issue export regulations covering dual-use technologies. However, no regulations have been promulgated, and we are concerned that China has continued to transfer missile equipment and technology in contravention of both the MTCR and its November pledge.

In return for China's November 2000 pledge, the previous administration ''swept the decks clean,'' sanctioning numerous Chinese entities for their activities and subsequently waiving those sanctions. And again it appears as though China may be continuing to transfer missile equipment and technology. We do not need more empty

promises from China—we need action. It is important that the Bush Administration signal to China by imposing sanctions required by U.S. nonproliferation statutes and making them stick that the United States will no longer tolerate that country's irresponsible proliferation activities.

In addition to enforcing nonproliferation laws, we should also resist efforts to weaken controls on the export of dual-use technologies, which China can use to further modernize its military, as well as transfer to other countries. In particular, I am concerned that the Export Administration Act of 2001 would reduce the ability of the U.S. government to maintain effective export controls on such items.

An Asian Wall Street Journal op-ed published on March 19 by two researchers at the Wisconsin Project on Nuclear Arms Control described how the Chinese firm that helped Iraq outfit its air defenses with fiber-optic equipment has purchased a significant amount of technology from U.S. firms and is seeking to import more. For example, the op-ed indicated that one such firm has applied for an export license to teach this Chinese company how to build high-speed switching and routing equipment that will allow communications to be shuttled quickly across multiple transmission lines. The U.S. government should have the ability to deny exports of dual-use technology to a company such as the Chinese firm in this case.

The second of five areas of concern is China's belligerent behavior toward Taiwan. China is intent on gaining control over that island—by force if necessary—and is taking the necessary military preparations that would enable it to do so. According to an article published in the Washington Post on April 27, Wu Xinbo, a professor at Fudan University's Center for American Studies in Shanghai, stated:

> At this moment it's very difficult to argue that there's still a high prospect for a peaceful solution of the Taiwan issue . . . From a Chinese perspective there has to be a solution to Taiwan either way, peacefully or with the use of force. Given [the] change in U.S. policy . . . you have to give more weight to the second option.''

The ''change'' to which he was referring was the U.S. commitment to come to Taiwan's defense articulated by President Bush.

China's threats have been backed by rapid efforts to modernize its military. The immediate focus of the modernization is to build a military force capable of subduing Taiwan swiftly enough to prevent American intervention. According to the Department of Defense's Annual Report on the Military Power of the People's Republic of China, released in June 2000, ''A cross-strait conflict between China and Taiwan involving the United States has emerged as the dominant scenario guiding [the Chinese Army's] force planning, military training, and war preparation.''

To solidify its ability to launch an attack against Taiwan, China is increasing its force of short-range ballistic missiles opposite the island. According to an article in the Wall Street Journal on April 23, U.S. defense officials estimate that China currently has 300 such missiles aimed at the island, and is increasing this number at a rate of 50 per year.

China is also in the process of modernizing its air force and navy. The Defense Department's June 2000 report predicted that after 2005, ''. . . if projected trends continue, the balance of air power across the Taiwan Strait could begin to shift in China's favor.'' The same report warned, ''China's submarine fleet could constitute a substantial force capable of controlling sea lanes and mining approaches around Taiwan, as well as a growing threat to submarines in the East and South China Seas.''

In response to the growing threat and Taiwan's increasing vulnerability to an attack, President Bush approved the sale to Taiwan of some much-needed defensive military equipment. As noted, however, the sales are limited in practical effect and, in any event, must be accompanied by proper training and coordination with the U.S. military in order to be useful in conflict.

In addition to the Chinese military's investment in hardware, Beijing has increasingly focused on advanced training methods, demonstrating joint-service war-fighting skills in its military exercises that are steadily altering the balance of power across the Taiwan Strait. Over the past several years, these exercises have shifted from an intimidation tactic to a more serious effort intended to prepare China for an invasion of Taiwan.

Beijing's amphibious exercises at Dongshan Island in the Taiwan Strait have illustrated this increasing level of sophistication in war-fighting tactics and interoperability. A Chinese state-owned newspaper, Hong Kong Ming Pao, reported on June 1 that China's Central Military Commission proposed that these exercises be held near Taiwan ''in order to warn the United States and the Taiwan authorities not to play with fire over the Taiwan issue.'' Furthermore, according to the same article, ''the main aim of this exercise will be to attack and occupy Taiwan's offshore islands and to counterattack U.S. military intervention.'' Another article in the state-owned Hong Kong Wen Wei Po on June 4 stated that the purpose of the exercise ''not only includes capture of [the islands around Taiwan], but also how to tenaciously defend these islands and turn them into wedges for driving into the heart of the enemy.''

According to an article in the New York Times on July 11, the official Chinese publication, International Outlook Magazine, described in detail these recent ''war games''. The games reportedly occurred in three stages. The first, information warfare, was intended to paralyze enemy communications and command systems electronically. The second involved a joint navy, infantry, and air force landing on Dongshan Island. And the third, according to the Chinese publication, simulated a ''counterattack against an enemy fleet attempting to intervene in the war.'' It was also reported that this final stage incorporated Russian-bought SU–27 fighter aircraft. Thus far, military experts state that China has had difficulty incorporating these aircraft into its arsenal, and its ability to do so indicates a significant improvement in its ability to integrate military operations.

Taiwan's war-fighting skills are not nearly as advanced. For over twenty years, the United States has cut Taiwan off from the intellectual capital that should accompany the hardware we sell, thus reducing the readiness of that island's forces. Our defense officials and military personnel need to be able work with their Taiwanese counterparts to ensure that they know how to use the equipment and they will be capable of operating alongside U.S. forces. Increased interaction would better prepare Taiwan's military to defend itself in the event of a Chinese attack, reduce the possibility that the United States would need to become involved in such a conflict, and inevitably save lives.

This leads directly to the third area of concern—China's actions that directly threaten America. China's harsh rhetoric aimed at the United States is accompanied by Beijing's build-up of long-range missiles targeted at our cities, acquisition of anti-ship cruise missiles to counter U.S. carrier battle groups, and development of cyberwarfare and anti-satellite capabilities. China also understands the importance of aggressive intelligence operations against the United States.

In February 2000, the People's Liberation Army Daily, a state-owned newspaper, warned the United States against intervening in a conflict in the Taiwan Strait, stating,

> On the Taiwan issue, it is very likely that the United States will walk to the point where it injures others while ruining itself . . . China is neither Iraq or Yugoslavia . . . it is a country that has certain abilities of launching a strategic counterattack and the capacity of launching a long-distance strike. Probably it is not a wise move to be at war with a country such as China, a point which U.S. policymakers know fairly well also.''

China is, in fact, continuing to increase its capacity to launch a long-distance strike against the United States. The Defense Department's report, Proliferation: Threat and Response, states:

> China currently has over 100 nuclear warheads. . . While the ultimate extent of China's strategic modernization is unknown, it is clear that the number, reliability, survivability, and accuracy of Chinese strategic missiles capable of hitting the United States will increase during the next two decades.
>
> China currently has about 20 CSS–4 ICBMs with a range of over 13,000 kilometers, which can reach the United States. Some of its ongoing missile modernization programs likely

will increase the number of Chinese warheads aimed at the United States. For example, Beijing is developing two new road-mobile solid-propellant ICBMs. China has conducted successful flight tests of the DF–31 ICBM in 1999 and 2000; this missile is estimated to have a range of about 8,000 kilometers. Another longer-range mobile ICBM also is under development and likely will be tested within the next several years. It will be targeted primarily against the United States.''

China's military has also taken steps to improve its capability to counter U.S. carrier battle groups, in response to its encounter with the U.S. Navy in 1996. It has acquired two Sovremenny destroyers from Russia armed with Sunburn anti-ship cruise missiles, and according to an article in the Washington Times on May 4, plans to purchase two more. These weapons were designed to attack U.S. carriers and Aegis ships during the Cold War and are a significant improvement to the Chinese Navy's capabilities in this area.

In addition to its buildup of conventional and nuclear weapons, China's military is also placing an emphasis on information warfare, including computer network attacks and anti-satellite operations. In September 2000, the U.S. Navy identified China, among several others, as having an acknowledged policy of preparing for cyberwarfare and as rapidly developing its capabilities. In fact, an article in the People's Liberation Army Daily in 1999 stated that the Chinese military planned to elevate information warfare to a separate service on par with its army, navy and air force.

Also of great concern is the Chinese military's development of a broad range of counterspace measures, including an anti-satellite (ASAT) capability. According to China's Strategic Modernization: Implications for the United States, written by Mark Stokes, ''Chinese strategists and engineers perceive U.S. reliance on communications, reconnaissance, and navigation satellites as a potential Achilles' heel.'' The Defense Department's June 2000 report warned that China may already possess the capability to damage optical sensors on satellites and furthermore, that it may have acquired high-energy laser equipment and technical assistance that could be used in the development of ground-based ASAT weapons.

An article in Jane's Missiles and Rockets on May 1 confirmed the Defense Department's warning, stating that China's state-run press reports indicate that country is, in fact, developing an ASAT capability. It is currently in the ground-testing phase and will start flight testing in 2002.

In light of China's threatening rhetoric and its efforts to acquire the capabilities that could allow it to carry out those threats, we must begin to implement a broad range of measures that will safeguard our national security.

First, we need to develop and deploy a missile defense system to protect ourselves and our allies from an accidental or deliberate missile launch and to eliminate the possibility of blackmail by hostile powers. As President Bush recently stated in a speech to the National Defense University,

> We must seek security based on more than the grim premise that we can destroy those who seek to destroy us. . . . We need a new framework that allows us to build missile defenses to counter the different threats of today's world. To do so, we must move beyond the constraints of the 30 year old ABM Treaty. This treaty does not recognize the present, or point us in the future. It enshrines the past. No treaty that prevents us from pursuing promising technology to defend ourselves, our friends and our allies is in our interests or in the interests of world peace.

Second, the United States needs to develop better anti-ship cruise missile defenses. Systems to counter the cruise missile threat have lagged behind the level of that threat, despite the fact that, according to the U.S. Navy, over 75 nations possess more than 90 different types of anti-ship cruise missiles.

We must also prepare for China's potential use of information warfare. It is important that we find ways to protect our computer networks from hacking, to eliminate future lapses in security, as most recently occurred at Sandia National Laboratory in Mexico. According to an article in the Washington Times on March 16, this attack has been partially attributed to hackers with links to the Chinese government.

The United States should also develop defenses against China's ASAT weapons. As the Commission to Assess United States National Security, Space Management and Organization recently concluded:

> The present extent of U.S. dependence on space, the rapid pace at which this dependence is increasing and the vulnerabilities it creates, all demand that U.S. national security space interests be recognized as a top national priority.

With this goal in mind, Secretary Rumsfeld recently announced a reorganization of our Nation's space programs. Moreover, President Bush, recognizing U.S. reliance on our network of satellites for civilian and military uses, has stressed the need for ''great effort and new spending'' to protect our satellites from attack.

Of course, our ability to defend against China's increasing military capabilities is largely dependent on our knowledge of their development. We must do a better job of ascertaining Chinese government plans and intentions (and proliferation activities) and improve our counterintelligence vis-a-vis China.

The fourth area of concern is the Chinese government's deplorable human rights record that, according to the State Department's Country Reports on Human Rights Practices, has continued to deteriorate over the past year. The report states:

> The [Chinese] Government continued to commit widespread and well-documented human rights abuses in violation of internationally accepted norms. These abuses stemmed from the authorities' extremely limited tolerance of public dissent aimed at the Government, fear of unrest, and the limited scope or inadequate implementation of laws protecting basic freedoms . . . Abuses included instances of extrajudicial killings, the use of torture, forced confessions, arbitrary arrest and detention, the mistreatment of prisoners, lengthy incommunicado detention, and denial of due process.

According to an Amnesty International report on June 7, China has executed at least 1,781 persons during the past 3 months—more than the total number of executions worldwide over the past 3 years. Moreover, the report indicates that 2,960 people have been sentenced to death in China during this brief time period.

What is the significance to the United States of such abuses? First, they are not only directed at Chinese citizens; they are also directed at Americans. Second, if China is to become a reliable member of the international community, it must begin to adhere to accepted norms of behavior. In this regard, China's leaders seem to be oblivious to the understanding that all people deserve certain basic freedoms and that violation of such fundamental rights is an appropriate concern of the United States and the world at large. For example, when questioned by the Washington Post about China's detention of several Americans, Chinese President Jiang Zemin stated, ''. . . the United States is the most developed country in the world in terms of its economy and it high-tech; its military is also very strong. You have a lot of things to occupy yourself with . . . why do you frequently take special interest in cases such as this?''

Jiang Zemin's perplexity speaks volumes. Until the Chinese leadership understands why Americans and most of the rest of the world make such ''a big deal'' over denial of the rule of law, it will be hard to reach a reconciliation of our mutual aspirations. For example, the Chinese government's continued detention of two American citizens and two U.S. permanent residents—Gao Zhan, Wu Jianmin, Li Shaomin, and Tan Guangguang—is unacceptable, and should be much more the focus of official U.S. government attention. One of these individuals, Li Shaomin was convicted of espionage on July 14 and is expected to be deported from China. With regard to the others, China has failed to present evidence of wrongdoing or illegal activity, or indicate when their cases might begin to move forward.

President Bush addressed China's detention of Americans in a phone conversation with Chinese President Jiang Zemin on July 6, making clear that they should be ''treated fairly and returned promptly.'' These words need to be reinforced with actions. While the State Department issued a travel advisory in March to American citizens and permanent residents of Chinese descent

traveling to China who have connections to Taiwan or have openly criticized the Chinese government, we can also deny visas to Chinese officials, seek international sanctions, and continue to link an improvement in human rights to other policies, as we did with the Soviet Union and Eastern Europe.

As I mentioned earlier, I am concerned that our government's neutrality on Beijing's ultimately successful bid to host the 2008 Olympic Games may send a signal of U.S. tolerance of China's inappropriate behavior. With the Secretary of State visiting China to help prepare for the President's trip this fall, there is an opportunity to reinforce our opposition to the repressive behavior of China's leaders. While some hope otherwise, it seems unlikely that the International Olympic Committee's choice of Beijing will bring about positive change in the communist regime. In fact, I fear that the decision could serve to strengthen the standing of China's communist leaders in the world, as the 1936 Games glorified and emboldened Nazi Germany.

The only hope for a positive result of China hosting the games is a concerted effort by our government, Europeans (and others) and human rights groups using the occasion to push China's leaders. The multitude of media covering the games can also help.

During the 1980's President Reagan was a champion for human rights, standing up for freedom, democracy, and civil society. He passionately spoke of American values and universally-recognized rights, and more importantly, backed his words with action. In his 1982 ''Evil Empire'' speech before the British House of Commons, President Reagan stated:

> While we must be cautious about forcing the pace of change, we must not hesitate to declare our ultimate objectives and to take concrete actions to move toward them. We must be staunch in our conviction that freedom is not the sole prerogative of a lucky few but the inalienable and universal right of all human beings.

This is the course we must chart in the coming years. China must understand that a friendly, productive relationship with the United States can only be based upon mutually shared values. Beijing's human rights abuses are anathema to the American people, and relations cannot reach their full potential as long as the communist government continues to violate the most fundamental rights of worship, peaceful assembly, and open discourse. A failure to reconcile this most basic attitude will result in continued strained relations.

The final area of concern is that, in addition to its violation of other international norms, China has a history of failing to play by accepted economic rules, placing an extensive set of requirements on companies that wish to do business in China and imposing an array of trade barriers on imports that compete directly with products made by domestic Chinese firms. Such barriers make it difficult for U.S. companies to penetrate China's market. The result is a surging U.S. trade deficit between us, reaching $85 billion in 2000.

On June 1, President Bush submitted to Congress a determination extending normal trade relations status to China for another year, allowing that country's WTO (World Trade Organization) negotiations to continue. Not until these negotiations are completed and China has acceded to the WTO will the permanent normal trade status approved by the 106th Congress take effect.

In June, China took a significant step toward WTO accession by completing its bilateral WTO agreement with the United States. That country must now complete bilateral negotiations with Mexico and resolve several outstanding issues related to its multilateral agreement before its accession package proceeds to the WTO's Working Party, and then to the WTO's General Council, for approval.

As a member of the WTO, China will be required to play by the same rules as all other members. China's membership in this organization has the potential to improve our trading relationship, benefitting many American businesses and consumers, as long as China holds to its agreements.

Finally, we expect that China's accession to the WTO will be immediately followed by Taiwan's accession to this organization. Last September, I received a letter from President Clinton that responded to a letter I sent him in July 2000 (along with 30 other Senators), that sought assurances that his Administration remained committed to Taiwan's entry to the WTO under terms acceptable to Taiwan. In the letter the former President stated that, ''My administration remains firmly committed to the goal of WTO General Council approval of the accession packages for China and Taiwan at the same session.'' The letter went on to say that ''China has made clear on many occasions, and at high levels, that it will not oppose Taiwan's accession to the WTO.'' However, the President acknowledged that, ''China did submit proposed language to their working party stating that Taiwan is a separate customs territory of China,'' but went on to say that it had ''advised the Chinese that such language is inappropriate and irrelevant to the work of the working party and that we will not accept it.''

Further, in a September 2000 letter to Senators LOTT and DASCHLE, President Clinton stated:

> . . . I am confident we have a common understanding that both China and Taiwan will be invited to accede to the WTO under the language agreed to in 1992, namely as the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (referred to as ''Chinese Taipei''). The United States will not accept any other outcome.

We must continue to make clear to China that it would be unacceptable to the United States for China to fail to live up to its commitments not to block Taiwan's entry to the WTO as a separate customs territory, Chinese Taipei, not a customs territory of China.

Mr. President, let me briefly recap the concerns I have raised today regarding China's proliferation of ballistic missiles and weapons of mass destruction, its threats and military buildup opposite Taiwan and the United States, it human rights abuses, and its history of failing to play by accepted economic rules.

I believe our policy toward China should be one of strength and firmness, with friendly intentions, but never compromising U.S. principles. In the long-term, our goal must be to live in peace and prosperity with the Chinese people; however, to do so requires that China's leaders begin to alter their behavior. As Robert Kagan and William Kristol wrote on April 16 in the Weekly Standard, with regard to China's handling of the collision of our reconnaissance plane and China's fighter jet, ''China hands both inside and outside the government will argue that this crisis needs to be put behind us so that the U.S.-China relationship can return to normal. It is past time for everyone to wake up to the fact that the Chinese behavior we have seen is normal.'' To conduct business as usual with a communist regime that mistreats its people and threatens the security of Americans and our allies would be a dereliction of our duty as a world leader. We have no higher obligation than the protection of Americans, and the support of our friends and allies, including Taiwan, which stands to lose the freedoms it has worked so hard to sustain in face of resistance from China's communist regime.

During his ''Sinews of Peace'' address in 1946, Winston Churchill stated,

> Our difficulties and dangers will not be removed by closing our eyes to them. They will not be removed by mere waiting to see what happens; nor will they be removed by a policy of appeasement.

As it has so often been said, those who ignore history are condemned to repeat it. In the face of obvious belligerency and determination to impose a different set of rules by China's leadership, the United States must not repeat the mistakes of the past. We cannot stand idle or look away in the face of the Chinese behavior and rhetoric I have discussed.

There is no doubt that China will play a larger role on the world stage in the coming years. Our goal must be to ensure that China's leaders do not assume that this heightened stature grants them the right to attack Taiwan or be a force for belligerency and instability in the world.

Dealing with China will be a challenge, but America does not fear challenge. Our greatest hope for change remains, as it has always been, to stand firmly as a force for peace and progress, and to champion no less for

the people of other countries what we guarantee for our own citizens. I am confident that, if we make clear our friendly intentions to China and follow through with actions that reinforce our words, Beijing will, in time, respond positively, Taiwan will continue to flourish, and China can be welcomed as a peaceful and productive member to the community of nations.

I express the hope that by holding those games in Beijing, the media, human rights organizations, and others will work to hold the Chinese leadership accountable for what goes on in that nation.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, before he leaves the floor, I want to express my thanks to the Senator from Arizona. Because of his thoughtfulness, I am able to speak now. I want him to know I very much appreciate that.

PRESCRIPTION DRUGS

Mr. WYDEN. Madam President, tomorrow I intend to introduce bipartisan prescription drug legislation with the senior Republican on the Senate Finance Committee's Subcommittee on Health, Ms. OLYMPIA SNOWE of Maine. For more than 3 years, Senator SNOWE and I have teamed up in an effort to address this prescription drug issue, of which the Presiding Officer is acutely aware. It is one of the most vexing and contentious of all issues. We have been trying to address it in a bipartisan fashion. Perhaps no issue in the last political campaign generated more controversy, more attack ads on both sides, and more bitterness rather than thoughtful discussion than the question of prescription drugs for seniors.

The reason Senator SNOWE and I are moving now with the introduction of our bipartisan legislation tomorrow is that we are hopeful that when the Senate Finance Committee takes up the prescription drug legislation issue at this month, the legislation we have put together can serve as a template, a beginning, for a bipartisan effort to address this issue.

Our legislation marries what I think are the core principles that Democratic Members of this body have advocated with certain key principles that Republicans have felt very strongly about as well. I want to discuss briefly tonight how our legislation does that.

The legislation that I drafted with Senator SNOWE, for example, has a defined benefit, which is absolutely key for the Nation's senior citizens. The alternative is what is known as a defined contribution—a sort of a voucher which you hand an older person, or a family with sort of a wish and a hope that maybe they will get meaningful benefits.

What Senator SNOWE and I have done—which has been extraordinarily important to Senator DASCHLE, and correctly so, in my view—is to make sure that under our legislation every senior would get these defined benefits.

Second, our legislation ensures that the program is inside the Medicare Program. It is a part of the Medicare Program because, as the Presiding Officer of the Senate knows, the alternative is to in effect begin the privatization of Medicare and the prescription drug benefit. It is essential that this program be an integral part of Medicare. That is something that Senator SNOWE and I have felt very strongly about.

The third part of the legislation ensures that older people will have bargaining power to help make prescription drugs in this country more affordable. Older people today are in effect hit by a double whammy. Prescription drugs are not covered by the Medicare Program, of course, and they haven't been since the program began in 1965.

When an older person isn't able to afford prescription drugs and has no private coverage, when they go to a pharmacy—in effect that senior citizen is subsidizing the person who gets their prescription drugs through a group plan. An individual who is fortunate enough to have bargaining power because they have insurance coverage, in effect is subsidized by the older person who has no coverage at all.

Our legislation ensures that older people would have an opportunity to have real bargaining power. This is key for the millions of older people who spend well over a third of their income on prescription drugs.

Finally, our legislation is voluntary. We want to make sure that the message goes out far and wide that any older person who is comfortable with their prescription drug coverage today can just keep it and in no way would be required or coerced to alter the prescription drug coverage with which they are comfortable. If they have a retirement package, or in some way get this assistance, our legislation would not in any way alter what they are receiving.

Having had the privilege of working with the Presiding Officer on health care legislation over the years, I am pleased that I have a chance tonight to describe our bipartisan bill with you in the Chair.

I think we all understand that there is no one who has studied the health care system today—not a Democrat or a Republican—if they were redesigning Medicare, who wouldn't include a prescription drug benefit.

A physician in Washington County in my home State of Oregon wrote me not long ago saying that he put a senior citizen in the hospital for 6 weeks because that person couldn't afford their medicine on an outpatient basis. Medicare Part A, of course—the hospital portion of the Medicare Program—covers prescription drugs. If the older person goes into the hospital, Medicare Part A will write out that check, no questions asked. Medicare Part B, of course, has no outpatient prescription drug benefit.

What happened in Washington County, in my home State of Oregon, recently is that the Medicare Program probably paid out $50,000 or $60,000 for the costs associated with hospitalizing a patient to get prescription drug coverage rather than making this benefit available on an outpatient basis the way I and Senator SNOWE and the Presiding Officer have sought to do for so many years.

Very often, when I am out around the country, people come up to me. They say: RON, can this country afford prescription drug coverage? We are going to have this demographic sunami. Are we going to be able to afford to cover all of these older people?

I think what we have learned here is that very clearly this country can't afford not to cover prescription drugs. We can't afford to allow the repetition of what happened in Washington County in Oregon and across this country where so many older people could have, with modest prescription drug assistance, prevented much more serious illnesses. And I could cite one drug after another tonight.

Strokes are a very important health concern for older people. The cost of caring for a person who has had a stroke can be $125,000 or $150,000. But we have many drugs available that help prevent strokes that cost $800 or $1,000 a year.

So the hour is late, and I am not going to go through one example after another. But I would say, what Senator SNOWE and I are trying to do is break the gridlock on this issue. I have been at it for more than 3 years now with Senator SNOWE. We got a majority of the Senate, in the last Congress, to vote for funding a prescription drug program that, frankly, is much broader than what we are talking about now. Senator SNOWE and I were able to get over 50 Members of the Senate to vote for a tobacco tax to cover a prescription drug program.

We are not talking about that at all here. In the budget resolution we have $300 billion to start a prescription drug program. I believe a properly designed prescription drug program would cause future Congresses to make available additional funds to meet this pressing need. The challenge today is to look at some of the sensible ideas that Senator DASCHLE, the majority leader, has advocated, such as a defined benefit, ensuring that the program is inside Medicare, providing bargaining power for older people, and marrying the sensible ideas Senator DASCHLE has talked about with some of the Republican ideas that promote choice and competition.

As I have said to my colleagues on other occasions, we have a precedent for doing that. One of the accomplishments of which I am proudest is to have been the sponsor, when I was in the House of Representatives, of the Medigap legislation which really drained the swamp of so many questionable private insurers selling senior citizens policies that really were not worth the paper on which they were written.

I remember back in the days when I was Co-director of the Oregon Gray Panthers, we would visit seniors and they would have a shoe box full of these policies. They would have seven or eight private policies. They, in effect, were wasting money on junk that could have been used to meet their heating bills or their other health needs. We drained that swamp, and we did it through a Medigap law, by ensuring that seniors had meaningful choices and strong consumer protections.

So we have an example of how you can create choice and alternatives and promote competition, and do it in the context of the Medicare Program. You do not have to go out and privatize this program that has been a lifeline for millions of older people in order to create choice and competition. You can do it within the Medicare Program, which is what I am seeking to do with the senior Senator from Maine, the ranking Republican on the Finance Subcommittee on Health Care, Ms. OLYMPIA SNOWE.

Our hope is that when the Senate Finance Committee gets together this month, on a bipartisan basis, they will look at our legislation, along with the other very good bills that have been introduced. The senior Senator from Florida, Mr. GRAHAM, for example, has talked at length with me about this issue and has a fine bill. I think there are a variety of ways the Senate Finance Committee, under the leadership of Senator BAUCUS, can take these bills and bring the Finance Committee Democrats and Republicans together and break this gridlock on a vital issue.

I know of few issues that are more important at this point to American families than prescription drugs. I think we all understand that with a well crafted prescription drug program, this country can take a significant step forward towards meaningful Medicare reform.

I say to the Presiding Officer, the hour is late, and you have been gracious to allow me, along with the Democratic leader, this extra time. I intend to keep coming back to this Chamber again and again and again throughout this Congress to, in effect, proselytize—I use that word deliberately—with my colleague from Maine, Senator SNOWE, for a bipartisan effort on this issue. It has dragged on too long. There has been too much partisan bickering and squabbling surrounding this issue.

I would like to see just a tiny fraction of the millions of dollars that were spent on attack ads during the last political campaign on this issue spent on trying to bring Democrats and Republicans—Members of Congress across the political spectrum —together on this issue. That is what older people deserve.

Every month that this issue drags on is a month where older people—who are walking an economic tightrope, having to balance their fuel needs against their medical needs—have to worry about how they are going to pay for their essentials. The Presiding Officer understands that very well. I look forward to working with her and all of our colleagues on a bipartisan basis.

With that, Madam President, I yield the floor.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9 a.m. tomorrow.

Thereupon, the Senate, at 5:45 p.m., adjourned until Tuesday, July 17, 2001, at 9 a.m.